



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HAYWARD GEOLOGIC
HAZARD ABATEMENT DISTRICT BOARD
MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 17, 2016, 7:00 p.m.**

The Special Joint City Council/Hayward Geologic Hazard Abatement District Board meeting was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council/GHAD Board Member Jones.

ROLL CALL

Present: COUNCIL/GHAD BOARD MEMBERS Zermeño, Mendall, Jones, Peixoto,
Lamnin, Márquez
MAYOR/CHAIR Halliday
Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño inquired if the Police Department had a bicycle registration program.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council convened in closed session concerning three items: 1) Conference with legal counsel pursuant to Government Code 54956.9 concerning anticipated litigation concerning claim of Dominador Matillano; 2) Conference with real property negotiators pursuant to Government Code 54956.8 regarding State owned parcels along the Route 238 Bypass Alignment; and 3) 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. There was no reportable action.

PRESENTATION

Mayor Halliday and Council Member Mendall, who also serves as the Chair of the Council Sustainability Committee, recognized 24 winners of the 33rd Annual Earth Day Poster and Writing Contest. It was noted that 524 entries had been received from students representing 25 Hayward schools. The posters, poems, and essays were judged by members of the Hayward Arts Council. Each winner received a gift certificate and teachers, who encouraged the students to participate in the event, were also acknowledged with gift certificates.

PUBLIC COMMENTS

Mr. Greg Rees, Fairview resident and former Chabot College employee, spoke about alleged pending items related to Chabot College and Council Member Zermeño.

Mr. Jim Drake, Hayward resident, requested that breathalyzers be installed in vehicles driven by the Fire Chief.

Ms. Wynn Grcich, Hayward resident, urged a no vote on the June 7, 2016 Ballot Measure D (Utility Users Tax renewal).

Ms. Heather Reyes, Hayward resident, invited all to a “Get Connected-Academic Excellence Series” event at Tennyson High School on May 21, 2016. Ms. Reyes also praised the online Access Hayward service.

Ms. Michele Choi, Habitat for Humanity East Bay representative, spoke about item No. 15 (CONS 16-034) and recommended that the Council urge the County to modify the County-wide housing bond proposal to allow housing-related programs to accommodate ownership as well as rental units.

Ms. Andrea Osgood, Director of Real Estate for Eden Housing, expressed support for the County-wide housing bond proposal.

Ms. Betty DeForest, Hayward resident, urged the City Council, as it takes a position on the County-wide housing bond proposal, to address homelessness in Hayward.

Ms. Barbra Silver, Executive Director of Family Paths in Hayward, expressed support for the proposed County-wide housing bond proposal.

CONSENT

Consent Items 3, 5, 8, 10, 11, and 14 were removed for separate action.

1. Minutes of the City Council Meeting on April 26, 2016 **MIN 16-040**
It was moved by Council Member Peixoto, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on April 26, 2016.
2. Minutes of the Special Joint City Council/Hayward Public Financing Authority/Redevelopment Successor Agency Meeting on May 3, 2016 **MIN 16-041**
It was moved by Council/HPFA/RSA Member Peixoto, seconded by Council/HPFA/RSA Member Márquez, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Public Financing Authority/Redevelopment Successor Agency Meeting on May 3, 2016.
3. Authorize the City Manager to Execute an Amendment to the Agreement with ARC Document Services for Document Scanning Services for an Amount Not to Exceed \$96,000 **CONS 16-214**

Staff report submitted by Management Analyst I Kim, dated May 17, 2016, was filed.



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HAYWARD GEOLOGIC
HAZARD ABATEMENT DISTRICT BOARD
MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 17, 2016, 7:00 p.m.**

Mr. Jim Drake, Hayward resident, asked if the contract with ARC Document Services had undergone a competitive bid process. City staff responded in the affirmative.

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

Resolution 16-076, "Resolution Authorizing an Amendment to the Professional Services Agreement with ARC Document Solutions, for Planning Document Scanning Services, in a Total Amount Not To Exceed \$96,000"

4. Approval of Final Map Tract 7989 - Bridge Pointe Homes Development - associated with the previously approved vesting tentative map and proposed development of sixteen lots with attached residential units on a 0.98 acre site at 1450 North Lane; North Lane Ventures (Applicant/Owner) **CONS 16-218**

Staff report submitted by Contract Development Review Services Engineer Rei, dated May 17, 2016, was filed.

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

Resolution 16-072, "Resolution Approving Final Map for Tract 7989 and Authorizing the City Manager to Execute a Subdivision Agreement"

5. Authorization for the City Manager to Execute the Alameda CTC Master Programs Funding Agreement for Measure B, Measure BB, and Vehicle Registration Fee Direct Local Distribution Funds **CONS 16-221**

Staff report submitted by Transportation Manager Kelley, dated May 17, 2016, was filed.

Council Member Mendall noted that the Master Programs Funding Agreement (MPFA) was not included in the staff report, and requested that the item be continued until the next Council meeting. There being no objections, the item was continued to May 24, 2016.

6. Adoption of Ordinance Adding Article 27 to Chapter 10 of the Hayward Municipal Code Regarding the Mills Act Program **CONS 16-228**

Staff report submitted by City Clerk Lens, dated May 17, 2016, was filed.

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

Ordinance 16-11, “An Ordinance Adding Article 27 to Chapter 10 of the Hayward Municipal Code Regarding the Mills Act Program”

7. Adoption of an Ordinance Amending Chapter 10, Article 25 of the Hayward Municipal Code by Amending the Hayward Mission Boulevard Corridor Specific Plan and Form-based Code Thoroughfare Plan, Application No. 201504436 Relating to Vesting Tentative Tract Map No. 8301 at 25891 and 25919 Dollar Street **CONS 16-229**

Staff report submitted by City Clerk Lens, dated May 17, 2016, was filed.

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

Ordinance 16-12, “An Ordinance Amending Chapter 10, Article 25 of the Hayward Municipal Code by Amending the Hayward Mission Boulevard Corridor Specific Plan and Form-Based Code Thoroughfare Plan, Application No. 201504436 Relating to Vesting Tentative Tract Map No. 8301 at 25891 and 25919 Dollar Street”

8. Adoption of a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with CSG Consultants, Inc., for Development Review Services in the Planning Division, and Revise the Compensation by an Additional \$170,000, for a Total Amount Not to Exceed \$300,000 **CONS 16-233**

Staff report submitted by Management Analyst I Kim, dated May 17, 2016, was filed.

Mr. Jim Drake, Hayward resident, asked if the contract with CSG Consultants, Inc. had undergone a competitive bid process. Council Member Lamnin responded in the affirmative.

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

Resolution 16-077, “Resolution Authorizing an Amendment to the Professional Services Agreement with CSG Consultants, Inc., for Development Review Services, in an Amount Not To Exceed \$300,000”



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HAYWARD GEOLOGIC
HAZARD ABATEMENT DISTRICT BOARD
MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 17, 2016, 7:00 p.m.**

9. Adoption of a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with 4Leaf, Inc., to Provide Additional Building Official Services through end of July of 2016 **CONS 16-234**

Staff report submitted by Management Analyst I Kim, dated May 17, 2016, was filed.

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

Resolution 16-073, "Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with 4LEAF, Inc., to Provide City Building Official Services"

10. Adoption of a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Willdan Engineering, Inc., for Development Review Services in the Planning Division, to Increase the Compensation Amount an Additional \$90,000 for a Total Amount not to Exceed \$180,000, and Extend the Term to August 31, 2016 **CONS 16-235**

Staff report submitted by Management Analyst I Kim, dated May 17, 2016, was filed.

Mr. Jim Drake, Hayward resident, inquired about the amendment to the agreement with Willdan Engineering, Inc., and staff addressed Mr. Drake's inquiry.

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

Resolution 16-078, "Resolution Authorizing an Amendment to the Professional Services Agreement with Willdan Engineering, for Development Review Engineer Services, in an Amount Not To Exceed \$180,000"

11. Mission Boulevard and Blanche Street & Gading Road and Huntwood Way Intersections Safety Improvements: Approval of Plans and Specifications and Call for Bids **CONS 16-243**

Staff report submitted by Assistant City Engineer Owusu, dated May 17, 2016, was filed.

Mr. Jim Drake, Hayward resident, questioned if the proposed project had undergone a competitive bid process.

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

Resolution 16-079, "Resolution Approving Plans and Specifications for the Intersection Safety Improvement Projects - Mission/Blanche & Gading/Huntwood, Project No. 05708 and Call For Bids"

12. Annual Mitigation Fee Act Report (AB 1600) **CONS 16-239**

Staff report submitted by Accounting Manager Maramba and Senior Management Analyst Ferreyra, dated May 17, 2016, was filed.

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

Resolution 16-074, "Resolution Accepting the Report and Adopting Findings Related to Fees Collected for the Development Projects Subject to the Requirements of the Mitigation Fee Act"

13. Resolution Designating the Communications and Marketing Officer as a City of Hayward Officer and Assigning the Position to the Unclassified Service **CONS 16-245**

Staff report submitted by Director of Human Resources Collins, dated May 17, 2016, was filed.

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

Resolution 16-075, "Resolution Designating the Communications and Marketing Officer Position as a City of Hayward Officer and Assigning the Position to the Unclassified Service"

14. Adoption of a Resolution Authorizing Amendment of the Salary and Benefits Resolution for the Unrepresented Executives, Management, City Manager, Human Resources and City Attorney Employees **CONS 16-246**

Staff report submitted by Director of Human Resources Director Collins, dated May 17, 2016, was filed.

Mr. Jim Drake, Hayward resident, questioned if the proposed amendment to the Salary and Benefits Resolution constituted additional expenses. Council Member Mendall noted there



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HAYWARD GEOLOGIC
HAZARD ABATEMENT DISTRICT BOARD
MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 17, 2016, 7:00 p.m.**

would not be a fiscal impact.

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

Resolution 16-080, "Resolution Authorizing Amendment of the Salary and Benefits Resolution for the Unrepresented Management, City Attorney and Human Resources Employees"

WORK SESSION

15. Review and Discussion of Proposed Alameda County-Wide General Obligation Bond Issuance (County-Wide Housing Bond) **WS 16-034**

Staff report submitted by Housing Development Specialist Cortez, dated May 17, 2016, was filed.

Library and Community Services Director Reinhart announced the report and introduced Ms. Linda Gardner, Director of the Alameda County Community Development Agency (CDA), who presented a draft framework of the proposed Alameda County-wide general obligation bond. Discussion ensued among Council Members and Director of CDA Gardner regarding the bond proposal. The Council was in general agreement of the bond proposal and expressed interest for reviewing the measure when the Board of Supervisors considers placing it on the November 2016 ballot.

Council members offered the following considerations: include homeownership opportunity in the bond proposal; fund allocation by need; combine funds earmarked for housing rehabilitation; prioritize funding for 50% income or below; communicate to the public that general obligation bonds are paid off through assessments on all assessed real property; include in the bond language the lifetime of the bond and any administrative costs; pursue allocation for the development of emergency shelters (interim housing); give priority consideration to developments that are accessible to transit and employment centers; consider housing supply from a development perspective; consider allocation of funds for mobile showers; prioritize programs for the elderly and people with children; and leverage bond funds for existing housing programs.

PUBLIC HEARING

16. Public Hearing for the annexation of Blackstone at Cannery Place into Benefit Zone No. 13 of the City of Hayward Landscaping and Lighting Assessment District 96-1; and ordering the Levy of Assessments for fiscal year 2017 **PH 16-044**

Staff report submitted by Contract Development Review Engineer Rei, dated May 17, 2016, was filed.

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

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:28 p.m.

City Clerk Lens announced the City was in receipt of one ballot submitted by Tri Pointe Homes in favor of the annexation into the Benefit Zone No. 13. Mayor Halliday noted that the ballot received constituted a majority vote.

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

Resolution 16-081, "Resolution of the City Council of the City Of Hayward Approving Engineer's Report, Confirming Diagram and Assessment and Ordering Levy of Assessment for Fiscal Year 2016-17 for the Annexation of Blackstone at Cannery Place Property to Benefit Zone No. 13 of the City of Hayward Consolidated Landscaping and Lighting Assessment District No. 96-1"

LEGISLATIVE BUSINESS

17. Board Consideration of appointment of the Chairperson, Clerk, Treasurer, Manager and Legal Counsel of the Hayward Geologic Hazard Abatement District (GHAD) **LB 16-025**

Staff report submitted by Contract Development Review Engineer Rei, dated May 17, 2016, was filed.

Development Services Director Rizk announced the report and Contract Development Review Engineer Rei provided a synopsis of the staff report.

Discussion ensued among Council/GHAD Board Members and City staff regarding: anticipated yearly cost for consultant GHAD officers and the oversight of consultants and City staff involvement with GHAD-related matters.



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HAYWARD GEOLOGIC
HAZARD ABATEMENT DISTRICT BOARD
MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 17, 2016, 7:00 p.m.**

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

Council/Board Member Zermeño offered a motion per staff's recommendation and Council/Board Member Jones seconded the motion.

Council/Board Member Lamnin supported the motion and expressed concern with the anticipated yearly cost for consultant GHAD officers. Ms. Lamnin recommended that staff consider comparable standards for reasonable overhead cost and a competitive selection process for GHAD services in three to four years.

Council/Board Member Mendall supported the motion with reluctance due to the anticipated cost.

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

GHAD Resolution 16-01, "Resolution Appointing the Chairperson, Clerk/Legal Counsel, Treasurer, and Manager of the Hayward Geologic Hazard Abatement District (GHAD)"

18. Zero Net Energy Policy for Municipal Buildings LB 16-034

Staff report submitted by Environmental Services Manager Pearson, dated May 17, 2016, was filed.

Director of Utilities and Environmental Services Ameri provided a synopsis of the staff report. There being no public comments, Mayor Halliday opened and closed the public hearing at 10:01 p.m.

Council Member Mendall acknowledged the Council Sustainability Committee (CSC) and staff for their efforts to establish a zero net energy (ZNE) policy for municipal buildings. Mr. Mendall added that the CSC was preparing to discuss the next steps which would envision a citywide zero net energy operation.

Council Member Mendall offered a motion per staff's recommendation and Council Member Zermeño seconded the motion.

Council Member Lamnin supported the motion and suggested that staff consider not only the renewable energy needs of a specific project but leverage the opportunity of economies of scale to create renewable energy that would offset other projects that would not have the capacity.

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

Resolution 16-082, “Resolution Requiring City Buildings to be Zero Net Energy”

19. Authorization of Issuance of Multi-Family Housing Revenue Bonds (Acquisition and Rehabilitation of Glen Berry and Glen Eden Affordable Housing Developments) 2016 Series A and Execution of Related Documents **(LB 16-053)**

Staff report submitted by Housing Development Specialist Cortez, dated May 17, 2016, was filed.

Library and Community Services Director Reinhart announced the report and introduced Housing Development Specialist Cortez who provided a synopsis of the staff report.

Council Member Peixoto asked why the City needed to act as an intermediary for the issuance of multifamily housing revenue bonds. Mr. Stephen Melikian with Jones Hall and bond counsel for the City noted there was the need of a governmental issuer in order to achieve tax exemption.

Mayor Halliday opened the public hearing at 10:16 p.m.

Mr. Kevin Leichner, Associate Director at Eden Housing, thanked the City for considering the issuance of the bonds.

Mayor Halliday closed the public hearing at 10:19 p.m.

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

Resolution 16-083, “Resolution of the City of Hayward Authorizing the Issuance, Sale and Delivery of City of Hayward MultiFamily Housing Revenue Bonds (Glen Berry and Glen Eden Apartments) 2016 Series A, Authorizing the Execution and Delivery of a Master Agency Agreement, A Master Pledge and Assignment and a Regulatory Agreement and Declaration of Restrictive Covenants with Respect to Each Development, and Authorizing the Execution and Delivery of and Approving Other Related Documents and Approving Other Related Actions in Connection Therewith”

CITY MANAGER COMMENTS

There were none.



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HAYWARD GEOLOGIC
HAZARD ABATEMENT DISTRICT BOARD
MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 17, 2016, 7:00 p.m.**

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced the Hayward Rotary Club was fundraising at the Rowell Ranch Rodeo from May 19 to May 22, 2016 and invited all to participate.

Council Member Márquez reminded everyone that the last day to register to vote and participate on the June 7, 2016 Primary Election was May 23, 2016.

Council Member Peixoto noted the City had installed an official election ballot drop box at Hayward City Hall on B Street and the ballots were retrieved on a daily basis.

ADJOURNMENT

Mayor/Chair Halliday adjourned the meeting at 10:24 p.m. noting the Council would hold a special Budget Work Session on May 21, 2016.

APPROVED:

Barbara Halliday
Mayor, City of Hayward
Chair, GHAD

ATTEST:

Miriam Lens
City Clerk, City of Hayward