



**MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF
THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 14, 2017, 7:00 p.m.**

The Special City Council meeting was called to order by Mayor Halliday at 7:00 p.m.

ROLL CALL

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

Mayor Halliday welcomed the first annual City Council Youth Recognition Hall of Fame Award recipients. The ceremony began with the Hayward Fire Department color guard posting the colors. Alessandra Eiras, one of the Hall of Fame winners, sang the national anthem.

Mayor Halliday and Council Members Salinas, Lamnin, Zermeño, Márquez, Peixoto, and Mendall recognized and honored the seven Youth Achievement Hall of Fame winners for their achievement in seven categories: academics, arts, athletics, community service, innovation, leadership, and heroism. The winners were: Mandeep Ladhar, Eileen Syrop, Shyh Lynn Saenz, Andrew Hui, Desmond Vinson, Ashly Sinn, and Alessandra Eiras.

The City Council took a recess at 7:50 p.m., and reconvened the meeting at approximately 7:58 p.m.

CLOSED SESSION

City Attorney Lawson announced the City Council convened in closed session regarding two items: 1) conference with legal counsel pursuant to Government Code 54956.9 regarding City of Hayward v. Board of Trustees, California State University, et al., Alameda County Superior Court No. RG09481095, consolidated with No. RG09480852; and 2) conference with legal counsel pursuant to Government Code 54956.9 regarding one anticipated litigation case; and noted there was no reportable action.

PUBLIC COMMENTS

Mr. Jim Drake, Hayward resident, spoke about the trees that were planned to be replaced on Jackson and Santa Clara Streets.

Mr. Charlie Peters, Clean Air Performance Professionals representative, provided a document for the record regarding ethanol and autonomous cars.

Mr. Alfredo Rodriguez, Vintage Alley owner, spoke about traffic safety on B Street and advocated for stop signs to alleviate traffic.

Ms. Debbie Frederick, Hayward resident, advocated for a pedestrian walkway between Foothill Boulevard and Main Street.

Consent Items 4, 5, and 6 were removed for separate vote.

CONSENT

1. Minutes of the Special Joint City Council and Hayward Area Recreation and Park District Meeting on October 30, 2017 **MIN 17-151**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special Joint City Council and Hayward Area Recreation and Park District Meeting on October 30, 2017, with a minor correction.

2. Minutes of the Special City Council Meeting on October 30, 2017 **MIN 17-152**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special City Council Meeting on October 30, 2017.

3. Minutes of the City Council Meeting on November 7, 2017 **MIN 17-153**

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 November 7, 2017.

4. Authorization for the City Manager to Execute an Agreement with the Alameda County Sheriff's Office and the U.S. Department of Justice to Accept the FY2017 Byrne Justice Assistance Grant (JAG) fund in the Amount of \$42,491.60 for Hayward Police Department Operations **CONS 17-686**

Staff report submitted by Chief of Police Koller, dated November 14, 2017, was filed.

Council Member Lamnin recommended that the last paragraph of the resolution be amended by removing the words "and directed" and by adding "provided such action is consistent with the City of Hayward's Sanctuary City Policy."

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

Resolution 17-169, "Resolution Authorizing the City Manager to Execute an Agreement with the Alameda County Sheriff's Office and the U.S. Department of Justice; to Accept the FY2017 Byrne Justice Assistance Grant (JAG) Fund in the Amount of \$42,491.60 for Hayward Police Department Operations"

5. Approval of Resolution Authorizing the City Manager to Execute a Service Agreement with the Fairview Fire Protection District **CONS 17-687**



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Staff report submitted by Fire Chief Contreras, dated November 14, 2017, was filed.

Mayor Halliday opened the public comments section at 8:15 p.m.

Mr. Mike Preston spoke in favor of the proposed agreement with the Fairview Fire Protection District.

Mayor Halliday closed the public comments section at 8:17 p.m.

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

Resolution 17-170, “Resolution Authorizing the City Manager to Negotiate and Execute a Five-Year Service Agreement with the Fairview Fire Protection District”

6. Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Design Workshop for the Development of a Route 238 Properties Master Development Plan and Appropriation of Funds **CONS 17-697**

Staff report submitted by Economic Development Manager Hinkle, dated November 14, 2017, was filed.

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

Ms. Debbie Frederick, Hayward resident, requested that interested parties related to the Route 238 continue to be properly notified and spoke about dead end streets with emergency access.

Mayor Halliday closed the public comments section at 8:21 p.m.

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

Resolution 17-171, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Design Workshop for the Preparation of the Route 238 Properties Master Development Plan in an Amount Not to Exceed \$597,359; and Appropriation of \$600,000 from the General Fund (Fund #100) to Project #05015 (Fund 411)”

7. Resolution Authorizing the City Manager to Negotiate and Execute New Land Lease Agreements for Three Parcels of Land at Hayward Executive Airport **CONS 17-701**

Staff report submitted by Public Works Director Fakhrai, dated November 14, 2017, was filed.

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

Resolution 17-168, "Resolution Authorizing the City Manager to Negotiate and Execute New Land Lease Agreements for Three Parcels of Land at Hayward Executive Airport"

WORK SESSION

8. Measure C Sales Tax Initiative - Annual Report (Report from Director of Finance Claussen) **WS 17-053**

Staff report submitted by Budget Officer Gonzales, Finance Director Claussen, and Public Works Director Fakhrai, dated November 14, 2017, was filed.

Finance Director Claussen and Public Works Director Fakhrai provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public comments section at 8:33 p.m.

Discussion ensued among Council Members and City staff regarding: additional bike lanes; the fire training center; call taker positions in the Police Department; Measure C 20-Year Plan; rehabilitation of fire stations; dollars associated with projects that are not allocated; funds from Chabot College; facility for the Police Department; and police officer positions dedicated for engaging with homeless individuals. The City Council thanked staff for all the work done implementing projects with Measure C funds.

PUBLIC HEARING

9. Proposed subdivision and construction of 35 townhomes and a mixed-use building of 39 apartment units with 1,020 square feet of ground floor commercial use on a 2.7-acre project site located at 26601 Mission Boulevard (west side, north of Sorenson Road) Assessor Parcel Number (APN) 452-0036-30-05, requiring: 1) approval of an amendment to South Hayward BART/Mission Boulevard Form-Based Zoning Code (Article 24) to allow residential density transfer/averaging among like-zoned development sites in the Urban General transect zones T4 (17.5 DU/Acre min; to 35 DU/Acre max) and T5 (35 DU/Acre min; to 55 DU/Acre max); 2) Site Plan Review; 3) Warrants for: (a) roof pitch, (b) excess parking in the T4 zone, (c) glazing less than 30% for the first story along Mission Boulevard, and (d) parking within the Layer 2 setback area; 4) Vesting Tentative Map 8335 associated



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with the subdivision; and 5) Mitigated Negative Declaration. KB Home (Applicant) and DNS Capital Partners LLC/Robert Telles (Owner/Applicant). Application No. 2016-01022 (Continued from October 3, 2017) (Report from Interim Development Services Director Bristow) **PH 17-100**

Staff report submitted by Interim Development Services Director Bristow, dated November 14, 2017, was filed.

Planning Manager Buizer announced the item and introduced Consulting Planner Porto who provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding: the Economic Development Strategic Plan and Haymont Center as a catalyst site; the commercial space increase to 2,500 square feet; and the agreement to provide six affordable housing units.

Mayor Halliday opened the public hearing at 9:09 p.m.

Mr. Jose Hernandez, Hayward resident, expressed continued concern about the proposed project related to traffic and one entrance and one exit; invasion of privacy on neighboring properties; and lack of community input.

Mr. Les Fohl, Hayward real estate broker, expressed support for the project with concerns about the impact of the project on the homes behind the project and the community at large.

Mr. Caleb Davis, Hayward resident, expressed support for the proposed project.

Mr. Robert Telles, project applicant/owner, spoke about the modifications made to the project's proposal based on Council's input regarding onsite affordable housing, retail space, universal design options, green features, landscaping plans, and the \$40,000 donation for public benefit.

Mr. Ray Panek, applicant with KB Homes, spoke about the setback against the abutting residential properties with green space.

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

Council Member Salinas offered a motion to approve the recommendation for the second option in the staff report and Council Member Márquez seconded the motion.

Council Member Peixoto noted that the project applicant addressed onsite affordable housing, retail space, public benefit; and thus, he expressed support for the motion.

Council Member Márquez noted the revised proposal was a significant improvement. Council Member Márquez offered an amendment to the motion directing staff to work with the neighborhood to identify the best use of the \$40,000 donation and consider any remaining grant funds in the Neighborhood Partnership Fund to augment the allocation.

Council Member Salinas was amenable to the amendment.

Council Member Lamnin expressed support for the motion and offered two amendments: correct Condition of Approval No. 66 to indicate seven “feet” of pavement; and ensure consistency in the conditions of approval to have solar installed in line with the modified Condition of Approval No. 149. Ms. Lamnin requested that proper protocols be followed when clearing the site and have social services onsite when the demolition occurs. Ms. Lamnin recommended that staff have conversations around car sharing and have community discussion about density and accessibility.

Council Member Mendall reluctantly supported the motion including the modified Condition of Approval No. 149, acknowledged the improvements made to the proposed project, and concurred with directing staff to work with the neighborhood to identify the best use of the \$40,000 donation. Council Member Mendall asked staff and the applicant to make the best effort to get solar on every roof.

Council Member Zermeño supported the motion with the amendments noting the modifications were an improvement; and suggested that more retail and public art be incorporated in the project.

Mayor Halliday acknowledged the process for incorporating input provided by Council in the modified proposal. Mayor Halliday noted after hearing input from neighbors about the use of \$40,000, the applicant/staff could work with the Economic Development Division to attract businesses.

It was moved by Council Member Salinas, seconded by Council Member Márquez, and carried unanimously, to adopt the following with the corrected Condition of Approval No. 66, modified Condition of Approval No. 149, have consistency in the conditions of approval related to solar installed. The motion also included directing staff to work with the neighborhood to identify the best use of the \$40,000 donation and consider any remaining grant funds in the Neighborhood Partnership Fund to augment the allocation:

Resolution 17-172, “Resolution Approving a Mitigated Negative Declaration and Approving a Site Plan Review, Four Warrants from Provisions Under the South Hayward BART/Mission Boulevard Form-Based Code, Vesting Tentative Tract Map 8335, Application No. 2016-01022 for the Subdivision and Construction of 35 Townhome Units and a Mixed-Use Building of 39 Multi-Family Units and 1.020 Square Feet of Commercial Space on a 2.7-Acre (2.14-Acre Net) Project Site Located at 26601 Mission Boulevard”



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Introduction of Ordinance 17-_, “An Ordinance Amending Chapter 10, Article 24 of the Hayward Municipal Code by Including Text with the Additional Provision of Allowing Density Averaging/Transfer in the Transect Zones T4 Urban General (17.5 DU/Acre Min; 35 DU/Acre Max) and T5 (35 DU/Acre Min; 55 DU/Acre Max)”

LEGISLATIVE BUSINESS

10. Re-Introduction of Ordinance of the Council of the City of Hayward Enacting Comprehensive Regulations for Personal Cannabis Cultivation and Commercial Cannabis Land Uses through the Amendment of Hayward Municipal Code, Chapter 10, Article 1(Zoning Ordinance) (Report from City Attorney Lawson and Interim Development Services Director Bristow) **LB 17-048**

Staff report submitted by City Attorney Lawson and Interim Development Services Director Bristow, dated November 14, 2017, was filed.

Senior Assistant City Attorney Vigilia provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 10:08 p.m.

Mr. Orvo Meaux advocated for more small and middle-size businesses to have an opportunity in the RFP process.

Mr. Dan Szigeti, with Harrens Laboratory, thanked all for potentially considering a temporary licensing application process for his laboratory.

Mayor Halliday closed the public hearing at 10:13 p.m.

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

AYES:	COUNCIL MEMBERS Zermeño, Márquez, Mendall, Peixoto, Lamnin MAYOR Halliday
NOES:	COUNCIL MEMBERS Salinas
ABSENT:	None
ABSTAIN:	None

Introduction of Ordinance 17-_, “Ordinance of the Council of the City of Hayward Enacting Comprehensive Regulations for Personal Cannabis Cultivation and Commercial Cannabis Land Uses Through the Amendment of Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance); and Article 2 (Off-Street Parking Requirements)”

11. Introduction of Ordinance Amending Chapter 6, Article, 2, Section 6-2.15 of the Hayward Municipal Code to Allow the Hayward Police Department to Accept Payment for Cabaret License Application Fees (Report from Police Chief Koller and Director of Finance Claussen) **LB 17-042**

Staff report submitted by Police Chief Koller and Finance Director Claussen, dated November 14, 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 10:04 p.m.

Council Member Lamnin moved the report per staff’s recommendation with one request that renewal notices related to cabaret fees be sent to businesses accordingly.

Council Member Márquez seconded the motion.

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

Introduction of Ordinance 17-_, “An Ordinance Amending Chapter 6, Article 2, Section 6-2.15 of the Hayward Municipal Code to Allow the Hayward Police Department to Accept Payment for Cabaret License Application Fees”

12. Construction, Repair, Reconstruction, Destruction or Abandonment of Wells: Introduction of Ordinance Updating Section 5-4.10 of the Hayward Municipal Code (Report from Utilities and Environmental Services Director Ameri) **LB 17-047**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated November 14, 2017, was filed.

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

There being no public comments, Mayor Halliday opened and closed the public hearing at 10:19 p.m.



**MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF
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It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Introduction of Ordinance 17-_, “An Ordinance Amending Chapter 5, Article 4, Section 5-4.10 of the Hayward Municipal Code Regulating the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells”

CITY MANAGER’S COMMENTS

City Manager McAdoo noted that City Hall would be closed November 20 through 24, 2017, for the Thanksgiving holiday week.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced the Keep Hayward Clean and Green Task Force clean-up and beautification event on November 18, 2017 at Leidig Court.

Council Member Márquez thanked staff for the improvements done on Huntwood Avenue including removing overgrown grass, road pavement, and bike lanes.

Mayor Halliday noted the City Council was not meeting on November 21, 2017, and will resume meetings on November 28, 2017. On behalf of the City Council, she wished everyone a happy Thanksgiving.

ADJOURMENT

Mayor Halliday adjourned the meeting at 10:30 p.m.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward