



**MINUTES OF THE SPECIAL CITY COUNCIL MEETING**  
**Matt Jimenez Community Center**  
**28200 Ruus Road, Hayward, CA 94544**  
**Tuesday, October 15, 2019, 6:00 p.m.**

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The Special City Council meeting was called to order by Mayor Halliday at 6:00 p.m., followed by the Pledge of Allegiance led by Council Member Zermeño.

**ROLL CALL**

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

**PUBLIC COMMENTS**

Mr. Victor Arellano, Hayward resident, asked about plans to work with developers to create more affordable housing and the class action lawsuit against HERO loans.

Mr. Tom Silva, Hayward landlord, expressed that Cherryland was operating fine as it is.

Bishop Macklin, Bishop at Glad Tidings Church, announced a “Salute to Community Heroes” event on November 17, 2019 at Glad Tidings Church in tribute of Pastor Chuck Horner and former Police Chief of California State East Bay (CSUEB), Sheryl Boykin.

Ms. Diane Fagalde, Hayward resident, expressed concern about the length of time it takes to obtain Section 8 program apartments due to lack of affordable housing.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about making the use of ethanol in gasoline voluntary.

Ms. Jennifer Ellis thanked the City for the childcare service and the continued partnership to increase civic engagement and announced FESCO’s new campaign “Give FESCO Five” to help families conquer homelessness.

Mr. Caleb Sandford, Tiburcio Vasquez Chief Operations Officer, praised the City’s efforts to build a new family community center and allow the neighborhood to reach its potential.

Ms. Katherine Rubie spoke about the affordable housing crisis and asked the City to consider options to help alleviate mass evictions.

Mr. Aaron Macklin, Glad Tidings Church Reverend, thanked the City for the community engagement related to Tennyson Corridor improvements and invited all to an event at Glad Tidings Church.

Ms. Christina McMillian spoke about the affordable housing crisis, need for assistance and desire to be involved in changes to improve the community.

Council Member Márquez made two announcements: Dia de Los Muertos event on November 11, 2019 at Eden Youth and Family Center and the Annual Tennyson All America Festival on June 27, 2020 at Mt. Eden Mansion.

## CONSENT

Consent Item 3 was removed from the Consent Calendar for separate vote.

1. Minutes of the City Council Meeting on September 24, 2019 **MIN 19-124**

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on September 24, 2019.

2. Minutes of the City Council Meeting on October 1, 2019 **MIN 19-125**

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on October 1, 2019.

3. Adopt Resolutions Authorizing the City Manager to Negotiate and Execute an Agreement with Tyler Technologies Inc. and SoftResources LLC and Amend FY 2020 CIP Budget to Transfer and Appropriate Funds to Project Number 07267 in the Amount of \$624,732 to Increase the Project Budget to \$814,732 **CONS 19-661**

Staff report submitted by Development Services Director Simpson, dated October 15, 2019, was filed.

Council Member Wahab sought clarifying information regarding features of Tyler Technologies and SoftResources, cost, and timeline for implementation.

Council Member Márquez noted the proposal was vetted by the Council Infrastructure Committee and added that there would be a kiosk for individuals in need of assistance.

It was moved by Council Member Márquez, seconded by Council Member Zermeño and carried with the following vote, to approve the resolutions:

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

Resolution 19-193, "Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Tyler Technologies Inc."



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Resolution 19-194, "Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with SoftResources LLC"

Resolution 19-195, "Resolution Authorizing Amendment of the Fiscal Year 2020 Capital Improvements Program Budgets Relating to the Transfer and Appropriation of Funds for the Purchase of EnerGov Online Permitting Solution and Other Related Project Management Services"

4. Acceleration of Statewide Minimum Wage in the City of Hayward (Report from City Manager McAdoo) **WS 19-055**

Staff report submitted by Deputy City Manager Ott, dated October 15, 2019, was filed.

Economic Development Manager Nguyen announced the staff report and introduced Economic Development Specialist Ralston who provided a synopsis of the staff report.

Mayor Halliday opened the public comments section at 6:55 p.m.

Mr. Kim Huggett, Hayward Chamber of Commerce President, spoke against acceleration of the statewide minimum wage timeframe because it would have a negative impact on small independent businesses and the hospitality industry.

Mr. Luis Reynoso submitted a speaker card but did not speak.

Ms. Lisa Brunner, Hayward resident, recommended the City follow the Hayward Unified School District model which is to pay \$15 to every business employee with whom the City contracts and expressed support for acceleration of the state's minimum wage timetable.

Mr. Didacus Ramos, Hayward resident, spoke in favor of a minimum wage increase and additional opportunities for local workers to spend more money.

Mr. Geoff Harries, Buffalos Bill's Brewer owner, spoke against increasing the minimum wage in Hayward noting it will not increase spending power after inflation caused by rising prices and taxes.

Mr. Neemah Abdul-Karim, California State University-East Bay (CSUEB) student, spoke in favor of raising the minimum wage.

Mr. Aaron Macklin, Glad Tidings Church Reverend, spoke in favor of raising the minimum wage in Hayward.

Ms. Elisha Crader, Hayward resident, urged the Council to raise the minimum wage to \$15 now and not wait until 2020 or 2021.

Ms. Lacey Amodei, Hayward resident, spoke in favor of raising the minimum wage as quickly as possible with \$15 as a starting point.

Ms. Araceli Orozco, Hayward resident, spoke in favor of raising the minimum wage.

Ms. Alicia Lawrence, Hayward resident, noted that raising the minimum wage will help residents meet basic needs and noted the staff report did not have information about the living wage.

Ms. Danvy Le, CSUEB professor, noted the need to raise the minimum wage to help students facing house and food insecurities.

Ms. Annette Sanders, Glad Tidings Church youth coordinator, spoke in favor of raising the minimum wage.

Ms. Melissa Beltran, CSUEB transfer student, spoke in favor of raising the minimum wage.

Mayor Halliday closed the public comments section at 7:19 p.m.

Discussion ensued among Council members and City staff.

There was general support to adopt an accelerated local minimum wage ordinance, prior to the statewide timeframe, to go into effect July 1, 2020 with a \$1.00 per hour increase. In terms of wage increase exemptions, there was some support for exceptions for small local “mom and pop” businesses, but not for big corporations and consideration for sit-down restaurants with tipped employees. It was also noted that exceptions could be drawn based on stakeholders’ input.

Generally, there was support for enforcement of the ordinance to be contracted out to an outside agency for a few years. There was a request to conduct a cost analysis to determine whether enforcement by City staff or a contracted agency would be a better option.

Council members were in agreement with staff’s proposed robust outreach and communication initiatives and added the following suggestions: consider a tailored approach for mono-lingual business owners such as a door-to-door approach; add non-profit, social service and faith-based networks, CSUEB and Chabot College to the list of stakeholders that need to be engaged; and send an initial letter to notify businesses.

Council members offered further suggestions as follows: provide information on businesses that would be most affected by a minimum wage increase to understand the impact; provide data on the number of households that would be bumped over the poverty level by enacting a minimum wage increase; and provide comparison of municipalities similar to



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Hayward in terms of downtown economies and how they adjusted to the minimum wage change.

City staff advised the Council of their intent to bring back more information to the Council in early 2020.

5. Feasibility Analysis for Residential Fees and Park Impact Fee Nexus Study (Report from Development Services Director Simpson) **WS 19-052**

Staff report submitted by Development Services Director Simpson, dated October 15, 2019, was filed.

Associate Planner Blanton provided a synopsis of the staff report.

Mayor Halliday opened the public comments section at 8:27 p.m.

Ms. Danvy Le, CSUEB professor, provided statistical information about millennials.

Mayor Halliday closed the public hearing at 8:30 p.m.

The Council was in general agreement with staff's recommendations. Council members expressed support to calculate fees by bedroom count. There was general support to have a 50% reduction in fees from the maximum allowable; however, there was one preference to have a 25% maximum allowable reduction. One idea was to start with a 50% reduction and over a five-year period get to a 37.5% reduction below the maximum to give developers time to get used to the higher fees and ensure there is an adjustment for inflation each year. There was some support for grandfathering existing projects; ensuring that enough projects are contributing to provide sufficient fees to provide onsite parkland for senior facility and commercial areas; letting market rate developers build if they are building deed restricted and affordable housing; considering a transportation sustainability fee for developments and possible input during the transportation impact fee discussion; having a minimal park fee for industrial subdivisions; discouraging 100% affordable housing but rather encouraging mixed income development; and evaluating Senate Bill 330 which may impact the ability to assess fees.

6. Introduction of an Ordinance Adding Article 29 to Chapter 10 of the Hayward Municipal Code Related to Vacant Properties and Adoption of a Resolution Amending the Master Fee Schedule to Include Fees Related to the Vacant Property Ordinance (Report from Development Services Director Simpson) **LB 19-042**

Staff report submitted by Development Services Director Simpson, dated October 15, 2019, was filed.

Development Services Director Simpson announced the report and introduced Code Enforcement Manager Nichols who provided a synopsis of the staff report.

Discussion ensued among Council members and City staff regarding: the proposed annual registration and monitoring fee for all vacant properties registered; fines and penalty fees for violation of the ordinance for all residential and commercial properties/buildings and flexibility to apply fines; staffing needed to perform the responsibilities of program registration, monitoring and regulatory compliance; and exemption for vacant lots that enter into development-related agreements with the City.

Mayor Halliday opened the public comments section at 9:30 p.m.

Ms. Katherine Rubie received clarification that the proposed ordinance had emergency standards for properties facing turmoil due to natural disasters.

Mr. Charlie Peters, Clean Air Performance Professional representative, asked that property owners be given advanced notice to allow them the opportunity to make needed corrections.

Mayor Halliday opened the public comments section at 9:38 p.m.

Council Member Salinas offered a motion per staff's recommendation. Council Member Zermeño seconded the motion.

Council Member Mendall thanked Council Member Zermeño for advocating for the proposed ordinance, encouraged staff to exercise common sense when applying the fine structure to residential buildings, and noted that needed changes could be revised in the Master Fee Schedule.

Council Member Lamnin recommended that staff, assigned to perform the responsibilities of the program, work with targeted owners of vacant properties to evaluate temporary uses for such properties.

Council Member Lamnin offered an amendment to the second and third sentences of Chapter 10, Article 29, Section 10-29.010(a) of the Hayward Municipal Code to read as follows, "They attract criminal and unsafe activities. As such, they are vulnerable to fire, theft and other illegal activities."

Council Member Salinas and Council Member Zermeño were amenable to the proposed ordinance change.

Council Member Wahab confirmed that staff would exercise flexibility for single family homeowners versus commercial property owners.



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It was moved by Council Member Salinas, seconded by Council Member Zermeño and unanimously carried with the amendment noted above, to approve the following:

Resolution 19-196, "Resolution Amending the City of Hayward 2020 Fiscal Year Master Fee Schedule for Vacant Property Monitoring and Registration Fee Associated with the Addition of Article 29 to Chapter 10 of the Hayward Municipal Code"

Introduction of Ordinance 19-\_, "An Ordinance of the City of Hayward, California Adding Article 29 to Chapter 10 of the Hayward Municipal Code Relating to Vacant Properties"

**CITY MANAGER'S COMMENTS**

There were none.

**COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Salinas announced that Hayward Promise Neighborhood in partnership with Alameda County Health Care Services Agency will start distributing food to families at Glassbrook Elementary School, beginning October 23, 2019.

Council Member Lamnin made two announcements: 1) Hayward Local Agencies Committee met last week to discuss housing for unaccompanied minors and La Familia and Eden United Church of Christ are taking the lead on the project; and 2) AC Transit Bus Line 60 is expanding its service and AC Transit is working on restoring service to South Hayward.

Council Member Márquez made three announcements: 1) Eden United Church of Christ is hosting a training on November 10, 2019 related to housing for unaccompanied minors; 2) Keep Hayward Clean and Green Task Force is holding a beautification event at Annabelle Candy on October 26, 2019, National Day of Service; and 3) volunteers were recognized at the Hayward Volunteers Awards and Recognition Dinner on October 8, 2019 and Council Member Márquez praised the organizers.

**COUNCIL REFERRALS**

7. Education as a City Priority to Encourage Transparency, Collaboration, & Success for Students & Families & Become an Education City. Consider an Item for Discussion on a Future City Council Agenda Regarding a Joint and Full Board Meeting between the Hayward School Board and City Council on a Regular Basis (Referral from Council Member Wahab and Council Member Salinas) **RPT 19-355**

Referral Memorandum submitted by Council Member Wahab and Council Member Salinas, dated October 15, 2019, was filed.

Council Member Salinas and Council Member Wahab spoke about the referral.

Mayor Halliday opened the public comments section at 10:00 p.m.

Ms. Daisy Maxion, CSUEB student body president, urged the City to consider the referral.

Ms. Tami Rossell expressed support for joint meetings of the City Council and Hayward Unified School District Board to collaborate and invest in the future of children.

Ms. Elisha Crader, Hayward resident, spoke in support of the referral to address education issues which are not addressed by Hayward Local Agencies Committee (HLAC) meetings.

Mr. Brooks Moyer, CSUEB graduate student, noted education is a City priority and expressed support for joint City Council, HUSD Board and community stakeholders' meetings.

Ms. Araceli Orozco, Hayward resident, expressed support for joint City Council and HUSD Board meetings.

Ms. Sara Prada expressed the City Council and HUSD Board should work together for the success of students.

Ms. Deisy Bates, Hayward resident, expressed support for joint City Council and HUSD Board meetings.

Mayor Halliday closed the public comments section at 10:09 p.m.

Council Member Zermeño expressed support for the referral and recommended including Chabot College and CSUEB.

Council Member Salinas offered a motion to move the referral.

Council Member Wahab seconded the motion.

Council Member Lamnin expressed she could not support the motion noting there was the ability to discuss topics of mutual interest to both bodies as well as through meetings of HLAC and Hayward Promise Neighborhood.

Mayor Halliday expressed she could support joint meetings of the City Council and HUSD Board and added that there was already collaboration with other agencies to discuss items of mutual interest.





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It was moved by Council Member Salinas, seconded by Council Member Wahab and carried with the following vote, to move the referral forward:

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

**ADJOURNMENT**

Mayor Halliday adjourned the special meeting at 10:20 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