

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF THE CITY OF  
HAYWARD  
Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, November 29, 2016, 7:00 p.m.**

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The Special 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.

Mayor Halliday announced that the meeting was going to be conducted pursuant to California Government Code Section 54953(b) regarding teleconferencing of meetings. Mayor Halliday noted that Council Member Lamnin would be participating via teleconference from Plainview Diner in Plainview, New York.

**ROLL CALL**

Present: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Peixoto, Salinas  
MAYOR Halliday  
VIA TELECONFERENCE: COUNCIL MEMBER Lamnin  
Absent: None

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

Mayor Halliday noted that she had received correspondence from constituents regarding a possible implementation of sanctuary cities.”

Council Member Zermeño asked staff to consider extending the tree lights on B Street all the way to the BART Station.

Council Member Márquez spoke about the traffic at Southland Mall and asked staff to consider signage and other mitigating measures.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced the City Council convened in closed session regarding a conference with legal counsel pursuant to Government Code 54956.9 regarding anticipated litigation; and noted there was no reportable action.

**PUBLIC COMMENTS**

Ms. Betty DeForest, Hayward resident, was concerned that the contract for the South Hayward Parish’s grant was received four months after the grant was approved; and noted that the funds were not available until the contract was signed.

Ms. Kim Huggett, Hayward Chamber of Commerce President, announced downtown holiday events for December 3, 2016: Light Up the Season, 5<sup>th</sup> Annual SantaCon Hayward, and 2016 Passport Program.

Mr. Robert Severo inquired about the implications of passage of November 2016 Ballot Measure EE related to cannabis, and he expressed desire to participate in policy discussion.

Ms. Araceli Orozco spoke about the Spanish speaking speakers who addressed the Council at a prior Council meeting; and asked the Council to add rent control to a future Council agenda.

## **PUBLIC HEARING**

1. Consideration of Resolution to Adopt the 2016 Hayward Local Hazard Mitigation Plan as an Appendix to the Hazards Elements of the 2040 Hayward General Plan (Report from City Manager McAdoo) **(PH 16-111)**

Staff report submitted by Management Analyst James, dated November 29, 2016, was filed.

City Manager McAdoo announced the report and introduced Fire Chief Contreras and Management Analyst James, who provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding: the proposed Local Hazard Mitigation Plan (LHMP); FEMA Hazard Mitigation Grant Program funding; funding for addressing the needs of vulnerable populations such as seniors and disabled; recycled water project; soft story buildings and their vulnerability; data related to exposure of urban land to multiple hazards; and a citywide Community Emergency Response Team (CERT) Program.

Council Members thanked staff for the community engagement and offered the following recommendations: continue the social media campaign, add Instagram and Snapchat, and consider bilingual outreach through these channels; when identifying funding sources for a registry list, utilize local non-profit resources; and continue to use LHMP as a catalyst to engage various stakeholders and demographic representatives of the community.

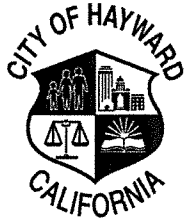
Mayor Halliday opened the public hearing at 8:07 p.m.

Ms. Araceli Orozco, Hayward resident, recommended that staff coordinate with the Hayward Unified School District (HUSD) to provide workshops and communicate important information to the community via telephone and text message alerts.

Mr. Ernie Pacheco, Hayward resident, asked for mechanisms for renters to be involved in helping identify funding for owners to do needed retrofit.

Mayor Halliday closed the public hearing at 8:13 p.m.

Mayor Halliday complimented staff on the progress related to mitigation efforts and urged staff to continue to collaborate with the various stakeholders such as schools.



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Council Member Lamnin appreciated the ongoing communication and suggested that the needed survey could be accomplished via a summer job program.

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

AYES: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Peixoto, Salinas  
MAYOR Halliday  
VIA TELECONFERENCE: COUNCIL MEMBER Lamnin  
NOES: None  
ABSENT: None

Resolution 16-212, "Resolution to Adopt the 2016 Hayward  
Local Hazard Mitigation Plan as an Appendix to the Hazards  
Element of the 2040 Hayward General Plan"

City Manager McAdoo introduced new Assistant City Manager, Maria Hurtado, who was attending her first Council meeting.

**LEGISLATIVE BUSINESS**

2. East Bay Community Energy - Introduction of Ordinance to Join Joint Powers Authority (Report from Utilities and Environmental Services Director Ameri) **(LB 16-105)** (Item continued from November 15, 2016)

Staff report submitted by Environmental Services Manager Pearson, dated November 29, 2016, was filed.

Utility and Environmental Services Director Ameri announced the report and introduced Environmental Services Manager Pearson who provided a synopsis of the report.

Discussion ensued among Council Members, City staff, Alameda County Senior Planner Bruce Jensen from the Alameda County Planning Department, and Seth Baruch from Carbonomics regarding: hydroelectric power and transmission infrastructure; governance of the Joint Powers Authority (JPA) and its administrative cost; "voting shares vote" structure; the East Bay Community Energy (EBCE) scenarios two and three and reduction in greenhouse gas that would impact other areas of the environment; business plan and JPA Board process; the City of Newark and City of Pleasanton possibly not joining the EBCE; power of the Authority restricted to the power possessed by the City of Emeryville; and the public benefit programs.

It was recommended that the meetings of the JPA Board be televised and its meetings centrally located for the benefit of interested parties.

Mayor Halliday opened the public hearing at 8:58 p.m.

Mr. Steven Dunbar noted that there were some risks involved with joining the Joint Powers Authority that Pleasanton had identified related to distribution charges, contract terms, and fluctuation in the market cost of energy.

Mr. Ernest Pacheco, with Communications Workers of America, urged the Council to join the JPA and he recommended scenario four to achieve greenhouse gas emission reduction and job creation.

Ms. Jessica Tovar, with East Bay Clean Power Alliance, urged the Council to become a member of the East Bay Community Energy Authority, noting the program would create more jobs, would be economically viable and good for the environment. Ms. Tovar submitted a document for the record.

Mr. Derick Lee, PilotCity Founder and ZipPower Chief Community Officer, supported the JPA Agreement, and supported EBCE's scenario four for its economic opportunity.

Mayor Halliday closed the public hearing at 9:11 p.m.

Council Member Mendall, also the City's Delegate to the Alameda County Steering Committee, offered a motion per staff's recommendation noting the action would offer power choices to Hayward residents.

Council Members Márquez and Zermeño seconded the motion.

Council Member Mendall acknowledged the efforts led by Mr. Ernest Pacheco for the past ten years related to the Community Choice Aggregation (CCA) program.

Council Member Zermeño, also Council Sustainability Committee member, recognized Mr. Pacheco's participation, and his efforts toward CCA.

Mayor Halliday thanked all for their participation helping reduce greenhouse emissions.

Council Member Salinas supported the motion, noting the action would position the City to be a progressive city in reducing greenhouse emissions.

Council Member Márquez, also the City's Alternate to the Alameda County Steering Committee, thanked all for their efforts to join the East Bay Community Energy Authority and for recommending a Business Plan.

It was moved by Council Member Mendall, seconded by Council Members Márquez and Zermeño, and carried via roll call, to adopt the following:



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**AYES:** COUNCIL MEMBERS Zermeño, Márquez, Mendall, Peixoto, Salinas  
MAYOR Halliday  
VIA TELECONFERENCE: COUNCIL MEMBER Lamnin  
**NOES:** None  
**ABSENT:** None

Resolution 16-213, "Resolution Authorizing the City Manager to Execute the East Bay Community Energy Joint Exercise of Powers Agreement"

Introduction of Ordinance 16-\_, "An Uncodified Ordinance of the City Council of the City of Hayward Authorizing Participation in Alameda County's Community Choice Aggregation Program"

#### **CITY MANAGER'S COMMENTS**

City Manager McAdoo made two announcements: 1) The Hayward Police Department's outside assessment of the Commission on Accreditation for Law Enforcement Agencies (CALEA) on December 5, 2016 in the Hayward Council Chambers; and 2) clarified that the Book Shop on B Street was not issued an eviction notice and the affected parties were addressing options.

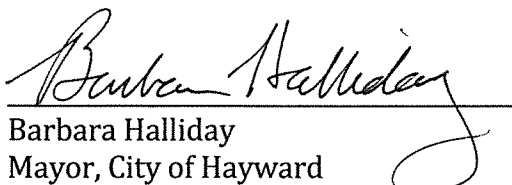
#### **COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Mayor Halliday announced three events for December 3, 2016 in downtown Hayward: the Light Up the Season; the 5<sup>th</sup> Annual SantaCon Hayward; and the 2016 Passport Program organized by United Merchants of Downtown Hayward.

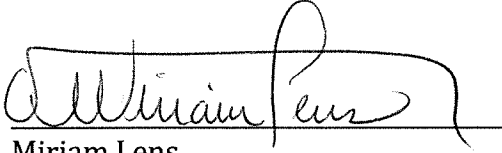
#### **ADJOURNMENT**

Mayor Halliday adjourned the meeting at 9:23 p.m.

#### **APPROVED:**

  
Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

A handwritten signature in black ink, appearing to read "Miriam Lens", written over a horizontal line.

Miriam Lens  
City Clerk, City of Hayward