



**MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, January 17, 2017, 7:00 p.m.**

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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 Salinas.

**ROLL CALL**

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

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced the Council convened in closed session concerning two items: 1) conference with legal counsel pursuant to Government Code 54956.9 regarding Goodfellow Top Grade Construction, LLC v. City of Hayward Alameda County Superior Court, No. RG15770542; and 2) conference with legal counsel pursuant to Government Code 54956.9 regarding KQED, Inc. v. The City of Hayward, Alameda County Superior Court, Case No. HG16840690. There was no reportable action taken.

Mayor Halliday announced that Legislative Business Item No. 10 would be heard before the Work Session item.

**PUBLIC COMMENTS**

Ms. Wynn Grich, Hayward resident, spoke about: a policy for memorials, the human carcinogen "Roundup," and security cameras in schools.

Mr. Jim Drake, Hayward resident, asked about the findings of the former Police Chief's investigation. Staff noted the matter was confidential.

Ms. Loretta Lee, Hayward resident, expressed concerns about issues with her landlord.

Ms. Rosaura Mendoza, invited all to a rally to celebrate Hayward's diversity on January 19, 2017, at Hayward City Hall.

Council Member Márquez noted that after the rally there would a community forum at the Pancho Villa Event Center.

**BOARDS AND COMMISSIONS**

1. Appoint Four Members to the Personnel Commission (Report from City Clerk Lens) **APPT 17-001**

Staff report submitted by City Clerk Lens, dated January 17, 2017, was filed.

City Clerk Lens provided a synopsis of the staff report.

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

Resolution 17-001, "Resolution Confirming the Appointments of Four Members to the Personnel Commission"

City Clerk administered the oath of office to the newly appointed Personnel Commission members: Mr. Jose Guadamuz, Ms. Rachel Lucas, Mr. Giancarlo Scalise, and Mr. Allen Zargar.

## **CONSENT**

Consent Item No. 2 was removed for separate vote.

2. Minutes of the Special City Council Meeting/City Council Retreat on November 5, 2016  
**MIN 17-005**

It was moved by Council Member Zermeño, seconded by Council Member Lamnin, and carried with Council Member Márquez voting no, to approve the minutes of the Special City Council Meeting/City Council Retreat on November 5, 2016.

Council Member Márquez noted that during the Council Retreat she had proposed a goal to create and preserve more affordable housing. After the meeting, the goal was coupled with the goal of complete streets; and noted she would not support the updated minutes.

3. Minutes of the City Council Meeting on December 6, 2016 **MIN 17-006**

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 December 6, 2016.

4. Minutes of the Special Joint City Council/Hayward Housing Authority/Hayward Redevelopment Successor Agency/Hayward Public Financing Authority/Hayward Area Recreation and Park District Meeting on December 13, 2016 **MIN 17-007**

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 City Council/Hayward Housing Authority/Hayward Redevelopment Successor Agency/Hayward Public Financing Authority/Hayward Area Recreation and Park District Meeting on December 13, 2016.

5. Authorization for the City Manager to Negotiate and Execute a Memorandum of Understanding with the Alameda County Health Care Services Agency for Medical Administrative Activities Provided by the Youth and Family Services Bureau of the Hayward Police Department **CONS 17-006**



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Staff report submitted by Interim Chief of Police Koller, dated January 17, 2017, was filed.

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

Resolution 17-002, "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"

6. FY16 Sidewalk Rehabilitation and Wheelchair Ramps Repair Project: Approval of Plans and Specifications and Call for Bids **CONS 17-017**

Staff report submitted by Public Works Director Fakhrai, dated January 17, 2017, was filed.

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

Resolution 17-003, "Resolution Approving Plans and Specifications for FY16 Sidewalk Rehabilitation and Wheelchair Ramps Repair Project, Project Nos. 05256 and 05211, and Call for Bids"

## **WORK SESSION**

7. Revisions to the Council Member Handbook (Report from City Clerk Lens and City Manager McAdoo) **WS 17-001**

Staff report submitted by City Clerk Lens, dated January 17, 2017, was filed.

City Clerk Lens provided a synopsis of the staff report. There were no public speakers on the item.

Discussion ensued among City Council and City staff related to the proposed amendments to the Council Member Handbook.

There was consensus among Council Members to update the Council Member Handbook per staff's recommendations with certain exceptions. The majority of the Council preferred to retain the current recruitment and appointment timeline for Boards, Commissions, Committees, and Task Forces. There was Council's consensus to not appoint alternates to the Personnel Commission or other appointed bodies at this point, but for staff to gather vacancy and resignation data for Council's appointed bodies; and present findings to the Council prior to the next annual recruitment. Members of the Council recommended the following should alternate members be considered in the future: the Council should have the discretion to appoint alternates; alternates must review meeting minutes; alternates assigned to the Keep Hayward Clean and Green Task Force should attend at minimum one cleanup event.

Council Members offered the following recommendations: 1) The final Hayward Legislative Program should be included in the Handbook as a reference; 2) use inclusive language in the Handbook; 3) update reference to the current technology used for Council packets; 4) update hyperlinks and general information in the Council's Appointed Officials Handbook; 5) add language to the Handbook that encourages Council Members to complete at least five hours per year of ongoing professional development; 6) modify language related to public comments to give the Presiding Officer the discretion to shorten or lengthen the maximum time members may speak; 7) modify language under Council Member deliberations to encourage members to keep their comments concise and succinct; 8) consider if there is a role for a member of the Hayward Youth Commission to be on the Community Services Commission; 9) provide the Council with information about the amount appropriated in the budget for each Council Member; 10) modify language for substitute motions to indicate that they are prohibited; 11) include language indicating that formal orientation will be provided to Council Members upon taking office; and 12) while staff delays consideration for an Arts and Culture Committee, funding for arts and culture should be separate from Social Services and Community Redevelopment Block Grant allocations.

## **PUBLIC HEARING**

8. Public Hearing to Consider the Formation of Benefit Zone No. 15 of the City of Hayward Landscaping and Lighting Assessment District No. 96-1 for the Cadence Development in the South Hayward BART Area, and to Order the Levy of Assessments for Fiscal Year 2018 (Report from Development Services Director Rizk) **PH 17-001**

Staff report submitted by Development Services Director Rizk,  
dated January 17, 2017, was filed.

Development Services Director Rizk announced the report and introduced Development Review Engineer Baquilar who provided a synopsis of the report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:33 p.m.



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City Clerk Lens noted she was in receipt of one ballot from SCI Consulting Group in favor of the formation of the property into Benefit Zone No. 15 of the Landscaping and Lighting Assessment District 96-1.

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

Resolution 17-005, "Resolution Approving the Engineer's Report Confirming Diagram and Assessment and Ordering Levy of Assessment for Fiscal Year 2018 for the Formation of Benefit Zone No. 15 of the City of Hayward Landscaping and Lighting Assessment District No. 96-1 for the Cadence Property"

9. Adoption of an Ordinance to Approve an Amendment to the City of Hayward Contract with the California Public Employees Retirement System (PERS) for PEPRSA Safety Employees (Report from Human Resources Director Collins) **PH 17-004**

Staff report submitted by Human Resources Director Collins, dated January 17, 2017, was filed.

Human Resources Analyst II Adams provided a synopsis of the report.

Discussion ensued among Council Members and City staff related to California Public Employees Retirement System regulations and contracts.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:42 p.m.

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

Ordinance 17-01, "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"

## LEGISLATIVE BUSINESS

### 10. Resolution to Appoint a Community Task Force to Update the Hayward Anti-Discrimination Action Plan (Report from City Manager McAdoo) **LB 17-003**

Staff report submitted by Assistant to the City Manager Korth, dated January 17, 2017, was filed.

City Manager McAdoo provided a synopsis of the report.

City staff clarified questions about the proposed Community Task Force related to size (21), nomination and appointment process, staffing, and the Task Force's role.

Mayor Halliday opened the public hearing at 7:38 p.m.

Mr. Scott Figgins, Hayward resident, expressed support for the proposed Community Task Force.

Ms. Sheila Burks, Hayward resident, expressed support for the proposed Community Task Force; and suggested that its members reflect the community.

Mr. Satinder Malhi, Associate Director, Government and Community Relations at California State University East Bay, shared efforts the University has been taking regarding immigration to make students feel safe and inclusive.

Ms. Angela Andrews, noted that the creation of the Task Force was an opportunity to collaborate with Economic Development in order to provide more jobs and activities to community members.

Mr. Marion Sanchez, Hayward resident, expressed interest for working with City staff to erect a "World Peace" sign at City Hall.

Mr. Andrew Kevy, expressed support for updating the Hayward Anti-Discrimination Action Plan and executing it.

Mayor Halliday closed the public hearing at 7:56 p.m.

The City Council was in general agreement to appoint a Community Task Force that would review, evaluate, and update the Hayward Anti-Discrimination Action Plan, and to add a representative from the Hayward Youth Commission to the Task Force.

Members of the Council offered the following recommendations for the Task Force: amend the Anti-Discrimination Action Plan to reflect more inclusiveness; consider language around person first; review fair housing values as part of the Plan's evaluation; notify faith groups and others agencies that represent the diversity of Hayward to encourage participation in meetings; have concrete action items and deliverables; address the most



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vulnerable populations; track identifiable measures; have consistency with meetings; have courage to engage in conversations that address human and civil rights; consider using labels to describe groups; continue to keep the history of the Policy and highlight the navigation of race issues; eliminate the term tolerance for diversity; acknowledge institutional forms of racism and discrimination; include new legal language when defining race; have a department oversee the updated Plan; contact the Hayward Unified School District and Chabot College about considering the prospect of becoming sanctuary places; consider time limits for public speakers; and review past policy measures and identify the bodies that can address current concerns.

Council Member Márquez offered a motion per staff recommendation including an amendment to the appointment process: Council Members would submit up to four names to the City Manager and the names would be reviewed by the Mayor and City Manager. The motion also included adding a member from the Hayward Youth Commission to the Task Force.

The motion was seconded by Council Member Zermeño.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously, to adopt the following with an amendment to the composition of the Community Task Force by adding a representative from the Hayward Youth Commission.

Resolution 17-004, “Resolution for the Creation of a Limited Term Community Task Force, Made Up of Community Members Reflecting the Diversity of the Hayward Community, to Review, Evaluate, and Update the Hayward Anti-Discrimination Action Plan for Implementation by the City in Partnership with Hayward Community Members”

### **CITY MANAGER’S COMMENTS**

City Manager McAdoo made an announcement related to a grant application for sustainable energy programs submitted by the Utilities and Environmental Services Department.

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

Council Member Zermeño announced a “Fire and Salsa” fundraising basketball game on January 21, 2017, between Hayward Firefighters and Los Chilonos de Hayward.

Council Member Márquez announced the Keep Hayward Clean and Green Cleanup event on January 28, 2017, at Tennyson High School.

Mayor Halliday thanked everyone who participated in two Hayward events honoring Martin Luther King Jr., held at City Hall Plaza and Chabot College on January 16, 2017.

Council Member Mendall announced the Fairway Park Neighborhood Association meeting at Mission Hills Golf Course on January 18, 2017.

**ADJOURNMENT**

Mayor Halliday adjourned the City Council meeting at 9:51 p.m., in memory of Mr. Frank Delfino.

Mr. Frank Delfino was a longtime member of the Hayward Area Shoreline Planning Agency – Citizens Advisory Committee who made significant contributions to protecting the Hayward shoreline. Mayor Halliday asked staff to work with the Delfino family to plant a tree in memory of Frank Delfino.

**APPROVED:**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward