



MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 23, 2016, 7:00 p.m.

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

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Mendall, Jones, Peixoto, Lamnin, Márquez
MAYOR Halliday
Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño inquired about the status of a safe pedestrian crossing at Alice and Jackson streets and the tree lights on B Street.

CLOSED SESSION ANNOUNCEMENT

Mayor Halliday announced that the Council convened in closed session concerning two items: 1) Public employment pursuant to Government Code 54957 regarding the City Clerk; and 2) conference with legal counsel pursuant to Government Code 54956.9 regarding S.E.I.U., Local 1021/City of Hayward, P.E.R.B., Case Nos. SF-CE-1075-M, SF-CE-1117-M, SF-CE-1118-M, SF-CE-1174-M, SF-CO-320-M, SF-CE-321-M. Mayor Halliday and City Attorney Lawson noted there were no reportable items.

PRESENTATIONS

Utilities and Environmental Services Director Ameri announced that the City's Wastewater Collection System had been selected as the Collection System of the Year by the California Water Environmental Association and presented a video. Mark McGrath, Wastewater Collections System Supervisor and Bert Weiss, Utilities Operations and Maintenance Manager introduced staff from Utilities and Environmental Services Department and thanked the City Council for the recognition. Mayor Halliday congratulated staff for such outstanding recognition.

PUBLIC COMMENTS

Ms. Wynn Grich, Hayward resident, spoke about two items: news articles related to chloramine and fluoride; and the extension of the Utility Users Tax for an additional twenty-year period.

Mr. Dominador Matillano, Hayward resident, spoke about an issue with the parking space at his apartment complex.

Ms. Ada Marge, Hayward resident, spoke about the lack of parking space on Grand Street and requested that a light flashing crosswalk be installed at the intersection of Grand and B streets.

Mr. Kim Huggett, Hayward Chamber of Commerce President, announced a luncheon with Dr. Andres Roemer, Consul General of Mexico, on March 18, 2016 at the Golden Peacock Banquet Hall.

Mr. Jim Drake, Hayward resident, read a news article entitled “Hayward fire chief allowed to keep job,” and suggested that a breathalyzer be installed in the Chief’s vehicle.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about the ethanol mandate in fuel and provided a document for the record.

Mr. Jason Christodoulou, Hayward business owner at 2525 Vintage and Modern and member of United Merchants of Downtown Hayward, favored the Downtown parking proposal but indicated that an enforcement mechanism needed to be in place and did not favor parking meters.

Mr. Alfredo Rodriguez, Hayward business owner at Vintage Alley and member of United Merchants of Downtown Hayward, suggested that stop signs be installed at crosswalks on B Street to slow down traffic.

Mr. Edward Bogue, Hayward resident, mentioned that the Southgate Area Homeowners Association was hosting a Candidates Night for Hayward City Council on April 6, 2016 at the Alameda County Flood Control Building.

Mr. Obray Van Buren, Hayward resident, spoke in favor of extending the Utility Users Tax for an additional twenty years.

Council Member Márquez invited all to a workshop for assistance with citizenship applications on March 5, 2016 at Glad Tidings Church.

Mayor Halliday presented the City Manager with thank you booklets from All Saints Catholic School students for police officers and fire fighters in recognition of their public service.

Council Member Zermeño announced that Hayward’s Mariachi Mexicanisimo was selected to play at the Oscars after party on February 28, 2016.

CONSENT

Consent Item No. 2 was removed to allow for public comments.



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1. Authorization to Extend Professional Services Contract with Maze & Associates for Annual Audit Services CONS 16-073

Staff report submitted by Director of Finance Vesely, dated February 23, 2016, was filed.

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

Resolution 16-024, "Resolution Authorizing the City Manager to Execute a Two-Year Extension to the Existing Professional Services Contract with Maze and Associates for Audit Services Through Fiscal Year Ending June 30, 2017"

2. Authorization for the City Manager to Negotiate and Execute a Professional Services Agreement for the Preparation of the Hayward Fiber-Optic Network Master Plan CONS 16-075

Staff report submitted by Economic Development Specialist Nguyen, dated February 23, 2016, was filed.

Mr. Jim Drake, Hayward resident, asked about the project's bidding process and City staff confirmed that staff had conducted a competitive bidding process.

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

Resolution 16-027, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with CTC Energy and Technology to Prepare the Hayward Fiber-Optic Network Master Plan"

3. Approval of Microsoft Enterprise License Agreement (ELA) for Microsoft Enterprise Software Licenses including Office 365 CONS 16-083

Staff report submitted by Information Technology Manager Saputo, dated February 23, 2016, was filed.

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

Resolution 16-025, "Resolution Authorizing the City Manager to Execute a Purchase Order with PC Mall Gov to Purchase Microsoft Enterprise Licenses Under the Microsoft ELA"

4. Water Pollution Control Facility Improvements - Phase II: Authorization for the City Manager to Execute Professional Services Agreement to prepare an Environmental Assessment CONS 16-085

Staff report submitted by Senior Utilities Engineer England, dated February 23, 2016, was filed.

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

Resolution 16-026, "Resolution Authorizing the City Manager to Execute an Agreement between the City of Hayward and SMB Environmental, for Professional Services to Prepare an Environmental Assessment for the Water Pollution Control Facility Improvements Phase II, in an Amount Not to Exceed \$70,000"

WORK SESSION

5. Downtown Parking Study - Draft Report WS 16-011

Staff report submitted by Transportation Manager Kelley, dated February 23, 2016, was filed.

Public Works Director Fakhrai announced the report and Transportation Manager Kelley provided a synopsis of the staff report.

Council Member Jones disclosed he had a business in the Downtown, but that did not preclude him from participating in the work session discussion.

There was general consensus that paid parking in the Downtown was a premature measure to address potential increases in demand. While the MTC grant was alluring, Council members supported considering alternative methods of parking management such as parking signage directing people to free parking lots and one-hour or half-an-hour time limit parking. Council members also offered the following suggestions for the Downtown parking management plan: consider adding parking spaces on Mission Boulevard between A and C streets; consider stop signs on B Street; solicit comments from property owners and the commercial brokerage community about strategies to implement the plan, consider private parking capacity and evaluate availability to enhance business



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environment; evaluate the safety of pedestrian corridors from parking lots to business areas and residential areas to Downtown; consider valet parking; consider pay parking for vehicles that would be allowed to park on spaces designated for electric vehicles; address handicap parking; consider changing the names of the municipal parking lots and find ways to market them; and evaluate and create solutions for restricting the timing for parking charges to enable usage of the MTC grant.

6. Review of Polling and Update on Potential Ballot Measure WS 16-013

Staff report submitted by Assistant City Manager McAdoo, dated February 23, 2016, was filed.

Assistant City Manager McAdoo provided a synopsis of the staff report and Mr. Brian Godbe with Godbe Research provided an overview of the 2016 Utility Users Tax Renewal Feasibility Tracking Survey.

Discussion ensued among Council members and City staff regarding the renewal of the Utility Users Tax and all the community outreach efforts.

The City Council was in agreement to place the renewal of the 5.5 % Utility Users Tax on the June 2016 ballot with a twenty-year sunset clause that would expire in 2039 because it was the City's third largest General Fund revenue source for public safety operations and other City programs.

LEGISLATIVE BUSINESS

7. Review of Potential Elements of Citywide Community Workforce Agreement

Staff report submitted by Assistant City Manager McAdoo, dated February 23, 2016, was filed.

Assistant City Manager McAdoo provided a synopsis of the staff report.

Discussion ensued among Council members and City staff about the Community Workforce Agreement (CWA) related to: length of the agreement; distinction between CWA and prevailing wage monitoring; pending Supreme Court case and Project Labor Agreements (PLAs); and exemptions for projects.

Mayor Halliday opened the public hearing at 9:46 p.m.

The following individuals spoke in support of a Citywide Community Workforce Agreement (CWA) and urged the Council to direct staff to pursue it because it would: ensure fair and

equitable living wages; create protection for workers; help create pathways to career labor management through apprenticeship programs; promote hire of local residents; help retain local taxes and sustain the local economy; increase quality of life for workers who live in Hayward; support Union labor; apply to all public projects that are contracted by the City; and have the flexibility to exempt certain projects.

Mr. David White, Hayward resident and Sprinkler Fitter Apprenticeship Program participant

Mr. David Formhals, Hayward resident and contributor to public radio stations

Mr. Rodney Carter, Hayward resident

Mr. Aaron Lanzarin, Hayward resident

Mr. Edward Americano, Hayward resident and carpenter

Ms. Mia Rivas, Hayward resident, and IBEW Local 595

Mr. Stanley Smith, unincorporated Hayward resident and Sprinkler Fitters Local 483 member

Mr. Victor Rolita, Hayward resident

Mr. Andreas Cluver, Secretary/Treasurer of the Building and Construction Trades Council of Alameda County

Mr. Rob Stoker, Sheet Metal Workers' Local 104 member

Mr. Andrew Scott, Sheet Metal Workers' Local 104 member

Mr. Fernando Estrada, Laborers Local 304 Business Manager of Alameda County

Mr. Obray Van Buren, Hayward resident and United Association of Union Plumbers, Fitters, Welders & HVAC Local 342 member

Mayor Halliday closed the public hearing at 10:21 p.m.

The City Council was in general agreement to pursue a Citywide Community Workforce Agreement (CWA)/ Project Labor Agreement (PLA).

Council Member Zermeno supported a CWA/PLA for all public projects; did not think that the City needed to retain the ability to exempt projects from the CWA requirements; and suggested evaluating the need for an additional staff position dedicated to monitoring the agreement.

Council Member Mendall favored a CWA/PLA for all public projects; agreed to setting few exemptions to none for certain projects and agreed to establish a minimum project cost threshold that is agreed by the City and the Building Trades Council.

Council Member Lamnin disclosed having met with the Building and Construction Trades Council of Alameda County and Associated Builders and Contractors Northern California Chapter (ABC NorCal), and noted that the City was in receipt of a letter of opposition from ABC NorCal. Ms. Lamnin suggested adding a flexibility about evaluating, as needed, dual benefits by nonunion contractors; agreed with the Council's ability to exempt certain projects as long as staff and the Building Trades Council were in agreement; and favored considering an additional staff position to do more than just implementing the agreement such as job



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development.

Council Member Márquez supported a CWA/PLA for public projects; recommended a project cost threshold of \$1 million plus; was amenable to considering the future development of Caltrans property; and favored the Council's ability to interject should any conflicts arise.

Council Member Peixoto favored a CWA/PLA for public projects; suggested discussing the possibility of a project cost threshold of \$3 million; favored that projects be restricted to vertical projects; concurred with the Council having the ability to exempt certain projects such as the Caltrans property; and concurred adding an additional staff position.

Council Member Jones supported a CWA/PLA for public projects only; agreed to establishing a project cost threshold; agreed that the Council retains the right to exempt projects as necessary; wanted to make sure that provisions for local hiring are covered in the agreement; agreed on a three-year initial term; and wanted an annual impact evaluation to come back to the Council.

Mayor Halliday supported a CWA/PLA for projects that the City is funding and overseeing; did not think that the sale of Caltrans parcels should be included; agreed to addressing dual benefits for workers as needed; agreed with a three-year term; agreed there should be a minimum cost threshold for projects; and added that the Council needed to have a mechanism to retain the right to exempt future projects.

CITY MANAGER'S COMMENTS

There were no comments.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced the Keep Hayward Clean and Green Task Force was holding a clean-up/graffiti removal event on February 27, 2016 at Ruus Park.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:51 p.m.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward