



**MINUTES OF THE CITY COUNCIL MEETING  
OF THE CITY OF HAYWARD**  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, October 22, 2013, 7:00 p.m.

**ATTACHMENT III**

The City Council meeting was called to order by Mayor Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Salinas.

**ROLL CALL**

Present: COUNCIL MEMBERS Zermeno, Jones, Halliday, Peixoto, Salinas,  
Mendall  
MAYOR Sweeney  
Absent: None

**CLOSED SESSION ANNOUNCEMENT**

Mayor Sweeney reported that the Council met with labor negotiators pursuant to Government Code 54957.6 regarding all groups; met with legal counsel pursuant to Government Code 54956.9 regarding Meserve v. City of Hayward, Alameda County Superior Court, No. HG12636333; and met with property negotiators pursuant to Government Code 54956.9 regarding Damante v. City of Hayward, Alameda County Superior Court Case No. HG12620646. Mayor Sweeney noted there was no reportable action.

**PROCLAMATION**

Mayor Sweeney read the Proclamation proclaiming Monday November 11, 2013, as Veterans Day. Mr. Emet Miranda, Hayward Veterans Post 870 Commander; Ms. Lisa Brunner, Hayward Veterans Post 870 Assistant Sergeant-At-Arms; and Mr. Mark Chandler, Alameda County Veterans Affairs Commissioner accepted the proclamation. Mr. Emet Miranda thanked the Council on behalf of the veterans.

**PUBLIC COMMENTS**

Ms. Jacquelyn Young, Hayward resident, expressed displeasure about insufficient parking at the residential developments at Cannery Place.

Mr. Victor Chalco, Hayward resident, noted the speed humps installed on Sleepy Hollow Avenue between Hesperian and Industrial boulevards did not meet the City's guidelines or process for installation of speed humps.

The following Service Employees International Union, Local 1021 (SEIU 1021) individuals spoke about current labor negotiations and urged the Council to direct the negotiating team to get back to the bargaining table and continue to negotiate a fair and equitable contract. SEIU 1021 members noted their union had circulated a petition that garnered about 670 signatures from Hayward residents in support of Hayward workers. The petition was submitted for the record.

Ms. Amber Bell, SEIU 1021 member  
Ms. Jill Mayghan, SEIU 1021 member  
Ms. Wendy Felber, SEIU 1021 member  
Mr. Michael Stotts, SEIU 1021 member  
Ms. Angela Osayande, SEIU 2021 Field Representative  
Ms. Linda Reid, SEIU 1021 member  
Mr. Elden Walker, SEIU 1021 member  
Ms. Ariana Casanova, SEIU 1021 East Bay Political Coordinator

Ms. Susan Harman, announced Representation for the People was sponsoring a Town Hall meeting on November 5, 2013, at the South Berkeley Senior Center, regarding Alameda County District Attorney O'Malley and Sheriff Ahern.

Mr. Jim Drake, Hayward resident, expressed concern about the safety and the vehicle theft crime in Hayward.

Mr. S.J. Samiul, Hayward resident, urged everyone to read the book entitled, "Tattoos on the Heart" and purchase "I love Hayward" stickers; and asked Council to support City employees.

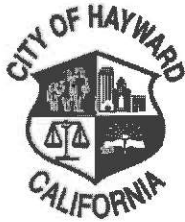
## **WORK SESSION**

### **1. General Plan Update - Presentation of Draft Policy Document**

Staff report submitted by Senior Planner Buizer, dated October 22, 2013, was filed.

Development Services Director Rizk announced the report and introduced Senior Planner Buizer who provided a synopsis of the report.

The Council praised City staff and members of the General Plan Update Task Force for the work done on the General Plan Update and provided the following recommendations under Land Use and Community Character (LU), Community Safety (CS), Economic Development (ED), Natural Resource Element (NR), and Education and Lifelong Learning (EDL): LU-20 Industrial Technology and Innovation Corridor Plan was important for job generation; CS-3 Police Department Strategic Plan Review and Update needed benchmarks and metrics for crime reduction; LU-13 needed increased open space and parks; suggested moving the implementation of ED-5 Business Resource Center and Website and ED-16 Ombudsperson Service sooner than 2017-2019; EDL-5 Education Awards Program should include rewarding and celebrating the students; CS-5 Homeless Services Partnership should include a partnership with Alameda County; ED-8 Local Hire Incentives needed language about wages that sustain families; recommended streamlining the permitting process; and proposed to have Council Standing Committees review the draft General Plan policies in relation to their area of expertise. Council had reservations regarding NR-9 Residential Energy Performance Audit and Disclosure Ordinance and NR-10 Commercial Energy Performance Audit and Disclosure Ordinance.



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2. Update on the City of Hayward Workers Compensation Program

Staff report submitted by Acting Senior Human Resources Analyst Collins, dated October 22, 2013, was filed.

Human Resources Director Robustelli announced the report and introduced Acting Senior Human Resources Analyst Collins who provided a synopsis of the report.

Discussion ensued and Council offered the following comments and recommendation: praised the Return to Work Program; complimented the Third Party Administrator (TPA) savings; commended the communication among Human Resources, Directors, TPA, and injured workers; and requested data about the Hayward Workers Compensation Program prior to 2011. It was noted that the authorization to add a Senior Human Resources Analyst position would be reviewed during the midyear budget review.

**CONSENT**

3. Approval of Minutes of the City Council Meeting on October 15, 2013

It was moved by Council Member Jones, seconded by Council Member Halliday, and carried unanimously, to approve the minutes of the City Council Meeting on October 15, 2013.

**PUBLIC HEARING**

Council Member Jones and Council Member Salinas disclosed they owned property in the northern section of the Mission Boulevard Corridor and they would recuse from discussing and voting on the item as it related to the Mission Boulevard Corridor Specific Plan for the northern segment.

4. Certification of a Program Environmental Impact Report in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15168; and Approval of the Mission Boulevard Corridor Specific Plan, including a Form-Based Code and Related General Plan Amendment; Encompassing an Area of Approximately 240 Acres and 600 Parcels Along Two Miles of the Mission Boulevard Corridor from Harder Road to the Northern City Boundary, Excluding the Downtown Area Between Jackson Street and A Street (General Plan Amendment Application No. PL-2013-0268, Text Amendment Application No. PL-2013-0270, and Zone Change Application No. PL-2013-0271) – City of Hayward (Applicant)

Staff report submitted by Director of Development Services Rizk, dated October 22, 2013, was filed.

City Manager David announced the report and introduced Director of Development Services Rizk who provided a synopsis of the report. Mr. Rizk noted staff was in receipt of recommendations from Dr. Sherman Lewis and staff was offering amendments to the staff recommendation per Dr. Lewis' comments which included: the Sustainable Mixed Use (SMU) General Plan land use designation would not apply to properties proposed to have T3 zoning in the Form-Based Code; and the SMU density range of the T4 and T5 zones in the adopted South Hayward BART Form-Based Code and the proposed Mission Boulevard Corridor Form-Based Code would be 17.5 to 100.0 units per net acre.

Discussion ensued related to the southern segment of the Mission Boulevard Corridor. Council Member Zermeño recommended "Cesar Chavez" as a name for one of the streets, roads, or slip lanes in areas of the Specific Plan.

Mayor Sweeney opened the public hearing at 9:34 p.m. for the southern segment of the Mission Boulevard Corridor Specific Plan.

Ms. Audrey LePell, President of Citizens for Alternative Transportation Solutions (CATS), acknowledged City staff and other organizations for their continued assistance. Ms. LePell asked about the status of the Route 238 relinquishment.

Mr. Bob Berndt, AutoNation representative for real estate transactions of the former Ford dealership site, noted AutoNation supported the staff recommendation for the Mission Boulevard Corridor Specific Plan.

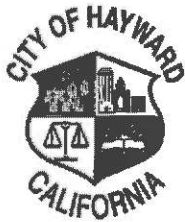
Mr. Jesús Armas, AutoNation consultant, urged Council to adopt the staff recommendation and the unanimous recommendation of the Planning Commission that the Commercial Overlay zone apply to the first 250 feet at the former Ford dealership site.

Mr. Charles Pifier, property owner at 671 Berry Avenue which abuts the former Ford site, supported the Planning Commission recommendation and agreed to the dedication of the thoroughfare on his property.

Mayor Sweeney closed the public hearing at 9:48 p.m.

Council Member Zermeño offered a motion per the staff recommendation including amended Exhibits A, B, C and D of the proposed resolution. Council Member Mendall seconded the motion.

Discussion ensued among the Council and City staff about the Mission Boulevard Corridor and what was envisioned for the area such as requiring more commercial development that would encourage job creation, considering uses that would support the imminent expansion of California State University East Bay, extending the commercial overlay zone to encourage retail along Mission Boulevard, and adding a Conditional Use Permit element to the former Ford site that would provide flexibility by allowing light industrial uses including research and development.



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Council Member Zermeño withdrew his original motion and offered a second motion to continue the item and bring back a report consistent with Council's comments pertaining to the southern portion of the Mission Boulevard Corridor. Council Member Jones seconded the motion.

Council Member Mendall offered a friendly amendment to create a second Commercial Overlay zone that included the rest of the former Ford site and additional properties that front Mission Boulevard, and that the second overlay would only allow residential ground floor use by Conditional Use Permit. Mr. Mendall recommended that staff bring back a recommendation for the location of the additional properties.

Council Member Zermeño was amenable to the friendly amendment.

Council Member Jones clarified that his original recommendation was consistent with the Council Economic Development Committee discussion for the Mission Boulevard Specific Corridor Plan related to the former Ford site and he recommended providing flexibility by extending the Conditional Use Permit process to the rest of the former Ford site. Mr. Jones added he was supportive of the second Commercial Overlay zone for properties that front Mission Boulevard with specific locations to be proposed by staff.

Pertaining to the southern segment of the Mission Boulevard Corridor, it was moved by Council Member Zermeño, seconded by Council Member Jones, and carried with a friendly amendment to direct staff to bring back a report with two revisions: have a second Commercial Overlay zone that would extend over the rest of the former Ford site and require a Conditional User Permit for ground floor residential use; and that the second Commercial Overlay zone include additional properties along Mission Boulevard to be proposed by staff.

AYES: Council Members Zermeño, Jones, Halliday, Peixoto, Salinas,  
Mendall  
MAYOR Sweeney  
NOES: None  
ABSENT: None  
ABSTAINED: None

Council Members Jones and Salinas left the Council Chambers at 10:22 p.m.

Mayor Sweeney opened the discussion and hearing for the northern segment of the Mission Boulevard Corridor Specific Plan.

There being no public comments Mayor Sweeney opened and closed the public hearing at 10:23 p.m.

Council Member Halliday offered a motion to approve the staff recommendation as it related to the northern segment of the Mission Boulevard Corridor Specific Plan and directed staff to bring it back as part of the report for the southern segment. Council Member Zermeño seconded the item.

- AYES: Council Members Zermeño, Halliday, Peixoto, Mendall  
MAYOR Sweeney
- NOES: None
- ABSENT: Council Members Jones, Salinas
- ABSTAINED: None

Council Members Jones and Salinas returned to the dais at approximately 10:24 p.m.

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

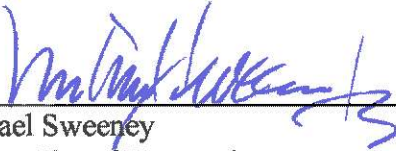
Council Member Zermeño noted October 26, 2013, was “Make a Difference Day,” and he invited all to join the Keep Hayward Clean and Green Task Force Litter Clean-Up and Graffiti Removal event at the Palma Ceia Neighborhood.

Council Member Salinas announced that The Kids’ Breakfast Club would be cooking and serving breakfast to volunteers on October 26, 2013.


**ADJOURNMENT**

Mayor Sweeney adjourned the meeting at 10:27 p.m.

**APPROVED:**

  
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 Michael Sweeney  
 Mayor, City of Hayward

**ATTEST:**

  
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 Miriam Lens  
 City Clerk, City of Hayward