

**CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 24, 2019**

**DOCUMENTS RECEIVED
AFTER PUBLISHED AGENDA**

AGENDA QUESTIONS & ANSWERS

Item 3

AGENDA QUESTIONS & ANSWERS REVISED

MEETING DATE: September 24, 2019

Item #[CONS 19-624](#): Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Chabot-Las Positas Community College District for PEG Broadcasting Services

At the July 31st CIC meeting, the PEG contract was approved by CIC with instruction to discuss specifying in the contract the number of times each year that the City can request filming of an event. How did that discussion go?

At the conclusion of the CIC meeting on 7/31/19, staff began negotiations to add and codify contract language to add video footage services into the contract at the request of CIC membership.

The negotiations have resulted in contract language which ensures this valuable community service continues with up to 4 events per calendar year.

The “Agreement Modifications” section of the staff report highlights this item.

Financial Audit

The recent feedback from our City Council and the broader community has created an opportunity for the City to do a thorough review of our PEG revenues, expenditures and our contract with Chabot College. While much of the broader detail of the work done can be found in the full staff report staff wanted to call out details of the financial audit as well as some of the most significant changes or improvements to the contract language.

As part of the PEG review process, the City requested a multi-year audit be performed by Chabot on past expenditures. This audit was performed by Chabot and reviewed by both IT and the City of Hayward Legal team and Chabot was found in compliance of requirements. The City is in possession of this audit document and if this level of detail is needed for Council review, can be shared. It should also be noted that language has been added to the contract which requires that Chabot create and provide an annual audit of expenditures for the City to review to ensure ongoing compliance.

Agreement Modifications

The city has addressed multiple questions and concerns brought up from Council and the community as it relates to PEG and Chabot. Please find a list below which highlights some of these main topics.

Concern raised: Chabot is not adequately posting hours of availability of their studio for Hayward residents.

Contract response: The facility can be accessed 30 hours per week. Sunday access may also be scheduled by contacting Chabot directly.

Staff response 1. Once the new contract is in effect, the schedule will be posted to the facility website as well as to the bulletin board outside of the facility.

<p>Concern raised: Use of the studio and equipment required self-insurance for many, hurting those that cannot afford it the most.</p> <p>Concern raised: If not properly trained, residents must find their own means of receiving equipment training.</p> <p>Concern raised: There is a misuse of funds paid to Chabot to pay staff or procure equipment not related to Hayward public access.</p> <p>Concern raised: Request for more information to be published on when broadcasts occur</p> <p>Concern raised: Chabot does not provide a modern user media guide</p> <p>Concern raised: Video coverage services for the City are not outlined in the contract</p>	<p>2. Current hours of operation may be obtained by contacting the facility directly via phone.</p> <p>Contract response: Removal of insurance requirement, Chabot is self-insuring facilities.</p> <p>Contract response: 1. Chabot will now be offering an initial training free of charge at various times of the day in order to allow for varied work schedules of the community. For those that want further exposure to advanced content, fee-based course level training and technical workshops are both options which can be pursued. 2. All users of the equipment and studio must pass a proficiency test to use the equipment but are offered unlimited opportunities to retake the test. The test will be given by Chabot on an individual basis as requested.</p> <p>Staff response: Audit was performed, reviewed by both IT and the City of Hayward Legal team and Chabot was found in compliance of requirements.</p> <p>Staff Response: Chabot TV's website (https://www.mediacenter.community) has been updated to provide more information on content, including a link to the schedule and on-demand content (http://chabot.cablecast.tv/CablecastPublicSite/?channel=2). Visiting the website also shows a live video feed embedded into the homepage along with social media links and facility contact information on the bottom of the page which allow for multiple content access options and opportunities to gather information.</p> <p>Staff Response: Chabot is working with an expert in this area to encompass best practices and procedures expected of a community media center. This guide is generated by Chabot and will be available to the public.</p> <p>Contract response: Language added to provide video coverage services of City related events up to four times per calendar year.</p> <p>This is not an exhaustive list, but it captures the many ways our audit and improvement to Chabot contract have addressed previous concerns. While there have been some loud voices laying claim to improper activities, we have found those claims to be unwarranted and without merit. We encourage anyone with questions to review the staff report and this summary and if they have continued concerns to please reach out to the City Manager or IT directly so that we can make sure all are addressed.</p>
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What type of content will Chabot be producing for their allocated fee?

“Video footage services: As a community service, Chabot generates video footage of city events. Language has been added to the contract to ensure this valuable community service continues each calendar year.”

Also, is it in the updated requirements that those who use the public access services must be Hayward residents? Is there room for someone to produce Hayward-focused content if they happen to live outside of the City boundaries?

Is there a training requirement in addition to the residency requirement?

Recent examples of video footage of City events would include assisting with an interview of Paul Chavez, Airport Open House and the opening of the Library. That work was also done outside of the contract as the use cases are still developing and will likely gain definition over the contract period.

Regarding use eligibility the following language has been added to the contract:

CMC users must be Hayward/Fremont residents age 18 or over (or have a parent/guardian sponsor). As proof of identity and age, a current California driver’s license or other official photo ID must be submitted. If a photo ID with the address is not available, some other printed proof of residency such as a utility bill or voter registration must be provided. A resident organization may designate a non-resident to be their Program Producer/Provider. Proof of business/organization residency and designation is required, such as a pay stub or some other form of official communication, and content produced should benefit the purpose of the business/organization. Personal letters and documents are not acceptable.

Should a non-resident seek to use the facility, they have a path to doing so by partnering with a Hayward organization and having that organization designate the non-resident to be their Program Producer/Provider. Non-residents should also follow up with their local community to use facilities that are offered in which the community they reside.

Yes, there is a training requirement. Language in the agreement states that training is offered at no/low cost and at varied dates and times. The intent of this provision is to remove barriers to access and promote the services of the facility to the community.

ITEM #9 RPT 19-344

**CONSIDER AN ITEM FOR DISCUSSION ON A
FUTURE CITY COUNCIL
AGENDA REGARDING MODIFYING
REGULATIONS ON TOBACCO RETAILERS
TO REDUCE TEEN SMOKING AND VAPING**

EMAIL FROM GINNY DELANEY

From: Ginny Cox Delaney <>

Sent: Tuesday, September 24, 2019 10:58 AM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>

Subject: Support for Council Referral on Regarding Modifying Regulations on Tobacco Retailers to Reduce Teen Smoking and Vaping

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Esteemed Councilmembers,

I am writing to voice my strong support for item number 9 on tonight's council agenda regarding modifying regulations on tobacco retailers to reduce teen smoking and vaping.

As a Program Officer at the [Tobacco Related Disease Research Program \(TRDRP\)](#), I have followed the youth vaping epidemic for several years. Based on the most recent data from the 2019 Monitoring the Future Survey of eighth, 10th and 12th graders rates of e-cigarette use [have doubled in the past two years](#). This is especially alarming given that Juul, which has 80% of the market share of e-cigarettes, delivers nicotine much more efficiently than combustible cigarettes or other e-liquids. Youth are becoming addicted to nicotine which not only impacts their brain development but leads to a lifelong addiction with health effects on the cardiovascular system (and probably other parts of the body, but more research is needed to confirm this).

In addition to nicotine, flavored tobacco products are also an enticement and a risk for youth. Studies show that youth tend to use flavored tobacco products as their gateway product, but as they become addicted, switch to other harmful products. Flavored e-liquids have been widely reported as an enticement to youth vaping, but I'd also like to draw your attention to flavored combustible tobacco products. Restriction on the sale of menthol flavored combustible tobacco products must also be part of Hayward's regulations. The menthol flavor makes tobacco products easier to smoke paving the way to addiction (<https://truthinitiative.org/research-resources/traditional-tobacco-products/menthol-facts-stats-and-regulations>). Flavored little cigars and cigarillos are often turned into "blunts" with the addition of cannabis and are packed in small bundles at lower prices to encourage purchase in low income neighborhoods. Tobacco companies market these products to communities of color and to low income consumers perpetuating tobacco-related health disparities.

I also urge the City Staff to consult with experts at the [UCSF Center for Tobacco Research and Education](#), and researchers funded by TRDRP. The tobacco industry has a long history of misleading tactics, and it is critical that Hayward bases its new ordinances on evidence-based research findings from peer reviewed research, the highest standard of scientific evidence.

Thank you for taking a leadership role in ending the teen smoking and vaping epidemic.

Warmly,

Ginny

PUBLIC COMMENT

ARIC YEVERINO

Latitude 38

Wine Bistro

Hello My name is Aric Yeverino, of owner of the Dirty Bird Lounge at 926 B Street in downtown Hayward and this is my business partner Dianah Rodriguez, and we are looking to open Latitude 38 Wine Bistro.

Latitude 38 is to be a wine bistro which pairs complex wines to artisan cheeses, fresh sliced charcuterie, and organic farmers market produce. The culinary menu was to be curated by chef Casey Nunes, famed for being on Food Networks Chopped.

Latitude 38 was projecting to open in either of two long vacant locations, at 1010 B street, or 936 B Street.

The project has now stalled in Hayward as the planning department will not let us pursue our goal of opening without a conditional use permit, as the glasses of wines paired would in likeness exceed the cost of the food consumed. As you know Hayward has a 60% threshold for food sales to alcohol ratio, which is almost impossible for any establishment to meet.

In order to obtain a conditional use permit our company would have to invest an initial \$6,000 deposit (which could go much higher), as well as wait 3 to 6 months while the permit is making its way through the red tape. During that time no build permits could be issued, and no construction can begin. An example of investment lost would be rent set at \$7,500 after a triple net, would result in \$22,500 - \$45,000 down the drain.

I have reached out to Union City and am in talks with the city of Alameda to bring this concept to their respective cities. I have done business in this town for almost 11 years and it saddens me that something like Latitude 38 cannot be built in downtown. Maybe this is something to reflect on.

Thank you for your time.



LATITUDE 38
WINE BAR & BISTRO



SHARED PLATES

NASU MISO-ROASTED EGGPLANT WITH
ROASTED SESAME SEEDS

LEMON-PEPPER DEVILED EGGS WITH CAPERS

BLUEBERRY BARBECUED CHICKEN WINGS
SERVED WITH HOMEMADE BUTTERMILK

ROASTED BONE MARROW WITH SMOKED
SEASALT SERVED WITH GARLIC CROSTINI

MINI FONDUE FOR TWO
CHOICE OF A PALE ALE GARLIC CHEDDAR OR
CLASSIC WHITE WINE SWISS & GRUYERE
SERVED WITH A ROASTED POTATO AND
VEGETABLE MEDLEY

PLATTERS

CHARCUTERIE PLATTER

A TRIO OF PROSCIUTTO, JAMÓN SERRANO, AND
A PORK TERRINE SERVED WITH SWEET GUAVA
PASTE, AN ASSORTMENT OF NUTS AND
GOURMET CRACKERS

CHEESE PLATTER (CHOICE OF 3)

CAMBOZOLA TRIPLE CREAM SOFT RIPENED BLEU
FROMAGER D'AFFINOIS BRIE
SPANISH MANCHEGO
HERBED GOAT CHEESE
TRUFFLE CHEDDAR

FLATBREADS

SUMMER SPECIAL WITH PROSCIUTTO, MISSION
FIGS, AND BABY ARUGULA SERVED WITH
SHAVED PARMESAN

CLASSIC MARGHERITA WITH FRESH
MOZZARELLA, BABY HEIRLOOM TOMATOES AND
FRESH BASIL

SOPPRESSATA, BABY SPINACH, AND BLISTERED
PEPPERS TOPPED WITH FRESH RICOTTA CHEESE

PEPPERONI, SAUSAGE AND BACON WITH
ROASTED BELL PEPPERS, MUSHROOMS AND
BLACK OLIVES

SALADS

HONEY BALSAMIC ROASTED BRUSSEL SPROUTS
WITH BACON

ROASTED BEET SALAD WITH BABY ARUGULA,
AND BLOOD ORANGE, AND GOAT CHEESE

CAPRESE SALAD WITH SMOKED
MOZZARELLA, HEIRLOOM TOMATOES AND
FRESH BASIL

