



**MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, September 27, 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**

In response to Council Member Zermeño's request for the City to recognize youth accomplishments in the community, the City Council formed an ad hoc committee comprised of Mayor Halliday and Council Members Zermeño and Salinas for the sole purpose of identifying ways the Council could recognize youth accomplishments in the community.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced the Council convened in closed session concerning four items: 1) conference with legal counsel pursuant to Government Code 54956.9 regarding Goodfellow Top Grade Construction, LLC v. City of Hayward, Alameda County Superior Court, No. RG15770542; 2) anticipated litigation; and 3) conference with property negotiators pursuant to Government Code 54956.8 regarding State-owned parcels along Route 238 Bypass Alignment. Council provided direction to staff related to Item 2 and took no reportable action on Items 1 and 3.

City Attorney Lawson added that the City Council unanimously approved to add an item to the agenda related to anticipated litigation pursuant to Government Code 54954.2(b)(2) because the matter came to the attention of the City subsequent to the posting of the agenda. Council provided unanimous direction to staff.

Mayor Halliday announced that Public Hearing No. 6 would not be discussed and it would be continued to October 18, 2016, at the request of staff.

**PRESENTATIONS**

Acting Police Chief Koller presented the City of Hayward Good Citizen Award to Sarah Avalos for showing courage, calm and bravery under extraordinary circumstances. Sarah Avalos, a 12-year-old girl, helped save her father's life after a violent attack.

Assembly Member Quirk provided an update on legislation related to: bond for housing for the disabled community; grant to help Habitat for Humanity develop the Sequoia Grove; landmark climate change and infrastructure design and construction; greenhouse gas emissions from transportation; bond for transportation projects; and human trafficking. Assembly Member Quirk noted that Assembly Bill 1785 (Quirk), which updated the law relating to the use of electronic devices while operating a vehicle, had been signed by Governor Brown.

Mayor Halliday read a certificate proclaiming October 1, 2016, and the first Saturday of October in future years to be “Bay Day” in the City of Hayward and commended all Bay Day organizers for their efforts. Mayor Halliday and Council Member Mendall presented the Proclamation to San Francisco Bay Trail Project Manager, Laura Thompson.

## **PUBLIC COMMENTS**

Mayor Halliday noted the Council operates according to the Brown Act and under guidance from the Council Member Handbook.

Ms. Victoria Stump, Hayward resident, expressed gratitude for the service the Police Department provides to the community.

Mr. Steve Dunn, Eden Shores representative, requested that the remaining land next to Costco be changed to flex space.

Mr. Luis Reynoso, Hayward Unified School District (HUSD) Board Trustee, spoke about the Brown Act and referred to service contracts approved by the former Superintendent.

Mr. Kim Huggett, Hayward Chamber of Commerce President, announced the 31<sup>st</sup> Annual Business Expo at the Grand White Tent at St. Rose Hospital on October 5, 2016.

Mr. Charlie Peters, with Clean Air Performance Professionals, spoke about a pilot study for reduction of global warming gases.

Mr. Joe Ramos, HUSD Board Trustee candidate, spoke the alleged Council members’ support for the former Superintendent.

Mr. Jim Drake, Hayward resident, spoke about the Brown Act and Robert Rules of Order.

Mr. Robert Sakai, Hayward resident, spoke about Hayward CLASS (Civic Leaders Advocating for Student Success) and read a portion of the letter from educators related to the HUSD Board.

Mr. Michael Sweeney, former Hayward Mayor, read the rest of the letter signed by the educators.



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Council Member Márquez noted the last day to register to participate in the Presidential Election was October 24, 2016.

**CONSENT**

1. Approval of Final Map Tract 7768 - Arf Avenue Development - associated with the previously approved tentative map and proposed development of nine single family detached homes on a 1.59 acre site at the corner of Arf Avenue and Baumberg Avenue in the Mount Eden Area, APN 456-0048-004-02; Peak Financial Group (Applicant/Owner) **CONS 16-519**

Staff report submitted by Development Services Director Rizk, dated September 27, 2016, was filed.

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

Resolution 16-176, "Resolution Approving Final Map for Tract 7768 and Authorizing the City Manager to Execute a Subdivision Agreement"

2. Authorization for the City Manager to Execute an Agreement with KBM Workspace for the Purchase of Office Modules and Furniture for the Criminal Investigation Bureau of the Hayward Police Department **CONS 16-552**

Staff report submitted by Acting Police Chief Koller, dated September 27, 2016, was filed.

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

Resolution 16-177, "Resolution Authorizing the City Manager to Negotiate and Execute a Contract with KBM Workspace for Remodel of Hayward Police Department Criminal Investigations Bureau"

3. Revisions to the City's Conflict of Interest Code **CONS 16-555**

Staff report submitted by City Clerk Lens, dated September 27, 2016, was filed.

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

Resolution 16-178, “Resolution Accepting the Additions and Revisions to the Conflict of Interest Code”

4. Adoption of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2017 **CONS 16-573**

Staff report submitted by Human Resources Director Collins, dated September 27, 2016, was filed.

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

Resolution 16-179, “Resolution Approving the Amended Fiscal Year 2017 Salary Plan Designating Positions of Employment in the City Government of the City of Hayward and Salary Range; and Superseding Resolutions No. 16-098 and All Amendments Thereto”

## **WORK SESSION**

5. Request to Consider Allowing Release of All Residential Building Permits Prior to Construction of the Main Tenant Building at the Eden Shores Retail Center (Report from Development Services Director Rizk) **WS 16-056**

Staff report submitted by Development Services Director Rizk, dated September 27, 2016, was filed.

Development Services Director Rizk provided a synopsis of the report.

Discussion ensued among Council Members, City staff and Mr. Steve Dunn related to the Eden Shores development; services for the proposed retail center; amendment to the development agreement; Costco’s restrictions about the type of business for the proposed retail center; change of use from business park zoning to flex space; and input from Eden Shores’ neighbors.

Generally, the City Council was not in agreement about amending the development agreement to release the two residential building permits prior to construction of the main tenant building at the Eden Shores Retail Center.

## **PUBLIC HEARING**

6. 2016 Update of the City of Hayward Affordable Housing Impact Fees (Report from Director of Library and Community Services Reinhart) **PH 16-086**



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The Public Hearing was continued to October 18, 2016.

7. Proposed New Single-Family Home on an Undeveloped Site with Slopes that Exceed 20% Located at the Terminus of Dryden Court (Assessor's Parcel Number 081D-2086-064-00) for Bijan Mashaw (Applicant/Owner). Proposed Project Includes Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Report from Development Services Director Rizk) **PH 16-091**

Staff report submitted by Development Services Director Rizk, dated September 27, 2016, was filed.

Senior Planner Schmidt provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 9:13 p.m.

Ms. Isabel Souto, proposed property's neighbor, expressed concern with the grading, geological and soil impacts of the proposed project and the precedent that allowing larger homes would set for future development.

Mr. Bijan Mashaw, project applicant, clarified that the size of the house was not as large as depicted in the renderings and there would not be impacts to view.

Ms. Sonja Puoletti, proposed property's neighbor, expressed concern about the size of the proposed property and the impact to the integrity of the hillside.

Mayor Halliday closed the public hearing at 9:17 p.m.

Discussion ensued among Council Members and City staff related to the integrity of the hillside for neighbors above and below the proposed property; the development stability; and the size of the proposed property compared with neighboring homes.

Council Member Mendall offered a motion per staff's recommendation with two amendments: that a Condition of Approval related to locking mailboxes be added, and that Condition of Approval No. 19, related to the mulch color requirement, be removed.

Council Member Zermeño seconded the motion.

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

Resolution 16-180, “Resolution Adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and Approving the Site Plan Review Application 201600993 Pertaining to Construction and Related Grading for a New Single-Family Home at the Terminus of Dryden Court”

## LEGISLATIVE BUSINESS

8. Adoption of a Resolution Changing the Composition of the Council Economic Development Committee (Report from City Manager McAdoo) **LB 16-099**

Staff report submitted by City Manager McAdoo, dated September 27, 2016, was filed.

City Manager McAdoo provided a synopsis of the report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:40 p.m.

Council Member Zermeño offered a motion per staff’s recommendation and suggested that business experts be representatives from different areas in Hayward. Council Member Mendall seconded the motion.

Council Member Lamnin requested that the proposed resolution be amended to include reflection of the City Council’s commitment to community engagement in committee discussion.

Council Member Zermeño and Mendall were amenable to the friendly amendment.

Council Member Márquez was not in agreement with the staff recommendation because the action would contradict the Council’s encouragement of community involvement.

Council Member Mendall shared that after the Council Sustainability Committee had changed its membership composition, the number of public members attending the meetings had increased significantly, and he hoped the same would occur with the Council Economic Development Committee.

Mayor Halliday shared the concerns expressed by Council Member Márquez.

It was moved by Council Member Zermeño, seconded by Council Member Mendall, and carried with Council Member Márquez voting no, to adopt the resolution with the addition of language reflecting the City Council’s commitment to community engagement in committee discussion:

Resolution 16-181, “Resolution to Amend the Membership of the Council Economic Development Committee (CEDC) and to Direct Staff to Include Outside Expertise Presentations as a Part of Each



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CEDC Agenda”

9. Approval of Resolutions Supporting State Proposition 55 and Opposing State Proposition 65 (Report from City Manager McAdoo) **LB 16-100**

Staff report submitted by City Manager McAdoo, dated September 27, 2016, was filed.

City Manager McAdoo provided a synopsis of the report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:55 p.m.

Mayor Halliday noted that the president of the Hayward Education Association, Mercedes Faraj, urged the City Council to support Proposition 55.

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

Resolution 16-182, “Resolution in Support of the November 2016 Ballot Initiative: Proposition 55: 12 Year Extension of Proposition 30 Tax Increase”

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

Resolution 16-183, “Resolution in Opposition of the November 2016 Ballot Initiative: Proposition 65: Dedication of Revenue from Disposable Bag Sales to Wildlife Conservation Fund”

### **CITY MANAGER’S COMMENTS**

City Manager McAdoo spoke about her attendance at the International City/County Management Association Annual Conference in Kansas City on September 25-28, 2016.

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

Council Member Salinas made three announcements: 1) the Hayward Promise Neighborhood’s survey in the Jackson Triangle area; 2) AT&T Foundation awarded the Hayward Promise Neighborhood and its partners a \$500,000 grant; and 3) a lecture/book discussion series at the Hayward Main Library regarding immigration policies and a book entitled “The Distance Between Us” by Reyna Grande.

Council Member Lamnin announced the Science in the Park event on October 1, 2016 at the Alden E. Oliver Sports Park.

Mayor Halliday announced the October 4, 2016 Council meeting was cancelled because the City Council would be attending the Annual Hayward Volunteer Recognition and Awards Dinner at the St. Rose Hospital Grand White Tent. Mayor Halliday also noted that the Council will be holding a special Council meeting on Thursday, October 13, 2016.

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 10:10 p.m.

**APPROVED:**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward