



**MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF THE CITY OF
HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 19, 2017, 7:00 p.m.**

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

Mayor Pro Tempore Márquez asked for a moment of silence in memory of Heather Heyer from Charlottesville, Virginia, and the victims of the hurricanes.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Mendall, Peixoto, Lamnin, Salinas
MAYOR PRO TEMPORE Márquez
Absent: MAYOR Halliday

CLOSED SESSION

City Attorney Lawson announced the City Council convened in closed session on July 25, 2017 regarding two pending litigation items; and noted that the Council unanimously approved, with Council Member Zermeño absent, settling the case Charlene Jimerson v. City of Hayward et al., Case No. 16-cv-03176(YGR). Mr. Lawson also announced the City Council convened in closed session at 5:00 p.m. regarding two pending litigation items and three property negotiations; and there was no reportable action.

PUBLIC COMMENTS

Mr. Michael Green-Hoffman, representative of the Bahá'í community in Hayward, spoke about a request to obtain a proclamation for the bicentenary of the birth of Bahá'u'lláh, founder of the Bahá'í Faith.

Ms. Cathy Yavrom, representative of the Bahá'í community of Hayward, noted that the bicentenary would be held at the Eden Youth and Family Center on October 22, 2017.

Mr. Ramin Yavrom, spoke about the pleasure of having the Mayor at one of the Bahá'í's gatherings.

Mr. Jim Drake, Hayward resident, spoke about the trees that were not replaced on Jackson and Santa Clara Streets.

Mr. Alan Torrey, Hayward resident, and cub scouts representing Pack 876 sponsored by All Saints Parish, spoke about their activities and events.

Ms. Diane Fagalde, Hayward resident, thanked the City for the opportunity to serve on the Community Services Commission and for all the support.

Ms. Wynn Grcich, Hayward resident, spoke against Senate Bill 649 regarding wireless telecommunications facilities.

Ms. Heather Reyes, Hayward resident, presented a \$660 check to the Hayward Animal Shelter from the August fundraising event. Ms. Reyes also announced a Hayward Arts Council event on October 6, 2017.

Ms. Alyse Lui, employee at the Hayward Animal Shelter, accepted the check.

Mayor Pro Tempore Márquez announced a back to school beautification project at Longwood Elementary School, sponsored by the Keep Hayward Clean and Green Task Force, on September 23, 2017.

BOARDS AND COMMISSIONS

1. Appointments and Reappointments to the Community Services Commission, Downtown Hayward Business Improvement Area Advisory Board, Keep Hayward Clean and Green Task Force, Library Commission, and Planning Commission (Report from City Clerk Lens) **APPT 17-003**

Staff report submitted by City Clerk Lens, dated September 19, 2017, was filed.

City Clerk Lens provided a synopsis of the report.

It was moved by Council Member Zermeño, seconded by Council Member Lamnin, and carried unanimously with Mayor Halliday absent, to adopt the following resolution and to reinstate the City Council Ad Hoc Committee, comprising Mayor Halliday, Council Members Mendall and Lamnin, to review the terms of boards and commissions:

Resolution 17-128, "Resolution Confirming the Appointment and Reappointment of Members of Various Boards, Commissions and Task Forces"

City Clerk Lens administered the oath of office to appointed and reappointed members.

Mayor Pro Tempore Márquez noted there was a request to move Legislative Business Item No. 17 after Boards and Commissions because the two items were related; and, there being no objections, the item was moved.

LEGISLATIVE BUSINESS

17. Introduction of Ordinance Amending Chapter 2, Article 3, Section 2-3.50 of the Hayward Municipal Code to provide for increased membership to the Library Commission (Report from City Attorney Lawson and City Clerk Lens) **LB 17-038**



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Staff report submitted by City Attorney Lawson and City Clerk Lens, dated September 19, 2017, was filed.

City Attorney Lawson provided a synopsis of the report and noted there was a correction to the language in the Ordinance that would change the word “chairman” to “chairperson.”

There being no public comments, Mayor Pro Tempore Márquez opened and closed the public hearing section at 7:36 p.m.

It was moved by Council Member Salinas, seconded by Council Member Mendall, and carried unanimously with Mayor Halliday absent, to adopt the following with an amendment to Section 2-3.50 (Library Commission. Members) by changing the word “Chairman” to “Chairperson”:

Introduction of Ordinance 17-_, “An Ordinance Amending Chapter 2, Article 3, Section 2-3.50 of the Hayward Municipal Code to Increase the Number of Library Commissioners from Seven (7) to Nine (9)”

CONSENT

Consent Item Nos. 6 and 14 were removed for further discussion.

2. Minutes of the Special City Council Meeting on July 11, 2017 **MIN 17-123**

It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously with Mayor Halliday absent, to approve the minutes of the Special City Council meeting on July 11, 2017, with an amendment.

3. Minutes of the Special City Council Meeting on July 18, 2017 **MIN 17-124**

It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously with Mayor Halliday absent, to approve the minutes of the Special City Council meeting on July 18, 2017.

4. Minutes of the Special City Council Meeting on July 25, 2017 **MIN 17-125**

It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously with Mayor Halliday absent, to approve the minutes of the Special City Council meeting on July 25, 2017.

5. Recycled Water Project: Authorization for the City Manager to Submit a Financial Assistance Application and Execute Agreements for Funding for the Recycled Water Project through the United States Bureau of Reclamation Title XVI Water Recycling and Reuse Program **CONS 17-470**

Staff report submitted by Utilities and Environmental Services
Director Ameri, dated September 19, 2017, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously with Mayor Halliday absent, to adopt the following:

Resolution 17-129, "Resolution Authorizing the City Manager to Submit a Financial Assistance Application and Execute Agreements for Funding Through the United States Bureau of Reclamation Title XVI Water Recycling and Reuse Program, in an Amount Not to Exceed \$3,300,000"

6. Approval of a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Rolling Orange for Website Development and Maintenance Professional Services **CONS 17-519**

Staff report submitted by Management Analyst II Stefanski,
dated September 19, 2017, was filed.

Mr. Jim Drake, Hayward resident, spoke about competitive bidding.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried unanimously with Mayor Halliday absent, to adopt the following:

Resolution 17-138, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Rolling Orange for Website Development and Maintenance Professional Services, in an Amount Not to Exceed \$105,000"

7. Re-Execution of Revised Cooperation Agreement for FYs 2018-2020 Between the City of Hayward and the County of Alameda to Participate in the Alameda County HOME Consortium **CONS 17-522**

Staff report submitted by Library and Community Services
Director Reinhart, dated September 19, 2017, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously with Mayor Halliday absent, to adopt the following:

Resolution 17-130, "A Resolution Authorizing the Continued Participation of the City of Hayward in the Alameda County



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HOME Consortium for HOME Funds and Authorizing the Execution of the Necessary Documents to Maintain the Eligibility of the Consortium for HOME Programs Funds in Accordance with the National Affordable Housing Act of 1990”

8. Authorization for the City Manager to Execute a Memorandum of Understanding with the Alameda County Health Care Services Agency for Medi-Cal Administrative Activities Provided by the Youth and Family Services Bureau of the Hayward Police Department **CONS 17-524**

Staff report submitted by Police Chief Koller, dated September 19, 2017, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously with Mayor Halliday absent, to adopt the following:

Resolution 17-131, “Resolution Authorizing the City Manager to Negotiate and Execute a Memorandum of Understanding with the Alameda County Health Care Services Agency for Medi-Cal Administrative Activities Provided by the Youth and Family Services Bureau of the Hayward Police Department”

9. Resignation of Janet Livingston from the Keep Hayward Clean and Green Task Force **CONS 17-547**

Staff report submitted by City Clerk Lens, dated September 19, 2017, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously with Mayor Halliday absent, to adopt the following:

Resolution 17-132, “Resolution Accepting the Resignation of Janet Livingston from the Keep Hayward Clean and Green Task Force”

10. Amendment No. 1 to Professional Services Agreement with CSG Consultants, Inc. **CONS 17-550**

Staff report submitted by Public Works Director Fakhrai, dated September 19, 2017, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously with Mayor Halliday absent, to adopt the following:

Resolution 17-133, “Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with CSG Consultants, Inc. for Additional Services Associated with the City of Hayward Development Review”

Resolution 17-134, “Resolution Amending Resolution 17-086, the Resolution Approving the Operating Budget of the City of Hayward for Fiscal Year 2018, Relating to Increased Expenditure in the Public Works – Engineering and Transportation Administration Consultant Budget”

11. FY 2017 Sidewalk Tripping Hazards Removal Project - Adoption of Resolution Authorizing the City Manager to Execute a Purchase Order Contract with BPR, Inc. **CONS 17-551**

Staff report submitted by Public Works Director Fakhrai, dated September 19, 2017, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously with Mayor Halliday absent, to adopt the following:

Resolution 17-135, “Resolution Authorizing the City Manager to Execute a Purchase Order Contract with BPR, Inc. to Remove Sidewalk Tripping Hazards”

12. Recycled Water Storage and Distribution System Project: Authorization to Execute an Amendment to Professional Services for Recycled Water Customer Retrofit Conversions to Increase the Contracted Amount for Additional Services **CONS 17-552**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated September 19, 2017, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously with Mayor Halliday absent, to adopt the following:

Resolution 17-136, “ Resolution Authorizing the City Manager to Amend the Agreement with Hydrosience Engineers, Inc., to Increase the Contract Amount for Professional Services Related to Recycled Water by \$150,000 to a Not to Exceed Amount of \$860,000”



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13. Pay As You Save (PAYS) Program Modification CONS 17-562

Staff report submitted by Utilities and Environmental Services
Director Ameri, dated September 19, 2017, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Lamnin, and carried unanimously with Mayor Halliday absent, to adopt the following:

Resolution 17-137, "Resolution Authorizing the City Manager and Designated Staff to Add Additional Flexibility to the Repayment Terms in the Green Hayward PAYS On-Bill Financing Program"

14. Mission Boulevard Corridor Improvements Phase 2 Project - Approval of Plans and Specifications and Call for Bids CONS 17-567

Staff report submitted by Public Works Director Fakhrai, dated
September 19, 2017, was filed.

Mayor Pro Tempore opened the public comments section at 7:44 p.m.

Ms. Mimi Bauer, Fairway Park Neighborhood resident, requested that the alternative package in the bid for the Mission Boulevard Corridor Improvements Phase 2 Project be included in the project.

Ms. Evelyn Cormier, Hayward resident, requested that the proposed alternatives be included in the project.

Mayor Pro Tempore Márquez closed the public comments section at 7:50 p.m.

Council Member Zermeño offered a motion per the staff recommendation including adding the five alternatives into the project because they would beautify a gateway to the City.

Council Member Mendall seconded the motion and suggested having a metal fence as opposed to the proposed wood fence because it would be more cost effective in the long-term.

Council Member Salinas supported the motion and added that he favored improving both sides of Mission Boulevard.

Council Member Peixoto supported the motion and noted that the metal fence would have better protection against graffiti.

Mayor Pro Tempore Márquez supported the motion.

It was moved by Council Member Zermeño, seconded by Council Member Mendall, and carried unanimously with Mayor Halliday absent, to adopt the following with an amendment to include the five alternatives in the project and to have a metal fence instead of wood:

Resolution 17-139, "Resolution Approving Plans and Specifications for the Mission Boulevard Corridor Improvements Phase 2 Project – Approval of Plans and Specifications & Call for Bids, Project No. 05270"

WORK SESSION

15. Hayward Shuttle Study - Findings and Draft Final Recommendations (Report from Director of Public Works Fakhrai) **WS 17-044**

Staff report submitted by Public Works Director Fakhrai, dated September 19, 2017, was filed.

Director of Public Works Fakhrai announced the report and introduced Senior Transportation Engineer Parikh who provided a synopsis of the report.

Mayor Pro Tempore Márquez opened the public comments section at 8:19 p.m.

Ms. Estee Sepulveda, AC Transit representative, read into the record excerpts of a letter from Director of Service Development and Planning, Robert del Rosario; and noted the Winton Loop Route, proposed in the Feasibility Study, duplicates the new AC Transit's Winton Route.

Ms. Jillian Buckholz, California State University East Bay representative and speaking on behalf of Derrick Lobo, Director of Parking and Transportation Services, noted the University was not included in the routes proposed for the shuttle; and also spoke about the University's shuttle system.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about self-driving vehicles and current legislation.

Mr. Chad Hagle, retail/commercial developer from Southern California, noted that cannabis businesses would benefit by having a shuttle transit service and might want to participate in providing a community benefit.

Mr. Antonio Isais, Hayward resident, recommended a shuttle transit service that connects Chabot College, South Hayward, and Downtown; provides free service; and has Council/community oversight.



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Mayor Pro Tempore Márquez closed the public comments section at 8:46 p.m.

Discussion ensued among Council Members and City staff about the proposed Hayward Shuttle Study.

The Council expressed appreciation for the work done on the Hayward Shuttle Study. There was general agreement to continue the conversation about shuttle services; collaborate with existing partners such as AC Transit and California State University East Bay and consider eliminating duplicate routes and work to enhance current routes; connect South Hayward to assets in the City; consider more opportunities to create partnerships such as with Chabot College; partner with upcoming developers for additional funding opportunities; and explore providing free services for certain populations such as students.

It was noted that an update on the Hayward Shuttle Study would be incorporated into the Complete Streets Initiative.

PUBLIC HEARING

16. Adoption of a Resolution of Intention and Introduction of an Ordinance Approving an Amendment to the Contract Between the City of Hayward and the California Public Employees Retirement System (CalPERS) for Miscellaneous Members in Unrepresented Executive and Council Appointed Officer Groups (Report from Human Resources Director Collins) **PH 17-084**

Staff report submitted by Human Resources Director Collins, dated September 19, 2017, was filed.

City Manager McAdoo announced the report and introduced Human Resources Analyst II Adams who provided a synopsis of the report.

There being no public comments, Mayor Pro Tempore Márquez opened and closed the public hearing section at 9:18 p.m.

It was moved by Council Member Peixoto, seconded by Council Member Salinas, and carried unanimously with Mayor Halliday absent, to adopt the following:

Resolution 17-140, "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 of Ordinance 17-_, “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 spoke about four items: 1) The City of Hayward Heart of S.E.R.V.I.C.E Award presented to Community Services Manager Dana Bailey; 2) Know Your Rights Workshops hosted by the City of Hayward in partnership with the Alameda County Immigration Legal & Education Partnership; 3) Traffic-Calming Pilot Project along Mission and Foothill Boulevards; and 4) Executive Airport Open House on September 24, 2017.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Salinas spoke about three items: 1) appreciation for all emails that were responded to during the summer; 2) the successful summer events such as the Downtown Hayward Street Parties and the Vintage Alley Car Show and; and 3) the successful Let’s Do Lunch Hayward ... and breakfast too” summer program.

Council Member Zermeño spoke about three items: 1) the Latino Business Roundtable on September 22, 2017, at St. Rose Hospital; 2) victims of the recent hurricanes and the earthquake; 3) his attendance at the 2017 League of California Cities Annual Conference where he attended a session on homelessness.

Council Member Márquez spoke about three items: 1) appreciation for the use of the Plaza to hold community rallies; 2) the successful events during the summer such as the Vintage Alley Car Show, Downtown Hayward Street Parties, and the Mariachi Festival; and 3) her attendance at the 2017 League of California Cities Annual Conference where she attended a session related to a library and job trainings and programs on entrepreneurship.

Council Member Lamnin spoke about two items: 1) her attendance at the 2017 League of California Cities Annual Conference where she attended a session related to legislation and pension benefits; and 2) the 40th Hayward Volunteer Recognition & Awards Dinner on October 10, 2017, at the St. Rose Hospital’s Grand White Tent.

ADJOURNMENT

Mayor Pro Tempore Márquez adjourned the meeting at 9:32 p.m., in memory of Mr. Robert Cowen and Mr. George Oakes. Mr. Robert Cowen was a Hayward resident and volunteer at non-profit agencies including the Hayward Literacy Plus Council. Former Hayward Council Member George Oakes served as a Council Member from 1960 to 1981 and as Mayor from 1963 to 1964.

Mayor Pro Tempore Márquez asked staff to work with the families of Robert Cowen and George Oakes to plant trees in their memory.



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APPROVED:

Elisa Márquez
Mayor Pro Tempore, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward