



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HAYWARD HOUSING
AUTHORITY/HAYWARD REDEVELOPMENT SUCCESSOR AGENCY/HAYWARD
PUBLIC FINANCING AUTHORITY/HAYWARD AREA RECREATION AND PARK
DISTRICT MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 13, 2016, 7:00 p.m.**

The Special Joint City Council/Hayward Housing Authority/Hayward Redevelopment Successor Agency/Hayward Public Financing Authority/Hayward Area Recreation and Park District meeting was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council/HHA/HRSA/HPFA Member Lamnin.

ROLL CALL

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

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

There were none.

BOARDS AND COMMISSIONS

The City Council confirmed the process in the staff report, RPT 16-166, for selecting four members for the Personnel Commission.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced the Council convened in closed session concerning three items: 1) conference with property negotiators pursuant to Government Code 54956.8 regarding property at 1525 W. Winton Avenue, APN 432-0124-002-00; 2) conference with legal counsel pursuant to Government Code 54956.9 regarding Mid-Year Comprehensive Litigation Report; and 3) conference with legal counsel pursuant to Government Code 54956.9 regarding one anticipated case. There was no reportable action.

PUBLIC COMMENTS

Mr. Francisco Abrantes, Hayward resident, expressed concerns about his December water bill which far exceeded his regular invoices.

Mr. Scott Figgins, Hayward teacher, urged the Council to take a firm stand of support for the immigrants in Hayward and initiate a Task Force to draft a sanctuary city resolution for Hayward, and provided documents for the record.

Mr. Kim Huggett, Hayward Chamber of Commerce president, invited all to the 73rd Annual Awards Gala at California State University East Bay on February 4, 2017.

Mr. Jim Drake, Hayward resident, spoke about the ongoing Police Chief investigation.

Council Member Márquez asked the City Manager to bring the item related to sanctuary cities before the Council during a regular meeting at the beginning of January.

CONSENT

Consent Item No. 2 was removed to allow for a public comment.

1. Minutes of the Special City Council Meeting on November 29, 2016 **MIN 16-112**
It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special City Council Meeting on November 29, 2016.

2. Fire Stations 1-5 Improvements: Approval of Plans and Specifications and Call for Bids
CONS 16-744

Staff report submitted by Director of Public Works Fakhrai, dated December 13, 2016, was filed.

Mr. Jim Drake, Hayward resident, asked if the project was advertised and if it was competitively bid. City staff responded in the affirmative.

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

Resolution 16-225, "Resolution Approving Plans and Specifications for the Fire Stations 1-5 Improvements Project, Project Nos. 07476, 07477, 07478, 07479 and 07480 and Call for Bids"

3. Amendment to the Professional Services Agreements with Valbridge Property Advisors and with The Schmidt-Prescott Group, Inc. for the Appraisal of Excess Property in the Route 238 Bypass Corridor **CONS 16-753**

Staff report submitted by Director of Public Works Fakhrai, dated December 13, 2016, was filed.

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

Resolution 16-220, "Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with the Schmidt-Prescott Group, Inc. for Additional Services Associated with the Route 238 Bypass Property Appraisals"



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Resolution 16-221, "Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Valbridge Property Advisors for Additional Services Associated with the Route 238 Bypass Property Appraisals"

4. Adoption of an Ordinance Establishing a Building Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of Structures; Providing for the Issuance of Permits and Collection of Fees; Repealing Ordinances No. 13-21, 13-22, 13-23, 15-08, 15-16, 16-01; Chapter 10, Article 23; Chapter 9, Article 2, and all Amendments Thereto **CONS 16-754**

Staff report submitted by City Clerk Lens, dated December 13, 2016, was filed.

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

Ordinance 16-22, "An Ordinance Establishing a Building Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of Structures; Providing for the Issuance of Permits and Collection of Fees; Repealing Ordinances No. 13-21, 13-22, 13-23, 15-08, 15-16, 16-01; Chapter 10, Article 23; Chapter 9, Article 2, and All Amendments Thereto"

5. Adoption of an Ordinance Establishing a Fire Prevention Code for the City of Hayward; Adopting the California Fire Code, 2016 Edition, Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion; Providing for the Issuance of Permits and Collection of Fees; Providing for Penalties for Violation, and Repealing Ordinance No. 13-20, as Amended, and All Other Ordinances and Parts of Ordinances in Conflict Therewith **CONS 16-755**

Staff report submitted by City Clerk Lens, dated December 13, 2016, was filed.

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

Ordinance 16-23, "An Ordinance Establishing a Fire Prevention Code for the City of Hayward; Adopting the California Fire Code, 2016 Edition, Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion; Providing for the Issuance of Permits and Collection of Fees; Providing for

Penalties for Violation, and Repealing Ordinance No. 13-20, as Amended, and All Other Ordinances and Parts of Ordinances in Conflict Therewith”

6. Adoption of Fiscal Year 2017 Statement of Investment Policy and Delegation of Investment Authority **CONS 16-756**

Staff report submitted by Acting Finance Director Claussen, dated December 13, 2016, was filed.

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

Resolution 16-222, “Resolution Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”

Housing Resolution 16-02, “Resolution Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”

RSA Resolution 16-05, “Resolution of the City Council of the City of Hayward, Acting as the Governing Board for the Redevelopment Successor Agency for the City of Hayward Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”

HPFA Resolution 16-03, “Resolution Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”

7. Designation of a City Representative and an Alternate for the East Bay Community Energy Authority Board of Directors **CONS 16-764**

Staff report submitted by City Manager McAdoo, dated December 13, 2016, was filed.

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

Resolution 16-223, “Resolution Appointing Council Member Mendall as the City of Hayward Representative to the Board of Directors for the East Bay Community Energy Authority”



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8. New Garin Reservoir and Pump Station Improvements: Approval of Plans and Specifications, and Call for Bids **CONS 16-769**

Staff report submitted by Utilities and Environmental Services
Director Ameri, dated December 13, 2016, was filed.

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

Resolution 16-224, “ Resolution Approving Plans and Specifications for the New Garin and Pump Station Improvements, Project No. 07183, and Call for Bids”

Mayor Halliday invited the Hayward Area Recreation and Park District Board of Directors to join the City Council at the dais.

WORK SESSION

Council Member Salinas disclosed having served, without compensation, on the YMCA Advisory Board and he had resigned from the Board to avoid the appearance of a conflict of interest as the YMCA might be selected to provide services at the Eden Youth and Family Center.

9. Joint Work Session with Hayward City Council and Hayward Area Recreation and Park District Board of Directors: South Hayward Family Center Project Update and Discussion (Report from Director of Library and Community Services Reinhart) **WS 16-073**

Staff report submitted by Library and Community Services
Director Reinhart and HARD General Manager McCreary, dated
December 13, 2016, was filed.

Hayward Area Recreation and Park District Board of Directors in attendance were: President Louis Andrade; Director Minane Jameson; Director Carol Pereira; Director Paul Hodges Jr; and Director Rick Hatcher.

Library and Community Services Director Reinhart acknowledged community stakeholders in attendance at the meeting. Director Reinhart noted there were two outdated facts in the staff report on page No. 2 and offered clarification: 1) the youth probation reporting center was no longer a program operated by the Eden Youth and Family Center (EYFC) facility; and the tattoo removal referral program was no longer operated by California Offender

Program Services. Library and Community Services Director Reinhart provided a synopsis of the staff report.

Mayor Halliday opened the public comments section of the meeting at 7:50 p.m.

Mr. Antonio Isais, Chair of the Citizen Advisory Task Force, spoke on behalf of the Task Force and recommended that there be consistency with the meetings and have clear vision; and that the proposed building be built off its current site.

Mayor Halliday closed the public comments section of the meeting at 7:53 p.m.

Hayward Area Recreation and Park District (HARD) Board of Directors generally agreed that the proposal would enhance the recreational value and would be an asset to the community and offered the following comments: some of the programs considered to remain or come back as anchor tenants do not complement the uses at the proposed facility so consider maintaining compatible tenants and move the other programs to other sites; more information was needed about the proposal to contribute to the discussion; flesh out the requirements for anchor tenants and their responsibilities in the long term; consider the community facility to be senior, youth and family oriented; while the recommendation for the second facility location seemed appropriate, more information was sought; and there was interest for seeking synergy in terms of access, parking and visibility.

City Council Members generally agreed that South Hayward needs to be activated.

City Council Members offered the following comments related to the City/HARD land ownership: there was some interest for pursuing an equitable land swap; more information about the shared vision for the land swap was sought; there was support for equitable land swap to align land ownership with land use; and was noted that the land swap did not address the main issue that diverse ownership might not serve well the future operation of what gets created at the proposed facility.

City Council Members offered the following comments for the recommended facility location: some agreed with the Governance Group's recommended option two; there was support for retail facing Tennyson Road if the community center is built on the second level; there was a recommendation to consider commercial use on the bottom and community center above like other catalyst sites; and one favored option site three.

It was also recommended to consider removing unattractive chain link fences and provide connectivity between the retail center and the green space; consider bringing bank services to the neighborhood; consider including bicycle parking; consider keeping the basketball court; consider striking a balance between meeting the social service and the recreational needs of the community; improve lighting and aesthetics in the proposed area; bring the Police Department substation to the proposed site; consider an adult size soccer field; consider CDBG funding to help the project and its operating expenses; and tap into the San Francisco Foundation.



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City Council Members offered the following comments for the Governance Group recommendation related to the Facility Operator RFP (Request for Proposal): there was some support to proceed with the issuance of a Facility Operator RFP as soon as possible to enable a site planning and service mix evaluation; there was a recommendation to conduct one market feasibility study and to engage real community visioning; consider skill development and job placement services and ensure participation of the Day Labor Center; have community visioning that allows for public/private partnership; and assess current services provided in the neighborhood and conduct door to door outreach and engage the promotoras group.

City Council Members offered the following comments for the Governance Group recommendations to grant “anchor tenant” status in the new facility to the Alameda County Office of Education (ACOE) Community School and Tiburcio Vasquez Health Center: anchor tenants seemed to be limited in options; ensure that tenants are compatible; there was a recommendation for the ACOE Community School to consider the other alternative sites as viable; grant “anchor tenant” status to those contributing a commensurate amount towards the overall construction cost; and there was some support to grant “anchor tenant” status to the two proposed tenants in order to affect the lives of youth in need of the services.

City Council Members offered the following comments for the timeline: the proposed project timeline seemed fine; and there was support for considering community input into the proposed timeline.

Alameda County Supervisor Richard Valle noted that community input had begun in 2012 and South Hayward continued to need a community center; and added that he was fully committed to improving the lives of people in the neighborhood. Supervisor Valle shared that Kaiser had released the second grant which amounted to \$5 million and \$9.6 million from the County.

The City Council took a recess at 9:17 p.m. and reconvened the meeting at 9:24 p.m.

**10. General Fund Ten-Year Plan Review (Report from Acting Finance Director Claussen)
WS 16-074**

Staff report submitted by Acting Finance Director Claussen, dated December 13, 2016, was filed.

Acting Finance Director Claussen provided a synopsis of the report.

There were no public speakers on the item.

Discussion ensued among Council Members and City staff regarding: the negotiated employee salary and benefit cost sharing; the CalPERS discount rate; the budget gap; and the General Fund Reserves.

City Council Members appreciated the additional materials provided by staff in explaining revenue, expenditures, and change in reserve and offered the following recommendations: start a conversation to address the budget gap sooner than later; have revenue/expenditure historical data reflective of how the City performed during the last ten-year period; start a financial strategic plan to address the loss of reserves prior to FY 2020; and implement the Economic Strategic Plan and start bringing more jobs and quality businesses to Hayward and help close the budget gap and increase revenue stream.

LEGISLATIVE BUSINESS

11. Transmittal of the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2016; and Memorandum on Internal Control and Required Communications (Report from Acting Finance Director Claussen) **LB 16-110**

Staff report submitted by Acting Finance Director Claussen, dated December 13, 2016, was filed.

Acting Finance Director Claussen announced the report and introduced Ms. Katherine Yhen, Partner, and Ms. Grace Zhang, Engagement Audit Manager with Maze & Associates who provided an overview of the audit.

Acting Finance Director Claussen recognized Financial Analyst, Nan Barton, for her 32 plus years of service to the City upon her retirement in February 2017.

There being no public comments, Mayor Halliday opened and closed the public hearing at 10:07 p.m.

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

Resolution 16-226, "Resolution Accepting the Comprehensive Annual Financial Report for the Year Ended June 30, 2016; and the Memorandum on Internal Control and Required Communications"

PUBLIC HEARING

12. Adoption of a Resolution of Intention to Approve an Amendment to the City of Hayward Contract with the California Public Employees Retirement System (PERS) and Introduction of An Ordinance to Approve the Contract Amendment and Authorize Staff to Execute the Contract (Report from Director of Human Resources Collins) **PH 16-113**



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Staff report submitted by Human Resources Director Collins, dated December 13, 2016, was filed.

Human Resources Director Collins provided a synopsis of the report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 10:12 p.m.

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

Resolution 16-227, "Resolution Authorizing Intention to Approve an Amendment to Contract Between the Board of Administration, California Public Employees Retirement System and the City of Hayward"

Introduction Ordinance 16-, "An Ordinance Authorizing the Amendment of the Contract Between the City of Hayward and the Board of Administration of the California Public Employees' Retirement System"

CITY MANAGER'S COMMENTS

City Manager McAdoo made two announcements: 1) City Hall business/holiday closure from December 23, 2016 through January 2, 2017; and 2) the Utilities and Environmental Services Department's \$200,000 car sharing grant from Caltrans to achieve sustainability goals.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced the Latino Business Roundtable meeting on December 16, 2016, at St. Rose Hospital.

ADJOURNMENT

Mayor/Chair Halliday adjourned the City Council meeting at 10:16 p.m.

APPROVED:

Barbara Halliday
Mayor, City of Hayward
Chair, Hayward Housing Authority
Chair, Hayward Redevelopment Successor Agency
Chair, Hayward Public Financing Authority

ATTEST:

Miriam Lens
City Clerk, City of Hayward
Secretary, Hayward Housing Authority
Secretary, Hayward Redevelopment Successor Agency
Secretary, Hayward Public Financing Authority