



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HAYWARD
REDEVELOPMENT SUCCESSOR AGENCY/HAYWARD HOUSING AUTHORITY
MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 20, 2017, 7:00 p.m.**

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

ROLL CALL

Present: Council/HRSA/HHA MEMBERS Zermeño, Márquez, Mendall, Peixoto,
Lamnin, Salinas
MAYOR/CHAIR Halliday
Absent: None

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced the Council convened in closed session regarding three items: 1) conference with labor negotiators pursuant to Government Code 54957.6; 2) public employment pursuant to Government Code 54957 regarding performance evaluation for City Manager, City Attorney and City Clerk; and 3) conference with legal counsel pursuant to Government Code 54956.9 regarding pending litigation: a) Russell City Energy Company v. City of Hayward, California Court of Appeal Case No. A144749, b) City of Hayward v. PG&E, California Public Utilities, Case No.: C16-11-001 and c) Hayward Smart Growth Coalition, etc. v. City of Hayward, Alameda County Superior Court, RG 17861554; and there was no reportable action. Mr. Lawson added that the Council added to the Closed Session pursuant to Government Code 54954.2(b)(2) regarding a case City of Hayward v. California State University Trustees, and took no reportable action.

PRESENTATIONS

Mayor Halliday, Council Member Lamnin and Council Member Márquez read a proclamation honoring the American Association of University Women (AAUW), Hayward-Castro Valley Branch, for their outstanding contributions and longtime service to the City of Hayward. Ms. Liz Bathgate and Ms. Helene Carr, AAUW representatives, accepted the proclamation.

PUBLIC COMMENTS

Ms. Wynn Grcich, Hayward resident, spoke about an article in the Bay Area Newsgroup dated June 11, 2017, regarding Senate Bill 649 that would turn California utility poles into cell phone towers.

Mr. Charlie Peters, Clean Air Professionals representative, asked Council to review the issue of changing the June 20, 2017 Council closed session agenda without notice, and submitted documents for the record.

Mr. Bud Eckert, Hayward resident, spoke about the sanctuary city discussion during the Council meeting on June 6, 2017.

Ms. Kate Turney spoke about the Hayward airport hangar rents and submitted document for the record.

Mr. Jerry Turney, Hayward airport tenant, spoke about the Hayward airport market study and the airport hangar rent increase, and submitted document for the record.

Ms. Heather Reyes, Hayward Arts Council president, thanked the City for its support to the organization to maintain its five galleries.

Mr. Jim Drake, Hayward resident, noted that the Taco Restaurant on Harder Road serves beer, and asked the Council to look into this.

Mr. Stephen Schott, Hayward resident, requested that the City consider transportation and transit infrastructure costs and assessment of fees on new developments, and cumulative impacts of all developments as it considers Complete Streets and Complete Communities initiatives.

CONSENT

Consent Item No. 2 was pulled for comment.

1. Minutes of the City Council Meeting on June 6, 2016 **MIN 17-093**
It was moved by Council Member Zermeño, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council meeting on June 6, 2017.
2. One Bay Area Grant (OBAG) 2 Local Streets and Roads Rehabilitation Funds - Resolution of Local Support **CONS 17-350**

Staff report submitted by Public Works Director Fakhrai, dated June 20, 2017, was filed.

Council Member Mendall highlighted the project to enhance Main Street between McKeever Street and D Street would allow the City to add more parking, widen sidewalks, and create opportunities for businesses in the area to provide outside seating.

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



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Resolution 17-083, "Resolution of Local Support Authorizing the Filing of an Application for Funding Assigned to MTC and Committing Any Necessary Matching Funds and Stating Assurance to Complete the Project"

3. FY 2017 & FY 2018 Pavement Preventive Maintenance & Resurfacing Project - Award of Construction Contract **CONS 17-353**

Staff report submitted by Public Works Director Fakhrai, dated June 20, 2017, was filed.

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

Resolution 17-078, "Resolution Approving Award of Contract for FY 2017 & FY 2018 Pavement Preventive Maintenance & Resurfacing Project, Project No. 05209 & 05212 to DeSilva Gates Construction LP"

4. FY 2017 & FY 2018 Pavement Rehabilitation Project - Award of Construction Contract **CONS 17-355**

Staff report submitted by Public Works Director Fakhrai, dated June 20, 2017, was filed.

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

Resolution 17-079, "Resolution Approving Award of Contract for FY 2017 & FY 2018 Pavement Rehabilitation Project, Project No. 05205, 05207, 05209, 05266, 05212, 05245, & 05215 to DeSilva Gates Construction LP"

5. Approval of a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Chuck Finnie Communications for Communications and Media Relations Professional Services **CONS 17-360**

Staff report submitted by City Manager McAdoo, dated June 20, 2017, was filed.

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

Resolution 17-080, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Chuck Finnie Communications for Communication and Media Relations Professional Services, in an Amount Not To Exceed \$160,000"

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 17-361**

Staff report submitted by City Manager McAdoo, dated June 20, 2017, was filed.

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

Resolution 17-081, "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. Adoption of Ordinance Amending Certain Hayward Municipal Code Sections of Chapter 1, Chapter 2, Chapter 3, Chapter 4, Chapter 5, Chapter 6, Chapter 7, Chapter 8, Chapter 9, Chapter 10, and Chapter 11 **CONS 17-376**

Staff report submitted by City Clerk Lens, dated June 20, 2017, was filed.

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

Ordinance 17-09, "An Ordinance Amending Certain Hayward Municipal Code Sections of Chapter 1, Chapter 2, Chapter 3, Chapter 4, Chapter 5, Chapter 6, Chapter 7, Chapter 8, Chapter 9, Chapter 10 and Chapter 11"

8. Downtown Business Improvement Area Annual Report and Proposed Budget for FY 2018 **CONS 17-380**

Staff report submitted by Economic Development Manager Hinkle, dated June 20, 2017, was filed.

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



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Resolution 17-082, "Resolution Accepting the Annual Report and Declaring Intention Not to Levy Annual Charges for the Downtown Hayward Business Improvement Area (DBIA) for Fiscal Year 2018"

WORK SESSION

9. Review of the 2017 Point-in-Time Count and Survey of Homeless Persons in Alameda County and Hayward (Report from Library and Community Services Director Reinhart)
WS 17-034

Staff report submitted by Library and Community Services Director Reinhart, dated June 20, 2017, was filed.

Library and Community Services Director Reinhart provided a synopsis of the report and introduced EveryOne Home Executive Director Elaine de Coligny who provided a summary of the results of the 2017 Point-in-Time Count and survey of homeless persons in Alameda County and Hayward.

Mayor Halliday opened the public comments section at 8:14 p.m.

Ms. Heather Reyes, Hayward resident, spoke about the 23 veterans in Hayward who are currently unsheltered and her outreach efforts to veterans organizations in Hayward.

Mayor Halliday closed the public comments section at 8:18 p.m.

Discussion ensued among Council Members, City staff and EveryOne Home Executive Director de Coligny regarding: the commitment of Measure A funds for affordable housing and permanent supportive housing for chronically homeless persons; the City's annual allocated amount of \$835,000 from local and federal funds to support programs and projects that address homelessness; the change in the methodology used in the 2017 count; the need for both the state and federal government to create new sources of revenue for affordable housing; and the collection of information and the assurance of confidentiality when conducting the survey.

Council Members offered the following recommendations: prevent homelessness by building smaller housing units; include in a future report a reference list of key pieces of literature on the topic; advocate for the possibility of making winter warming shelters more permanent on a seasonal basis; and come back to Council with specific recommendations on how the City can use available funds and leverage it with County bonds.

Council Member Lamnin disclosed she serves as a chair of the Task Force to End Hunger and Homelessness, which is the lead agency in the Hayward Homeless Count.

PUBLIC HEARING

10. Adoption of a Resolution Associated with a Proposed Single-Family Residence on a Vacant 0.87-Acre Hillside Lot Located at 26446 Parkside Drive, Requiring Site Plan Review and Grading Permit Approval, Application No. 201505614; and the Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Richard Janzen (Applicant) on behalf of Neng Zhang (Property Owner) (Report from Development Services Director Rizk) **PH 17-062**

Staff report submitted by Development Services Director Rizk, dated June 20, 2017, was filed.

Development Services Director Rizk announced the report and introduced Assistant Planner Martinez who provided a synopsis of the report.

In response to Council Member Lamnin's inquiry regarding Conditions of Approval No. 11, Assistant Planner Martinez noted it had a typographical error and its language would be corrected from "Nonresidential" to "Residential."

Discussion ensued among Council Members and City staff regarding the Geotechnical Report provided by the applicant for evaluation by the City as part of the project.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:07 p.m.

Council Mendall offered a motion per staff recommendation with an amendment to Conditions of Approval No. 11 by changing its language and replacing "Nonresidential" with "Residential" to read as follows: ". . . Reproduce the "Nonresidential Occupancies Application Checklist" onto the plan sheets . . ."

Council Member Zermeño seconded the motion.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried unanimously, to adopt the following with a typographical change to Conditions of Approval No. 11 that replaces "Nonresidential" with "Residential":

Resolution 17-084, "Resolution Adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and Approving Site Plan Review Application No. 201505614 and Related Grading Permit Pertaining to Construction of a New Single-Family Residence at 26446 Parkside Drive"



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**11. Gann Appropriations Limit for FY 2018 (Report from Director of Finance Claussen) PH
17-061**

Staff report submitted by Finance Director Claussen, dated June 20, 2017, was filed.

Finance Director Claussen provided a synopsis of the report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:11 p.m.

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

Resolution 17-085, "Adoption of Appropriations Limit for Fiscal Year 2018 Pursuant to Article XIII B of the Constitution of the State of California"

12. Public Hearing for the Proposed FY 2018 Operating Budget for the City of Hayward, Hayward Redevelopment Successor Agency, and Hayward Housing Authority; and the FY 2018 Capital Improvement Program Budget; and Approval of the FY 2018 Operating Budget and Appropriations for FY 2018; Approval of the FY 2018 Capital Improvement Program Budget and Appropriations for FY 2018; Approval of the Hayward Redevelopment Successor Agency Budget; Approval of the Hayward Housing Authority Budget (Report from Finance Director Claussen) PH 17-064

Staff report submitted by Finance Director Claussen, dated June 20, 2017, was filed.

Finance Director Claussen provided a synopsis of the report.

There being no public comments, Mayor/Chair Halliday opened and closed the public hearing at 9:21 p.m.

The Council thanked staff and everyone involved in the preparation of the City's budget and noted staff will continue to work with Management Partners to identify strategies to help reduce the City's budget gap.

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

Resolution 17-086, "Resolution Approving the Operating Budget of the City of Hayward for Fiscal Year 2018; Adopting Appropriations for Fiscal Year 2018, Except for General Fund Community Agency Funding"

Resolution 17-087, "Resolution Approving and Appropriating the Community Agency Funding Recommendations for Fiscal Year 2018"

Resolution 17-088, "Resolution Approving Capital Improvement Projects for Fiscal Year 2018"

RSA Resolution 17-02, "Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Successor Agency for the Redevelopment Agency of the City of Hayward, Approving the Budget of the Redevelopment Successor Agency of the City of Hayward and Adopting Appropriations for Fiscal Year 2018"

HA Resolution 17-01, "Resolution Confirming the Proposed Hayward Housing Authority Budget for Fiscal Year 2018"

LEGISLATIVE BUSINESS

13. Adoption of Strategic Initiatives Two-Year Action Plans: Complete Streets, Complete Communities, and Tennyson Corridor (Report from City Manager McAdoo) LB-17-028

Staff report submitted by City Manager McAdoo, dated June 20, 2017, was filed.

City Manager McAdoo provided a synopsis of the report.

Mayor Halliday opened the public comments section at 9:38 p.m.

Ms. Angela Andrews, South Hayward resident, spoke about the need to incorporate access to healthy food and public safety in the Tennyson Corridor action plan.

Mayor Halliday closed the public comments section at 9:41 p.m.

The Council expressed appreciation for the work of staff and was pleased with the collaboration across departments. Council Members offered the following recommendations: add a metric to reflect a change in the number of traffic accidents under Objective No. 1 in Complete Streets; include impact on the issues under the Community Agency Funding process metric; add an education component under Complete Communities; and make affordable housing a priority.



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

Resolution 17-089, "Resolution Adopting the Council Strategic Initiatives of Complete Streets, Complete Communities, and Tennyson Corridor and the Adoption of Two-Year Action Plans for Fiscal Years 2018 and 2019"

14. Adoption of Resolutions Approving Extensions and Modifications to Employment Agreements with the City Manager, City Attorney and City Clerk and Authorizing the Mayor to Execute those Agreements and the Home Loan Purchase Agreement on Behalf of the Council (Report from Human Resources Director Collins) **LB 17-025**

Staff report submitted by Human Resources Director Collins, dated June 20, 2017, was filed.

Human Resources Director Collins provided a synopsis of the report.

Mayor Halliday noted that according to recent law, employment agreements for the City Manager, City Attorney and City Clerk should be discussed and voted separately.

There being no public comments, Mayor Halliday opened and closed the public comments section at 9:52 p.m.

Council Member Salinas offered a motion to adopt the resolution approving the extension and modification of the City Manager's employment agreement and Council Member Márquez seconded the motion.

Council Members supported the motion and favored the home loan for the following reasons: it is an investment of public funds and the City benefits from the high interest rate; there is no cost associated with the loan; it is a creative way of rewarding good performance; and it will help explore the Home Loan Assistance Program for employees who are interested in living in Hayward.

Council Member Peixoto stated the City Manager's contract extension was different from the City Attorney's and City Clerk's contract in that it includes a home loan. Mr. Peixoto expressed concern that the loan was not an appropriate use of public funds and was not an option available to the public. He did not support the motion, but noted that this was not a reflection of the City Manager's outstanding performance.

It was moved by Council Member Salinas, seconded by Council Member Márquez, and carried with the following vote, to adopt the following:

AYES: Council Members Zermeño, Márquez, Mendall,
Lamnín, Salinas
MAYOR Halliday
NOES: Council Member Peixoto
ABSENT: None
ABSTAINED: None

Resolution 17-090, "Resolution Approving the Extension and Modification of the City Manager's Employment Agreement and Authorizing the Mayor to Execute the Agreement and the Home Loan Purchase Agreement on Behalf of the Council"

Council Member Márquez offered a motion to adopt the resolution approving the extension and modification of the City Attorney's employment agreement and Council Member Mendall seconded the motion.

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

Resolution 17-091, "Resolution Approving the Extension and Modification of the City Attorney's Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council"

Council Member Zermeño offered a motion to adopt the resolution approving the extension and modification of the City Clerk's employment agreement and Council Member Salinas seconded the motion.

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

Resolution 17-092, "Resolution Approving the Extension and Modification of the City Clerk's Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council"

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Márquez encouraged everyone to attend the Keep Hayward Clean & Green Community Clean-Up and Park Beautification event on June 24, 2017, at the Hayward Adult School.



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Council Member Salinas reported on the launching of the "Let's Do Lunch and Breakfast Too" program.

Mayor Halliday announced that Alameda-Contra Costa Transit District would have a rate increase in cost of fares and passes effective July 1, 2017.

ADJOURNMENT

Mayor/Chair Halliday adjourned the meeting at 10:16 p.m.

APPROVED:

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

ATTEST:

Yolanda Cruz
Deputy City Clerk, City of Hayward
Assistant Secretary, Hayward Redevelopment Successor Agency
Assistant Secretary, Hayward Housing Authority

