



**MINUTES OF THE SPECIAL JOINT HAYWARD CITY COUNCIL/
REDEVELOPMENT SUCCESSOR AGENCY MEETING**

Council Chambers

777 B Street, Hayward, CA 94541

Tuesday, December 18, 2018, 7:00 p.m.

The Meeting of the Special Joint Hayward City Council/Redevelopment Successor Agency was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council/HRSA Member Salinas.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson reported the City Council convened in closed session at 5:30 p.m., concerning two items: 1) conference with legal counsel pursuant to Government Code 54956.9, regarding Spears v. City of Hayward, Alameda County Superior Court, No. RG17851268; and 2) conference with legal counsel pursuant to Government Code 54956.9, regarding City of Hayward, et al. v. Cohen, et al., Sacramento County Superior Court, No. 34-2018-80002804; and noted there was no reportable action related to the items.

Mayor Halliday announced that the Presentation section of the agenda would be taken after public comments.

PUBLIC COMMENTS

Mr. Zachariah Oquenda, Hayward resident, spoke about the Vivante Apartment complex and the eviction of its tenants, referred to Oakland's Tenant Protection Ordinance, and urged the Council to consider a similar ordinance to protect tenants.

Mr. Alex Leichenger, commented on the alleged killing of Agustin Gonzalez by a Hayward police officer and asked what can be done to prevent similar situations from occurring again.

Mr. Kim Huggett, Hayward Chamber of Commerce president, made two announcements: 1) the Chamber of Commerce 75th Awards Gala on January 26, 2019 at California State University East Bay; and 2) the opening of the Century Theatres/Cinemark at Southland Mall on December 20, 2018.

The following Chabot College students spoke about pollution in the environment; animal shelters in the Bay Area; high college costs and the need for free education; global warming and climate change and ways to save energy; the need to incorporate new technology in

schools; obesity and the importance of healthy food choices; greenhouse energy and the need to incorporate energy programs/seminars in schools; climate change and clean energy; and gender pay gap in the Bay Area.

Mr. Carlos Cosio
Ms. Priscilla Maldonado
Mr. Faiz Alizai
Mr. Jordan Mutawalan
Mr. Kristian Perilla
Mr. Marcos Reyes
Ms. Norma Orozco
Mr. Luis Urrea
Ms. Lindsey Williams

Council Member Mendall, also Council Sustainability Committee Chair, spoke about the City's environmental efforts and invited the students to meetings of the Council Sustainability Committee.

Ms. Kimberlee Burks, Downtown Streets Team member, noted that December 21 was the 5th year of Winter Solstice and paid tribute to fifteen individuals who were homeless and lost their lives in 2018.

Ms. Alicia Lawrence, Hayward resident, noted that tenants from the Vivante Apartment complex had asked for help in May, and asked Council for tenant protection for renters.

Mr. Jim Drake, Hayward resident, spoke about the trees that were removed from Santa Clara and Jackson streets and compliance with conditions of approval.

Ms. Lacei Amodei, Hayward resident and Hayward Collective member, spoke about the incident with tenants at the Vivante Apartment complex, thanked the City for the temporary tenant assistance and asked for long-term solutions.

Ms. Araceli Orozco, Hayward resident, spoke about the need to help tenants at the Vivante Apartment complex.

PRESENTATION

Hayward Unified School District Superintendent Wayne introduced the presentation of the 2018 Hayward Rotary Scholars. Mayor Halliday and Council Members Márquez, Lamnin, Zermeño, and Salinas read certificates of commendation for the following students in recognition of their outstanding academic achievement, exemplary attendance, and demonstration of positive character traits expected of all Hayward students. They were named Hall of Fame students by the Hayward Unified School District and awarded Rotary Scholar medals.

- Eduardo Suarez, 8th Grader at King Middle School
- Vanessa Nguyen, 7th Grader at King Middle School



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- Tin Chen, 11th Grader at Hayward High School
 - Aliah Hagins, 8th Grader at King Middle School
 - Vanna Van, 7th Grader at Winton Middle School

CONSENT

Consent Items 7 and 8 were removed from the Consent Calendar for separate discussion and vote.

1. Minutes of the Special Joint City Council/Hayward Housing Authority Board Meeting on November 13, 2018 **MIN 18-159**

It was moved by Council/HHA Member Mendall, seconded by Council/HHA Member Márquez, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Housing Authority Board meeting on November 13, 2018.

2. Minutes of the Meeting on November 27, 2018 **MIN 18-160**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council meeting on November 27, 2018.

3. Minutes of the Special Joint Hayward City Council/Housing Authority/Redevelopment Successor Agency/Public Financing Authority Meeting on December 4, 2018 **MIN 18-161**

It was moved by Council/HHA/HRSA/HPFA Member Mendall, seconded by Council/HHA/HRSA/HPFA Member Márquez, and carried unanimously, to approve the minutes of the Special Joint Hayward City Council/Housing Authority/Redevelopment Successor Agency/Public Financing Authority meeting on December 4, 2018.

4. Transmittal of the Annual Mitigation Fee Act Report (AB 1600) **CONS 18-785**

Staff report submitted by Finance Director Claussen, dated December 18, 2018, was filed.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 18-250, "Resolution Accepting the Report and Adopting Findings Related to Fees Collected for the Development Projects Subject to the Requirements of the Mitigation Fee Act"

5. Approval of the Annual Recognized Obligation Payment Schedule for the Period July 1, 2019 to June 30, 2020 and the Successor Agency Administrative Budget for the Period July 1, 2019 to June 30, 2020 **CONS 18-844**

Staff report submitted by Management Analyst II Stefanski, dated December 18, 2018, was filed.

It was moved by Council/HRSA Member Mendall, seconded by Council/HRSA Member Márquez, and carried unanimously, to approve the following:

Redevelopment Successor Agency Resolution 18-04, "A Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Hayward Successor Agency, a Separate Legal Entity, Approving the Recognized Obligation Payment Schedule for the Period July 1, 2019 through June 30, 2020 ("ROPS 19-20") and the Administrative Budget for the 2019-20 Fiscal Year, and Directing the City Manager to Take All Actions Necessary to Effectuate Requirements Associated with this Approval"

6. Authorization to Amend the FY2019 Operating Budget for the Development Services Department Building Division for Outside Plan Check, Building Inspection, and Permit Technician Services **CONS 18-848**

Staff report submitted by Development Services Director Simpson, dated December 18, 2018, was filed.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 18-251, "Adoption of a Resolution Appropriating an Additional \$550,000 for Consulting Services for Plan Check, Building Inspection, and Permit Technician Services for Fiscal Year 2019"

Council Member Márquez disclosed she had to recuse herself from participating on Item 7 because her family owns property in the Downtown Community Benefit District. Council Member Salinas disclosed he had to recuse himself from participating on Item 7 because the Kids' Breakfast Club (TKBC) is within the Downtown Community Benefit District and he serves as the TKBC's Executive Director.

7. Authorization to Negotiate and Execute a Management and Disbursement Agreement with the Downtown Hayward Improvement Association (DHIA), Non-Profit Public Benefit Corporation; to Appoint City Staff to the Downtown Hayward Improvement Association Board, and to Release the Downtown Community Benefit District Annual Assessment **CONS 18-854**



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Staff report submitted by Development Services Director Simpson, dated December 18, 2018, was filed.

Council Member Mendall noted there was a clarification to the resolution language to indicate that the City agreed to pay eighty percent of the entire assessment to the DHIA in December to allow them to initiate operations. City Manager McAdoo read the revised fifth Whereas in the resolution as follows: "WHEREAS, in order to initiate operations of the DHIA, the City agrees to advance 80% of the 2019-2020 assessment amount to the DHIA to facilitate the organization's first year set up and associated expenses, and the remaining twenty percent with the May disbursement."

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried with the following vote, to approve Resolution 18-262 as proposed and Resolution 18-263 with a modification to the fifth Whereas to read: "WHEREAS, in order to initiate operations of the DHIA, the City agrees to advance 80% of the 2019-2020 assessment amount to the DHIA to facilitate the organization's first year set up and associated expenses, and the remaining twenty percent with the May disbursement."

AYES: COUNCIL MEMBERS Zermeño, Mendall, Lamnin, Wahab
MAYOR Halliday
NOES: None
RECUSED: COUNCIL MEMBERS Márquez, Salinas
ABSENT: None

Resolution 18-262, "Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with the Downtown Hayward Improvement Association (DHIA), Non-Profit Public Benefit Corporation, and to Appoint City Staff to the Downtown Hayward Improvement Association Board"

Resolution 18-263, "Adopt Resolution Authorizing the City Manager to Release the Downtown Community Benefit District Annual Assessment in the amount of \$595,644; to the Downtown Hayward Improvement Association (DHIA), a California Non-Profit Public Benefit Corporation"

8. Resolution to Protect Our Ocean and Coast from Offshore Drilling, Exploration, and Fracking **CONS 18-820**

Staff report submitted by Development Services Director Simpson, dated December 18, 2018, was filed.

Mayor Halliday removed the item from the Consent Calendar to highlight the City's efforts around climate change.

It was moved by Mayor Halliday, seconded by Council Member Lamnin, and carried unanimously, to approve the following:

Resolution 18-264, "Resolution for the City of Hayward, to Protect our Ocean and Coast from Offshore Drilling, Exploration and Fracking"

9. Adopt Resolutions (1) Awarding a Contract to AAAA Generator Service, in the amount of \$121,000 and (2) Appropriation of Funds for the Purchase and Installation of an Emergency Standby Diesel Generator at Highland 1000 Water Pump Station **CONS 18-832**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated December 18, 2018, was filed.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 18-252, "Resolution Approving a Contract to AAAA Generator Services for the Highland 1000 Water Pump Station Emergency Standby Power Generator, in an Amount Not to Exceed \$121,000"

Resolution 18-253, "Resolution Appropriating \$121,000 from the Capital Improvement Program Water Replacement Fund for the Highland 1000 Water Pump Station Emergency Standby Power Generator"

10. Adopt a Resolution Approving the Plans and Specifications for Phase I of the Recycled Water Treatment Facility Project and Call for Bids **CONS 18-833**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated December 18, 2018, was filed.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 18-254, "Resolution Approving Plans and Specifications for the Recycled Water Treatment Facility Project – Phase I, Project No. 07710, and Call for Bids"



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11. Request for Sewer Service for a Property at 27440 Fairview Avenue in Unincorporated Alameda County, Requiring Adoption of a Resolution Authorizing the City Manager to File an Application with the Alameda County Local Agency Formation Commission for Approval of an Out-of-Service Area Agreement and to Execute Utility Service and Public Street Improvement Agreements; Application No. USA 18-02; Avtar Singh (Owner) **CONS 18-834**

Staff report submitted by Development Services Director Simpson, dated December 18, 2018, was filed.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 18-255, "Resolution Authorizing the City Manager to Apply to the Alameda County Local Agency Formation Commission for Approval of an Out-Of-Service Area Agreement to Allow the City to Provide Sewer Service to 27440 Fairview Avenue in Unincorporated Alameda County, Bearing Assessor's Parcel Number 085a-6200-011-00, and Further Authorizing the City Manager to Execute Utility Service (USA 18-02) and Public Street Improvement Agreements"

12. Approval of Professional Services Agreement with TJKM Transportation Consultants, Inc., in the Amount of \$225,000 for the Citywide Multi-Modal Study **CONS 18-860**

Staff report submitted by Interim Public Works Director Ameri, dated December 18, 2018, was filed.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 18-256, "Resolution Authorizing the City Manager to Execute a Professional Services Agreement with TJKM Transportation Consultants for Citywide Multi-Modal Study"

13. Adoption of a Resolution Authorizing the City Manager, on Behalf of the Hayward Area Shoreline Planning Agency (HASPA), to Execute an Agreement with SCAPE to Prepare the Hayward Regional Shoreline Master Plan for an Amount Not to Exceed \$479,000 **CONS 18-824**

Staff report submitted by Development Services Director Simpson, dated December 18, 2018, was filed.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 18-257, "Resolution Authorizing the City Manager, On Behalf of the Hayward Area Shoreline Planning Agency, to Negotiate and Execute an Agreement with Scape to Prepare the Hayward Regional Shoreline Master Plan for an Amount Not to Exceed \$479,000"

14. Authorization for the City Manager to Negotiate and Execute an Agreement with the City of Oakland Fire Department to Formalize Participation in the National Urban Search and Rescue Response System **CONS 18-850**

Staff report submitted by Fire Chief Contreras, dated December 18, 2018, was filed.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 18-258, "Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with the City of Oakland Fire Department to Formalize Participation in the National Urban Search and Rescue Response System"

15. Resolution Authorizing the City Manager to Execute an Agreement Continuing Participation in the Alameda County Operational Area Emergency Management Organization **CONS 18-851**

Staff report submitted by Fire Chief Contreras, dated December 18, 2018, was filed.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 18-259, "Resolution Authorizing the City Manager to Execute an Agreement to Continue Participation in Alameda County Operational Area Emergency Management Organization"

16. Resolution Reappointing Council Member Márquez as the City of Hayward Representative to the Alameda County Mosquito Abatement District Board of Trustees for a Term Ending December 31, 2020 **CONS 18-847**

Staff report submitted by City Clerk Lens, dated December 18, 2018, was filed.



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It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 18-260, "Resolution Reappointing Council Member Márquez as the City of Hayward Representative to the Alameda County Mosquito Abatement District Board of Trustees for the Next Two-Year term Ending December 31, 2020"

17. Adoption of a Resolution Delaying Imposition of Measure T - Real Property Transfer Tax Increase to January 1, 2019 **CONS 18-868**

Staff report submitted by City Manager McAdoo and City Attorney Lawson, dated December 18, 2018, was filed.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 18-261, "Resolution of the City Council of the City of Hayward Delaying Imposition of Measure T - Real Property Transfer Tax Increase to January 1, 2019"

WORK SESSION

18. Review of Proposed Industrial Zoning District Regulations (Report from Development Services Director Simpson) **WS 18-044**

Staff report submitted by Development Services Director Simpson, dated December 18, 2018, was filed.

Development Services Director Simpson announced the item and introduced Senior Planner Schmidt who provided a synopsis of the staff report and recommended revisions to the Industrial Zoning District.

Ms. Martha Miller, with Lisa Wise Consulting, provided a summary of draft Industrial Zoning District regulations.

There being no public comments, Mayor Halliday opened and closed the public comments section at 8:36 p.m.

Council Members were in general agreement of staff's recommendation and the recommendations provided by the various stakeholders including Planning Commission,

Hayward Area Shoreline Planning Agency (HASPA), and the Chamber of Commerce Government Relations Committee (GRC).

Council Members offered the following recommendations to City staff: consider more coffee shops and restaurants in the Industrial Zoning District; relay to appropriate staff the need to improve the Route 92/Clawiter Road Interchange and Industrial and Huntwood intersection; relay to appropriate staff consideration for building temporary shelters out of shipping containers and tiny house villages to house individuals who are homeless; consider renewable electric power generation a permitted use in all Industrial Subdistricts; require a Conditional Use Permit for kennels in the Light Industrial Subdistrict; encourage commercial uses in the Industrial Zoning District; encourage the vetting of concept review for major site plans by the Council Economic Development Committee; provide the Planning Commission and City Council with Council Economic Development Committee minutes and PowerPoint presentations from concept reviews; ensure General Plan consistency; achieve balance in asking more from developers and streamlining process and evaluating fees; add bicycle parking regulations and update the Parking Regulations; consider developing a list that includes the needs of the community such as bicycle parking, shuttles, child care, restaurants and local hire; confirm regulations for automobile rental and taxi company uses; consider maximizing the number of employees in facilities; ensure there is clear language regarding non-conforming uses for businesses that are no longer operating for at least six months; ensure that concerns with blight, lighting and security are addressed in performance/operational standards; ensure that conversations with applicants include local hiring; and fill vacancies in the Economic Development Department before the proposal is adopted.

It was noted that the Industrial Zoning District regulations would return to the Council in the spring of 2019.

19. Downtown Specific Plan Project Update (Continued to January 15, 2019) **WS 18-046**

This item was continued to January 15, 2019.

PUBLIC HEARING

City Attorney Lawson noted that Council Member Wahab and Council Member Zermeño needed to recuse themselves from discussing and voting on Item 20 due to conflicts of interest because Council Member Wahab had previously served on the Abode Board and Council Member Zermeño is a member of the St. Rose Hospital Foundation. Abode Services and St. Rose Hospital Foundation are proposed to be recipients of Community Development Block Grant (CDBG) funds. Council Member Wahab and Council Member Zermeño left the Council Chambers.

20. Approval of: (1) Resolution Authorizing City Manager to Implement a Contingency Plan for Allocation and Expenditure of Up to \$1.75 Million in Available Community Development Block Grant (CDBG) Funds; and (2) a Substantial Amendment to the CDBG FY 2018-19 Annual Action Plan (Report from Deputy City Manager Ott) **PH 18-087**



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Staff report submitted by Deputy City Manager Ott, dated December 18, 2018, was filed.

Deputy City Manager Ott announced the item and introduced Management Analyst II Lobedan who provided a synopsis of the staff report.

Discussion and clarification ensued among Council Members and City staff about input provided by the Community Services Commission regarding the Contingency Plan and desired input by non-profit agencies and a list of contingency projects for the next round of application process; possible recommendation of Habitat for Humanity for affordable housing funds; the purchase of prefab units that could become shelter/transition housing; public notice regarding the contingency Plan for allocation and expenditure of CDBG funds; the proposed CDBG FY 2018-19 Annual Action Plan; increase in salary allocation to work on CDBG to meet HUD timeliness requirements; and Care-a-van Program.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:45 p.m.

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

Council Member Lamnin offered two friendly amendments to the motion: 1) broaden the eligibility for the housing section to allow for consideration of projects, including Habitat for Humanity, that might be stalled; and 2) add a fifth item to the list of potentially CDBG eligible contingency projects – up to \$400,000 for the purchase, to the extent eligible, of facilities (housing units/shelter amenities) for individuals who are homeless.

Council Member Salinas and Mayor Halliday were amenable to the friendly amendments.

Council Member Lamnin recommended that staff have the contractor think through how to best obtain public input to improve transparency and ensure that awardee agencies get paid in a timely manner.

Council Member Mendall expressed support for the motion.

Council Member Márquez was in support of the motion and encouraged everyone to continue to focus on the priority of housing.

It was moved by Council Member Salinas, seconded by Mayor Halliday, and carried with the following vote, to approve the resolution:

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

Resolution 18-265, “Resolution Authorizing the City Manager to Amend the Program Year 2018 Annual Action Plan to Allocate \$1.75 Million in Unexpended Community Development Block Grant (CDBG) Funds”

CITY MANAGER’S COMMENTS

City Manager McAdoo announced City Hall and non-emergency services would be closed from December 24, 2018 through January 4, 2019 and would reopen on January 7, 2019.

Council Member Wahab and Council Member Zermeño returned to the Council Chambers.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Wahab received confirmation that the section on the agenda served to add items to Council agendas and give direction to City staff.

Council Member Márquez received confirmation that staff would bring before the Council a preliminary work session in February to address housing related items and staff would also provide more information in January about a potential Council subcommittee on housing and homelessness.

Council Member Zermeño expressed gratitude for a good 2018 year and wished everyone a Feliz Navidad, Merry Christmas, Happy New Year and Próspero Año Nuevo.

Mayor Halliday wished everyone a Happy Holiday season. Mayor Halliday noted the Council would resume with a Council meeting on January 8, 2019.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:06 p.m., in memory of Ms. Veronica Larsen McNeff, Mr. Jose Ovalle, and individuals who were homeless and passed away in Hayward (Gary Rose, Gregory Bocage, Jimmy Dean “Justin”, Joey Geitner, Kelly Robinson, Marc, Michael Finney, Peter Pearson, Peter Peterson, Randy McClaran, Richard Ford, Ronald Norton, and Steve Ruybal “Chief”).

Ms. Veronica Larsen McNeff served the Finance Department as an Account Clerk, Field Representative, and Revenue Manager for 25 years until she retired in 2008.



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Mr. Jose Ovalle, served as a Spanish teacher at Tennyson High School, Chabot College, and California State University Hayward; served on the Army Corps of World War II; and was the uncle of Didacus Ramos who is a former member of the Council Economic Development Committee.

Mayor Halliday asked City staff to work with the families of Veronica Larsen McNeff and Jose Ovalle to plant a tree in their memory. She also adjourned the meeting thinking of individuals who are homeless.

APPROVED

Barbara Halliday
Mayor, City of Hayward
Chair, Hayward Redevelopment Successor Agency

ATTEST:

Miriam Lens
City Clerk, City of Hayward
Secretary, Hayward Redevelopment Successor Agency