



MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 1, 2015, 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 Jones.

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 commended the Passport to Downtown, a holiday shopping event from November 27 to December 21, 2015.

Council Member Márquez highlighted the program that reimburses DBIA merchants for holiday decorations to encourage merchants to make their storefronts more attractive.

CLOSED SESSION ANNOUNCEMENT

Mayor Halliday announced that the Council convened in closed session at 5:00 p.m., regarding four items: (1) Conference with legal counsel pursuant to Government Code 54956.9 regarding two cases; (2) Conference with property negotiators pursuant to Government Code 54596 regarding 22631 Foothill Blvd, APNs: 428-0066-085 and 428-0066-086; (3) Conference with property negotiators pursuant to Government Code 54956.8 regarding approximately 400 Parcels owned by the California Department of Transportation in the Route 238 Corridor; and (4) Public employment pursuant to Government Code 54957 regarding City Manager. There was no reportable action.

PRESENTATION

Assistant City Manager McAdoo noted that City of Hayward was honored with the US EPA's Green Power Leadership Award for renewable energy generation at the Water Pollution Control Facility. Council Member Mendall received the national award on behalf of the City on October 19 at the 2015 Renewable Energy Markets Conference in Arlington, Virginia. Ms. McAdoo also noted that the City was one of only four cities in California honored with the Beacon Awards. The Beacon Award is a program of the Institute for Local Government (ILG) to recognize local jurisdictions for their efforts to reduce GHG emissions save energy and adopt policies and programs that promote sustainability. Mayor Halliday received the award during the League of Cities Conference in San Jose on October 1, 2015. Utilities and Environmental Services Director Ameri and his staff were recognized for all the efforts.

PUBLIC COMMENTS

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, announced the Downtown Hayward Light Up the Season event on December 3, 2015.

Ms. Wynn Grcich, Hayward resident, referred to documents regarding the incident at the closed session of the Hayward Unified School District Board meeting on September 16, 2015.

Mr. Tim Tallerico, Hayward business owner, asked assistance with toning down a rock band rehearsal studio adjacent to his business and preventing crowd smoking outside his door.

Mr. Jim Drake, Hayward resident, asked how many violations related to trash dumped throughout Hayward had been reported and fined.

Mr. SJ Samiul (aka Citizen Sam), requested better sidewalk access for people with disabilities at the intersection of Patrick Avenue and Tennyson Road; suggested relocating the City Hall information booth to a more visible area; noted the Fire Station #7 and Firehouse Clinic Grand Opening ceremony; and recommended the use of clean diesel.

CONSENT

Consent Items No. 4 and No. 6 were removed for separate vote.

1. Approval of the Minutes of the Special Joint City Council/Hayward Housing Authority/Redevelopment Successor Agency/Hayward Public Financing Authority Meeting on November 17, 2015 MIN 15-034

It was moved by Council/HHA/RSA/HPFA Member Márquez, seconded by Council/HHA/RSA/HPFA Member Mendall, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Housing Authority/Redevelopment Successor Agency/Hayward Public Financing Authority Meeting on November 17, 2015.

2. Filing Nuisance Abatement/Municipal Code Liens with the County Recorder's Office for Non-Abatable Code Violations CONS 15-326

Staff report submitted by Code Enforcement Supervisor Espitia, dated December 1, 2015, was filed.

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

Resolution 15-226, "Resolution Confirming the Report and Non-Abatable Code Violations and Penalties Lien List Associated with the Code Enforcement Division Community Preservation/Rental Housing Programs"



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3. Summary Vacation and Sale of a Portion of Portland Drive CONS 15-333

Staff report submitted by Surveyor Brian Spore, dated December 1, 2015, was filed.

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

Resolution 15-227, "Resolution of the City Council of the City of Hayward Summarily Vacating a Portion of Portland Drive; Authorizing the City Manager to Execute a Grant Deed Transferring the Vacated Portion of Portland Drive to the Adjacent Property Owner"

4. Agreement for the Purchase and Sale of Real Property, located at Second Street and Walpert Street, between the City of Hayward and AMG & Associates, LLC CONS 15-340

Staff report submitted by Surveyor Brian Spore, dated December 1, 2015, was filed.

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

Resolution 15-229, "Resolution of the City Council of the City of Hayward Authorizing the City Manager to Negotiate and Execute the Agreement for Purchase and Sale of Real Property Located at Second Street and Walpert Street between the City of Hayward and AMG & Associates, LLC"

5. Approval of Final Map Tract 8172 - Kingston Square at Eden Pointe Development - associated with a previously approved vesting tentative tract map and proposed development of 25 single-family detached homes, 10 single-family attached homes, and common areas on a 2.94-acre site bounded by Eden Avenue, Saklan Road and Montevina Way; Meritage Homes of California (Applicant and Owner) CONS 15-341

Staff report submitted by Contract Development Review Engineer Rei, dated December 1, 2015, was filed.

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

Resolution 15-228, "Resolution Approving Final Map for Tract 8172 and Authorizing the City Manager to Execute a Subdivision Agreement"

6. Adopt a Resolution of Intention to Execute Renewal of a Joint Exercise of Powers Agreement (JPA) for Another Five Years through December 31 of 2021 for the Hayward Area Shoreline Planning Agency (HASPA) CONS 15-346

Staff report submitted by Senior Planner Golubics, dated December 1, 2015, was filed.

Mayor Halliday highlighted the renewal agreement for HASPA and commended HASPA and Citizens Advisory Committee members for their knowledge of the shoreline.

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

Resolution 15-230, "Resolution Authorizing the City Manager to Execute Renewal of an Agreement Between the City of Hayward, East Bay Regional Park District, and Hayward Area Recreation and Park District Titled the Hayward Area Shoreline Planning Agency Joint Exercise of Powers Agreement"

7. Adoption of Ordinance Amending Hayward Municipal Code Chapter 10, Section 10-1.2700, General Regulations, of the Zoning Ordinance to Include New Standards Related to Vacant Property Fencing CONS 15-347

Staff report submitted by City Clerk Lens, dated December 1, 2015, was filed.

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

Ordinance 15-30, "Ordinance Amending Hayward Municipal Code Chapter 10, Section 10-1.2700, General Regulations, of the Zoning Ordinance to Include New Standards Related to Vacant Property Fencing"

8. Adoption of Ordinance Amending Hayward Municipal Code Chapter 10, Section 10-1.3500, Definitions, of the Zoning Ordinance to Include New Standards Related to Vacant Property Fencing CONS 15-348

Staff report submitted by City Clerk Lens, dated December 1, 2015, was filed.



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

Ordinance 15-31, "Ordinance Amending Hayward Municipal Code Chapter 10, Section 10-1.3500, Definitions, of the Zoning Ordinance to Include New Standards Related to Vacant Property Fencing"

9. Adoption of Ordinance Amending Hayward Municipal Code Section 5-7.20 et seq., Public Nuisances, to Reference New Zoning Regulations Related to Vacant Property Fencing CONS 15-349

Staff report submitted by City Clerk Lens, dated December 1, 2015, was filed.

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

Ordinance 15-32, "Ordinance Amending Hayward Municipal Code Section 5-7.20 Et Seq., Public Nuisances, to Reference New Zoning Regulations Related to Vacant Property Fencing"

WORK SESSION

10. Economic Development Strategic Plan Annual Update (2014-2015) WS 15-034

Staff report submitted by Economic Development Manager Hinkle, dated December 1, 2015, was filed.

Economic Development Manager Hinkle provided a synopsis of the report.

The Council commended staff for efforts in the areas of branding and marketing and with businesses located in Hayward's industrial zoned areas. Discussion ensued among Council Members and City staff regarding the Economic Development Strategic Plan (EDSP).

Council Members offered the following recommendations: include input by the new Economic Development team in the next EDSP update; streamline future staff reports related to the EDSP by including a hyperlink to the EDSP; consider investing in infrastructure for hazardous materials to support the industrial corridor; provide reasons for vacant storefronts; continue to provide targeted metrics; consider providing the same focus given to businesses in the industrial sector to small businesses; share the academic progress in Hayward schools to showcase Hayward; continue to explore opportunities for keeping and

attracting businesses; use valuation of development projects to showcase Hayward; evaluate staffing in the Economic Development Department to achieve EDSP goals and objectives; consider coordinating efforts with the Hayward Chamber of Commerce and other community groups to help them organize community events to engage Hayward businesses; focus on a strategic analysis for the retail sector and identify retail priorities and resources; and protect commercial zone space by adding commercial development as opposed to additional housing.

PUBLIC HEARING

11. Appeal of the Planning Commission's Denial of a Proposed Zone Change from Agriculture (A) to Single-Family Residential(RS B10) for 890 and 900 Calhoun Street; Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; Aman Pohyar (Applicant/Owner - 900 Calhoun Street), Mr. Servando B. Zepeda (Owner - 890 Calhoun Street) PH 15-101

Staff report submitted by Associate Planner Emura, dated December 1, 2015, was filed.

Director of Development Services Rizk provided a synopsis of the report.

City staff clarified questions from Council Members related to information in the staff report; the property at 890 Calhoun Street and the owner's concerns; fire truck access to the property at 900 Calhoun Street; building additional homes; and notice to property owners and occupants within 300 feet of the subject site.

Mayor Halliday opened the public hearing at 8:55 p.m.

Mr. Aman Pohyar, applicant/owner at 900 Calhoun Street, noted there was fire truck access to his property, and referred to his letter dated October 28, 2015, which was included in the staff report as Attachment VII.

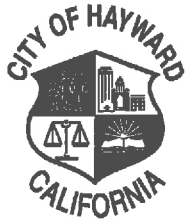
Mr. Juan Gonzalez, Calhoun Street resident, opposed to the rezoning of the properties from Agriculture to Single-Family Residential because it would impact the rural setting along Calhoun and would undermine his neighbor's ability to keep livestock on his property.

Ms. Toni Cardenas, Hayward resident, submitted a letter for the record in which she expressed support for maintaining agricultural properties in the Calhoun vicinity.

Ms. Marcela James, Hayward resident, opposed changing the zone designation from Agriculture to Single-Family Residential, opposed building additional homes in the Calhoun vicinity, and noted that the current rural setting was therapeutic for the neighbors.

Mr. Bill James, Hayward resident, opposed the proposed zone change designation from Agriculture to Single-Family Residential.

Mr. Gina Vanderhorst, Hayward resident, noted that she has a horse boarded at Mr. Wilding's business and opposed the rezoning of the property from Agriculture to Single-Family Residential.



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Mr. Ronald Barreau, Hayward resident, was concerned there would be exemptions to the law to represent special interests.

Mayor Halliday closed the public hearing at 9:21 p.m.

Council Member Lamnin noted that while changing the zoning from Agriculture to Single-Family Residential would bring the zoning of the two properties into conformance with the General Plan land use designation, she did not support the proposed application because the property owner at 890 Calhoun Street and the neighbors in the surrounding neighborhood opposed the proposed zone change. Council Member Lamnin offered a motion to deny the appeal.

Council Member Mendall seconded the motion.

In response to Council Member Márquez's inquiry if consideration was given to not rezone the property at 890 Calhoun Street, Development Services Director Rizk noted that staff's recommendation was to bring the properties into conformance with the General Plan land use designation. Ms. Márquez supported the motion.

Council Member Zermeño did not think that the neighbors had a clear understanding of staff's proposed rezoning from Agriculture to Single-Family Residential.

Council Member Mendall supported the motion and suggested that the General Plan land use designation should be changed to Agriculture in order to bring the current zoning into alignment. Mr. Mendall was also concerned that the property at 900 Calhoun Street was not built in compliance with regulations.

Council Member Peixoto disclosed having met with Mr. Servando Zepeda and noted that Mr. Zepeda had purchased the property at 890 Calhoun Street with the expectation that the designation for his property would remain Agriculture. Mr. Peixoto expressed support for the motion.

Council Member Jones supported the motion and noted that it was the City's desire to protect certain areas in the community as open space. In response to Council Member Jones, Assistant City Attorney Alvarado clarified that maintaining the Agriculture zoning designation did not pose a legal exposure for the City.

Mayor Halliday supported the motion and echoed the comments made by Council Members about the staff's desire to align the zone designation of the two properties with the General Plan land use designation. Mayor Halliday appreciated the testimony provided at the meeting.

It was moved by Council Member Lamnin, seconded by Council Member Mendall, and carried unanimously, to deny the appeal of the Planning Commission's denial of a proposed zone change from Agriculture (A) to Single-Family Residential (RS B10).

12. Recycled Water Project: Introduction of an Ordinance Regarding Recycled Water Use PH 15-103

Staff report submitted by Senior Utilities Engineer England, dated December 1, 2015, was filed.

Director of Utilities and Environmental Services Ameri provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding recycled water use, the abandoned Shell Oil Pipeline for recycled water distribution, artificial lake, and preliminary determination for use of recycled water,

There being no public comments, Mayor Halliday opened and closed the public hearing at 10:05 p.m.

Council Member Mendall offered a motion per staff recommendation noting the proposed recycled water project was an example of forward thinking for the use and delivery of recycled water.

Council Members Zermeño and Peixoto seconded the motion.

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

Introduction of Ordinance 15-_, "An Ordinance Adding Article 6 to Chapter 11 of the Hayward Municipal Code Regarding Recycled Water Use"

CITY MANAGER'S COMMENTS

Assistant City Manager McAdoo made two announcements: 1) Hayward's total water consumption in November saw a decrease that resulted in a 22% reduction as compared to the same month in 2013; and 2) the Downtown Hayward Light Up the Season on December 3, 2015.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Márquez suggested that staff consider modifying the flyer about municipal parking lots in downtown to include the number of parking spaces in each lot; and recommended that Community and Media Relations Officer Holland create a video to show where the municipal parking lots are located.



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Mayor Halliday shared that she, along with Council Member Lamnin, City Attorney Lawson, Development Services Director Rizk, and Council Member Lamnin's husband, was going to do an appearance on the Ballet Petit's 37th Annual Nutcracker production at Chabot College on December 6, 2015.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:14 p.m.

APPROVED:

A handwritten signature in blue ink, reading "Barbara Halliday", is written over a horizontal line.

Barbara Halliday
Mayor, City of Hayward

ATTEST:

A handwritten signature in blue ink, reading "Miriam Lens", is written over a horizontal line.

Miriam Lens
City Clerk, City of Hayward

