



MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 8, 2018, 7:00 p.m.

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

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

Mayor Halliday announced the City Council convened in closed session at 5:00 p.m., to discuss three items: (1) conference with legal counsel pursuant to Government Code 54956.9 regarding anticipated litigation; 2) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; and (3) public employment pursuant to Government Code 54957 regarding the City Manager's annual performance evaluation. Mayor Halliday noted the Council did not discuss Item No. 2; and had no reportable action related to Item No. 3. City Attorney Lawson noted there was no reportable action related to Item No. 1.

Mayor Halliday announced there was an English/Spanish interpreter available in the Council Chambers for those in need of assistance.

PRESENTATIONS

Council Member Zermeño, on behalf of the Mayor, read a Proclamation declaring the month of May 2018 as Bike to Work Month in the City of Hayward. Bike East Bay Community Organizer, Ms. Susie Hufstader, accepted the Proclamation.

Mayor Halliday read a Proclamation declaring the month of May 2018 as Lupus Awareness Month in the City of Hayward. Lupus Foundation of Northern California representative, Ms. Jane Tiphayachan, accepted the Proclamation.

Mayor Halliday announced that Consent Item No. 6 was continued to May 15, 2018.

PUBLIC COMMENTS

Mr. Jim Drake, Hayward resident, spoke about the ingredients in toothpaste and alleged health risks.

The following speakers spoke about increased rent cost; lack of affordable housing; development that displaces the indigent out of the community; and advocated for 1)

protection of controlled housing stock, 2) recontrol all decontrolled units, 3) enactment of an emergency moratorium on rent increases, and 4) just cause protections for all tenants.

Mr. Monzella Curtis, Hayward resident
Mr. Cesar Delgadillo, Hayward resident and Hayward Collective member
Mr. Diego Aldana, Hayward resident and Hayward Collective member
Mr. Ramon Rios-Pareda, Hayward Collective member
Mr. Jesse Wiltey, Hayward resident

Mr. Charlie Peters, Clean Air Performance Professional representative, spoke about a CNN documentary on the Yuba City's Sikh community and advocated for creating inclusive communities.

CONSENT

1. Minutes of the Special City Council Meeting on April 24, 2018 **MIN 18-065**
It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the Special City Council Meeting on April 24, 2018.
2. Minutes of the City Council Meeting on April 24, 2018 **MIN 18-063**
It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council Meeting on April 24, 2018.
3. Recycled Water Treatment Facility Project - Phase I: Approval of Plans and Specifications and Call for Bids for Procurement of Membrane Treatment System Equipment **CONS 18-284**

Staff report submitted by Utilities and Environmental Services
Director Ameri, dated May 8, 2018, was filed.

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

Resolution 18-072, "Resolution Approving Plans and Specifications for the Procurement of Membrane Treatment System Equipment for Phase I of the Recycled Water Treatment Facility Project, Project No. 07710, and Call for Bids"

4. Water Pollution Control-Facility Final Clarifier and Gravity Belt Thickener Sludge Blending Tank Rehabilitation Project: Approval of Plans and Specifications and Call for Bids **CONS 18-292**

Staff report submitted by Utilities and Environmental Services
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It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously, to adopt the following:

Resolution 18-073, "Resolution Approving Plans and Specifications for the Water Pollution Control Facility Final Clarifier and Gravity Belt Thickener (GBT) Sludge Blending Tank Rehabilitation Project. Project No. 07703, and Call for Bids"

5. Approval of Final Map Tract 8345 (Mission Crossings), Associated with the Previously Approved Tentative Tract Map and Proposed Development of 140 Townhome-style Condominium Units on a 7.52-acre Site Located at 25501 & 25551 Mission Boulevard and 671 Berry Avenue (APN 444-0060-019-04); Meritage Homes (Applicant) **CONS 18-288**

Staff report submitted by Interim Development Services Director Bristow, dated May 8, 2018, was filed.

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

Resolution 18-074, "Resolution Approving Final Map for Tract 8345 and Authorizing the City Manager to Execute a Subdivision Agreement"

6. Resolution of Intention to Form the Downtown Hayward Community Benefit District **CONS 18-289**

Mayor Halliday announced that the item was continued to May 15, 2018.

PUBLIC HEARING

7. Introduction of an Ordinance and Resolution to Approve General Plan Amendment, Rezoning and Tentative Map and Related Environmental Review for Sohay Mixed Use Development (Application No. 201704129) on Various Parcels Located on the Northwestern Corner of Mission Boulevard and Industrial Parkway (Report from Interim Development Services Director Bristow) **PH 18-035**

Staff report submitted by Interim Development Services Director Bristow, dated May 8, 2018, was filed.

Interim Development Services Director Bristow announced the report and introduced Senior Planner Schmidt who provided a synopsis of the staff report. Associate

Transportation Planner Chang presented a traffic analysis for the proposed project. Mr. Scott Roylance representing William Lyons Homes presented a video of the proposed project.

Mayor Halliday and Council Members disclosed having met individually with William Lyons Homes' representatives, Fairway Park Neighborhood members, union members, housing advocates and various stakeholders.

Discussion ensued among Council Members, City staff and Mr. Scott Roylance about Clipper Cards for residents; unbundling parking; "Coming Soon" signs; condition to ensure that the retail component gets built; signalization for pedestrians; anticipated businesses for the retail area; parking and mitigations that reduce overspill into neighboring areas; partnership with Waze app to avoid "cut-through" traffic; affordable housing plan; common open space; neighborhood commercial type needs; flex space for guest parking and community events; rain water collection; noise mitigation measures; and price of units.

Mayor Halliday opened the public hearing at 8:32 p.m.

Mr. Moses Gerrero, Hayward resident, asked about the steps that the City had taken to conform with the California Surplus Land Act and the notification given to entities about the plans to dispose of city-owned land and the prioritization for affordable housing.

Mr. Bruce King, Friends of San Lorenzo Creek member, recommended that the proposed project include ecological and aesthetic features in the creek channel.

The following speakers expressed support for the proposed SoHay Mixed Use Development because the project is in an area that needs attention; will provide an opportunity for local union workers to work on the project and get fair wages; will attract more people to existing amenities such as the Treeview Swimming Club; and partnered with the Fairway Park Neighborhood Association and incorporated feedback to enhance the project and improve the community.

Mr. Aaron Lanzarin, Hayward resident and Union Sheet Metal Local Union 104 member.

Mr. Jeff Dixon, Hayward resident and Sprinkler Fitters Local 483 member.

Mr. Obay Van Buren, Hayward resident and business representative for Plumbers & Steamfitters Local 343.

Mr. Jose Chavez submitted a card but did not speak.

Mr. Fernando Estrada, Hayward resident and Laborers Local 304 Business Manager.

Ms. Cecilia Miskic, Fairway Park Neighborhood Association and Treeview Swimming Club Board member.

Ms. Mimi Bauer, Fairway Park Neighborhood Association President.

In response to comments offered by the public speakers, Mr. Scott Roylance noted that the developer had met with Alameda County Flood Control about the project; and Assistant City Attorney Brick noted that the land acquired by the City was for economic development



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purposes and the project and property were exempt under state law from the Surplus Land Act.

Mayor Halliday closed the public hearing at 8:54 p.m.

Mayor Halliday and Council Members thanked City staff, the developer William Lyon Homes, union members, community members, and various stakeholders for the input provided to improve the proposed project.

Council Members applauded the improvements and sustainability measures that were added to the project by William Lyon Homes during the extensive discussion period among stakeholders.

Council Member Mendall offered a motion per staff's recommendation with four amendments: (1) Add a new condition [Condition of Approval No. 56 (k.)] requiring the Homeowners Association to provide at least \$400 of free Clipper Cards annually to each residential unit that wants one; (2) Unbundle the cost of renting the parking spaces from the cost of the apartment rent for the 72 apartment units; (3) That the developer be required to erect two "Coming Soon" signs on Mission Boulevard and Industrial Parkway, subject to applicable sign regulations; and (4) Ensure that the mixed-use component gets built: that no certificates of occupancy for the "for-sale" units be issued by the City until the vertical construction of the mixed-use buildings has begun, and that the last 20% of the certificates of occupancy for the "for-sale" units be withheld until the mixed-use buildings are deemed largely complete by City staff, and work with developer to draft language related to waivers should unforeseen circumstances arise.

Council Member Zermeño seconded the motion and consented to the amendments. Council Member Zermeño noted the project will help South Hayward and local labor unions.

Council Member Lamnin expressed support for the motion. Council Member Lamnin offered recommendations for staff: ensure that the Conditions of Approval include language that garages must be used for parking; review consistency regarding graffiti removal; and in the future, consider affordable ownership housing opportunities.

Council Member Peixoto expressed support for the motion noting that the developer worked closely with the community and labor unions.

Council Member Salinas expressed support for the motion and thanked staff for transforming the first Caltrans property.

Council Member Márquez noted she had voted against the project when it was a conceptual plan because the retail was not substantial and did not maximize density. Council Member

Márquez added that she would not be supporting the motion because she felt that the proposed project did not have community benefits and this was a missed opportunity to build more affordable housing and to help members of the community who were struggling to continue to live in Hayward.

Mayor Halliday noted she would be supporting the motion because the project included housing for low-income residents. Mayor Halliday asked staff to ensure that during the building phase, that the architecture articulated in the plans are realized as promised; and to consider neighborhood commercial type needs such as child care and community space for meetings and outdoor space around commercial space devoted to a small playground.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried with the following vote and the four amendments noted previously, to adopt the resolution and introduce the ordinance:

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

Resolution 18-075, “Resolution Approving General Plan Amendment, Zone Change and Vesting Tentative Map (Tract 8428) for the SoHay Mixed Use Development; and Approving the Related Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. William Lyon Homes, Inc./City of Hayward, Hayward Area Recreation District, Alameda County Flood Control District and Bay Area Rapid Transit District (Applicant/Owners)”

Introduction of Ordinance 18-, “An Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) and Article 24 (South Hayward Form Based Code) of the Hayward Municipal Code Rezoning Certain Property to Planned Development District in Connection with General Plan Amendment, Zone Change and Vesting Tentative Map Application No. 201704129 for the SoHay Mixed Use Development”

CITY MANAGER’S COMMENTS

City Manager McAdoo had two announcements: 1) the Hayward Police Department would be hosting a Tip-A-Cop for Special Olympics on May 17, 2018 at Applebee’s in Southland; and 2) the Hayward Police Department achieved an outstanding “spot check” assessment by the Commission on Accreditation of Law Enforcement Agencies (CALEA).



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COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Márquez spoke about the successful 36th Annual Cinco de Mayo celebration on May 5, 2018; and acknowledged La Alianza de Hayward, Mr. Martin Genera, Council Member Zermeño, Downtown Streets Team, City staff and all who contributed to the event.

Council Member Zermeño made three announcements: 1) May 8, 2018 - National Teacher Appreciation Day; 2) May 10, 2018 - Bike to Work Day; 3) and the 2018 Citywide Cleanup and Community Fair on May 12, 2018 at Weekes Park.

Council Member Salinas also mentioned this week was Teacher's Appreciation Week; and acknowledged the Latino students who were being recognized for their outstanding academic achievements at the 2018 Hayward Unified School District's Latino Recognition Night.

Mayor Halliday congratulated Council Members Zermeno and Salinas for the work they do as teachers; and acknowledged the outstanding Cinco de Mayo celebration on May 5, 2018, and thanked those who made the event possible.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 9:41 p.m. in memory of Retired Hayward Police Lieutenant Frank Romero.

Retired Hayward Police Lieutenant Frank Romero started his career with the Hayward Police Department in 1950 and after 29 years of service retired on June 19, 1979; was the oldest living retiree; and it was noted that his personnel file was filled with letters of appreciation for the dedication and compassion he showed to members of the Hayward community.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward