



**MINUTES OF THE JOINT CITY COUNCIL/REDEVELOPMENT
SUCCESSOR AGENCY MEETING OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 22, 2015, 7:00 p.m.

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

ROLL CALL

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

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Mayor Halliday announced the Alameda-Contra Costa Transit District-Central County Policy Advisory Committee was going to convene a meeting and the Committee needed two elected representatives from the City; and asked interested Council Members to contact her office. Ms. Halliday spoke about the visit of students from Funabashi.

Assistant City Manager McAdoo announced the City had partnered with an organization called Moves the Needle to bring lean innovation methodologies to City employees and the lean innovation boot camp would be held September 23 to 25, 2015.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council convened in closed session regarding three items: 1) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; 2) conference with legal counsel pursuant to Government Code 54956.9 regarding a) Gerry Price, OAH Case No. 2014120867, b) Chrysler, et al v. City of Hayward, Alameda County Superior Court No. RG14722275, c) C.E.W., et al v. City of Hayward, et al., U.S. District Court, N.D.CA., No. CV 13-4516(LB), d) Russell City Energy Company v. City of Hayward, California Court of Appeal, 1st District, No. A144749, e) National Lawyers Guild, etc. v. Urban, Alameda County Superior Court, No. RG15785743; and 3) conference with property negotiators pursuant to Government Code 54956 regarding 29263 to 29339 Mission Blvd. APN 078C 0438 007 00, 381 Valle Vista Ave. APN 078C 0438 005 00, and 29530 Dixon St. APN 078C 0438 019 01. Mr. Lawson announced there was no reportable action on Items 1, 2 (b) (c) (d), 3. Regarding Item 2(a), Mr. Lawson noted the Council adopted the proposed decision of the Office of Administrative Hearings' administrative law judge.

PRESENTATION

Mayor Halliday read a proclamation in memorium of Sergeant Scott Paul Lunger in honor of his dedication and commitment to the City of Hayward. Mayor Halliday presented the

proclamation to Sergeant Lunger's family in attendance.

PROCLAMATION

Mayor Halliday read a proclamation proclaiming National Domestic Violence Awareness Month. The proclamation was presented to two organizations: Ruby's Place and SAVE – Safe Alternatives to Violent Environments. Ms. Tina Fernandez, Director of Community Engagement, accepted the proclamation on behalf of SAVE and Ms. Jennifer Malvoux, Director of Programs, accepted the proclamation on behalf of Ruby's Place.

PUBLIC COMMENTS

Mr. Jim Drake, Hayward resident, was concerned that the Fire Chief was allowed to keep his job despite flaws that were identified.

Ms. Chris Orrey, Ruby's Place Board President, announced the event "Purple Purse Challenge" from October 1 to 27, 2015, and encouraged all to participate.

Ms. Marcy Timberman, Hayward resident, recommended that public comments for work sessions be taken after staff's presentation. Related to Work Session No. 15, she noted that the topic of restroom access was not unique to the homeless and added that the map was not accurate.

Ms. Betty DeForest, Hayward resident, was concerned about the forecasted wet winter and the lack of an emergency shelter for people living on the streets.

Mr. Kim Huggett President of the Hayward Chamber of Commerce, announced two events: the 6th Annual Mariachi Festival on October 2, 2015 at Hayward City Hall, and the 30th Annual Business Expo on October 7, 2015 at the St. Rose Hospital's Grand White Tent.

Ms. Sue Merrill, Executive Director of South Hayward Parish, noted that the anticipated El Niño climate change would warrant an immediate need of showers, bathrooms, shelters, and places for lockers.

Ms. Vivian Wan, Associate Director at Abode Services, suggested the City needed to make sure the homeless were safe, work in partnership with the County for available services, and leverage Federal funding.

Reverend Arlene Nehring, Reverend at Eden United Church of Christ, urged the Council to take into consideration housing needs for refugees and immigrants.

Sean Reinhart, Library and Community Services Director, spoke about the groundbreaking celebration for Hayward's 21st Century Library and Heritage Plaza on October 3, 2015.

Mr. SJ Samiul, aka citizen Sam, commented on Tesla electric vehicles; a newspaper article entitled "Water CEO may get a 15% raise"; a Shirdi Sai Parivaar Health Fair; and naming the



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new library in honor of Sergeant Lunger.

CONSENT

Consent Item No. 3 was pulled for separate vote to highlight the report.

1. Approval of Final Map Tract 8219 - Camden Place – Sylvester Development by Standard Pacific Corp. (Applicant/Owner): The Project is a fourteen (14) lot subdivision on a 1.0 acre site at 1561 Middle Lane and 23572 Saklan Road in the Mt. Eden area. **CONS 15-094**

Staff report submitted by Development Review Engineer Rei, dated September 22, 2015, was filed.

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

Resolution 15-178, “Resolution Approving Final Map for Tract 8219 and Authorizing the City Manager to Execute a Subdivision Agreement”

2. Approval of Final Map Tract 8222 - Camden Place II – Ignacio Development by Standard Pacific Corp. (Applicant/Owner): The Project is a nine (9) lot subdivision on a 0.60 acre site at 23877 Eden Avenue in the Mt. Eden area. **CONS 15-095**

Staff report submitted by Development Review Engineer Rei, dated September 22, 2015, was filed.

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

Resolution 15-179, “Resolution Approving Final Map for Tract 8222 and Authorizing the City Manager to Execute a Subdivision Agreement”

3. Approval of Recognized Obligation Payment Schedule for the Period January 1, 2016 through June 30, 2016 and the Successor Agency Administrative Budget for the period July 1, 2015 through June 30, 2016 (Report will be available on Monday, September 21, 2015) **CONS 15-122**

Staff report submitted by Management Analyst Stefanski, dated September 22, 2015, was filed.

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

RSA Resolution 15-05, “A Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Hayward Successor Agency, A Separate Legal Entity, Approving the Recognized Obligation Payment Schedule for the Period January through June 2016 (“ROPS 15-16B”) and the Administrative Budget for the 2015-16 Fiscal Year and Directing the City Manager to Take All Actions Necessary to Effectuate Requirements Associated with this Approval”

4. Adoption of a Resolution Approving Modifications to Employment Agreements with the City Manager, City Attorney and City Clerk and Authorizing the Mayor to Execute Those Agreements on Behalf of the Council **CONS 15-153**

Staff report submitted by Director of Human Resources Collins, dated September 22, 2015, was filed.

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

Resolution 15-180, “Resolution Approving the Modification of the City Manager’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council”

Resolution 15-181, “Resolution Approving the Modification of the City Attorney’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council”

Resolution 15-182, “Resolution Approving the Modification of the City Clerk’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council”

5. Authorization of an Agreement with the State Board of Equalization for Implementation of the Local Prepaid Mobile Telephony Services Collection Act and Authorization of Examination of Prepaid Mobile Telephony Services Surcharge and Local Charge Records **CONS 15-175**

Staff report submitted by Deputy Director of Finance Claussen, dated September 22, 2015, was filed.

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



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Resolution 15-183, "A Resolution of the City Council of the City of Hayward Authorizing the City Manager to Execute an Agreement with the State Board of Equalization for Implementation of the Local Prepaid Mobile Telephony Services Collection Act"

Resolution 15-184, "A Resolution Authorizing the Examination of Prepaid Mobile Telephone Services Surcharge and Local Charge Records"

6. FY 2015 Gann Limit Correcting Resolution **CONS 15-176**

Staff report submitted by Deputy Director of Finance Claussen, dated September 22, 2015, was filed.

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

Resolution 15-185, "Adoption of Correcting Resolution to the Previously Established Appropriations Limit for Fiscal Year 2015 Pursuant to Article XIII B of the Constitution of the State of California"

7. Approval of Right of Entry to the Cinema Place Property and City Property to Monitor Remediation Efforts at Hayward Gas Mart Property **CONS 15-187**

Staff report submitted by Management Analyst Stefanski, dated September 22, 2015, was filed.

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

Resolution 15-186, "A Resolution of the City Council of the City of Hayward Approving and Authorizing Execution of a Right of Entry Agreement for Cinema Place Property"

Redevelopment Successor Agency Resolution 15-06, "A Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Hayward Successor Agency, A Separate Legal Entity, Approving and Authorizing Execution of a Right of Entry Agreement for Cinema Place Property"

8. Approval of Resolution Ratifying Re-Entry Agreement Approval **CONS 15-189**

Staff report submitted by Management Analyst Stefanski, dated September 22, 2015, was filed.

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

Redevelopment Successor Agency Resolution 15-07, “A Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Hayward Successor Agency, A Separate Legal Entity, Ratifying Oversight Board’s Approval of the Re-Entry Agreement Pursuant to Health and Safety Code Sections 34178(a) and 34180(h), Clarifying the Outstanding Balance Under the Re-Entry Agreement and Directing the City Manager to Take All Actions Necessary to Effectuate Requirements Associated with this Resolution”

9. Adoption of an Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201501690 Relating to the Construction of Four Industrial Business Park Buildings at 28803 Marina Drive **CONS 15-191**

Staff report submitted by City Clerk Lens, dated September 22, 2015, was filed.

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

Adoption of Ordinance 15-21, “An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201501690 Relating to the Construction of Four Industrial Business Park Buildings at 28803 Marina Drive”

10. Resignation of Justin King from the Personnel Commission **CONS 15-192**

Staff report submitted by City Clerk Lens, dated September 22, 2015, was filed.

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

Resolution 15-187, “Resolution Accepting the Resignation of Justin King from the Personnel Commission”



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11. Adoption of a Resolution for Acceptance of the Properties Located at 22675 and 22695 Mission Blvd from the Hayward Successor Agency (This report will be available on Monday, September 21, 2015) **CONS 15-208**

Staff report submitted by Assistant City Manager McAdoo, dated September 22, 2015, was filed.

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

Resolution 15-188, "Resolution of the City Council of the City of Hayward Accepting Transfer of Specified Governmental Use Properties Pursuant to the Hayward Successor Agency's Approved Long-Range Property Management Plan for Continued Governmental Use, Operation, and Maintenance"

12. Adoption of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2016 **CONS 15-209**

Staff report submitted by Director of Human Resources Collins, dated September 22, 2015, was filed.

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

Resolution 15-189, "Resolution Approving the Amended Fiscal Year 2015 Salary Plan Designating Positions of Employment in the City Government of the City of Hayward and Salary Range; and Superseding Resolution No. 15-159 and All Amendments Thereto"

WORK SESSION

13. Review of 4th Quarter Progress for Police Department **WS 15-026**

Staff report submitted by Program Analyst Turner, dated September 22, 2015, was filed.

Police Chief Urban provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding: the findings in the quarterly update; the impact of realignment; the officers funded through Measure C; fact sheet about car theft; programs for the youth as alternatives to gang and crime activity; traffic stops;

body cameras; police force and recruitment of qualified individuals; hot spots; latent print examinations; professional development; and collisions in downtown.

14. Update on Regional Efforts to Address Homelessness in Alameda County and Next Steps in the City of Hayward's Participation in Those Efforts. **WS 15-027**

Staff report submitted by Community Services Manager Jaeger, Administrative Analyst McNamara, and Administrative Analyst Davis, dated September 22, 2015, was filed.

City Manager David announced the report and introduced Director of Library and Community Services Reinhart who provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding current efforts to address homelessness.

Council Member Jones noted that committing resources to create an emergency shelter and partnering with social service providers such as the County should be a priority.

Council Member Lamnin offered the following suggestions to staff: consider the TEN-4 Program from the City of Fontana as a possible solution model to the homelessness problem; survey the placed homeless as part of the next AC Impact Program evaluation; and add the voice of the homeless and other stakeholders to the working group. Ms. Lamnin noted that by collaboratively identifying the right solution, the City would know its role and the right funding allocation.

Council Member Zermeño suggested converting a vacant Caltrans house into a job training center that would be staffed by a City employee who would oversee a shower bus, coordinate a bathroom bus, teach the homeless to be self-sufficient, help set-up food banks, and coordinate with social service providers and volunteers.

Council Member Mendall recommended focusing efforts on sub-strategies that the City was willing to invest in. Mr. Mendall noted the City should be a partner in addressing homelessness and noted he would be amenable to exploring dedicating certain Social Services funding to major social problems.

Council Member Peixoto noted that the homelessness issue was a regional challenge and the County needed to play a leading role; and added that CDBG and Social Services funding was meant to support various social issues.

Council Member Márquez noted that the City needed to give priority to chronic homelessness and attention to individuals who were on the verge of becoming homeless. Ms. Márquez recommended that the Community Services Commission work with the Working Group to consider objectives for certain CDBG funding geared toward the homeless; and suggested that the Interdisciplinary Working Group include a representative from Council.



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Mayor Halliday urged staff to continue to work with all social service providers/stakeholders in finding a collaborative solution and follow HUD's direction as to how CDBG and other funding sources should be used to address the homelessness issue. Ms. Halliday noted that a center was needed and suggested giving priority to children and individuals with children.

PUBLIC HEARING

15. Establishment of New Regulations for Unattended Collection Boxes: Introduction of Ordinances and Adoption of a Resolution Related to Amendments to Chapter 5, Article 7 (Community Preservation and Improvement), and Chapter 10, Article 1 (Zoning Ordinance), of the Hayward Municipal Code; the proposed project is exempt from the California Environmental Quality Act (CEQA) under CEQA Section 15061(b)(3); City of Hayward (applicant) **PH 15-046**

Staff report submitted by Senior Planner Schmidt, dated September 22, 2015, was filed.

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

Discussion ensued among Council Members and City staff regarding the proposed regulations for unattended collection boxes.

Council Member Zermeño recommended that the seven boxes, outlined in the first tier of implementation process, be moved after a certain period in order to be in compliance with the regulations; and suggested changing the area that needs to be maintained by the responsible party from ten to twenty feet.

Mayor Halliday opened the public hearing at 10:24 p.m.

Mr. Henry Rogers, USAgain representative, supported the proposed Ordinance overall, and noted that the twelve month period would allow his company enough time to adjust to the new regulations.

Ms. Alexandra Hoffman, Recycle for Change representative, provided a document for the record and expressed strong opposition to the proposed Ordinance due to its restrictive exclusion of unattended boxes from portions of the City and urged the Council to disapprove the Ordinance as currently written.

Mayor Halliday closed the public hearing at 10:32 p.m.

In response to Council Member Jones' inquiry about the number of potential locations for boxes that would comply with the 1,000 foot buffer, Senior Planner Schmidt noted it was approximately 68 unattended collection boxes which could double if volume so warranted.

Council Member Zermeño offered a motion per staff recommendation with a modification for the responsible party to maintain a minimum of twenty feet of area surrounding the unattended collection box.

Council Member Jones seconded the motion.

Council Member Mendall supported the motion noting the 136 allowable boxes was reasonable and the proposal was balanced and gave providers the opportunity to adjust to the new regulations. Mr. Mendall offered a friendly amendment for staff to bring the regulations for Unattended Collection Boxes back for review in two years.

Council Member Zermeño and Jones accepted the friendly amendment.

Mayor Halliday supported the motion and appreciated the earlier input that was incorporated into the proposed Ordinance and the outreach that was done to Unattended Collection Box providers.

It was moved by Council Member Zermeño, seconded by Council Member Mendall, and carried unanimously, to adopt the following with an amendment to Sec. 10-1.2735(i)(3)(c)(v) to read as follows "The Responsible Party shall maintain a minimum of twenty feet of area surrounding the unattended collection box free of donated materials, junk, trash and debris or other salvageable personal property placed on the site." The amendment included direction to staff to bring the regulations for Unattended Collection Boxes back for review in two years.

Resolution 15-190, "Resolution Adopting Findings Supporting Amendments to the City of Hayward Municipal Code Establishing Regulations for Unattended Collection Boxes and Amending Regulations Related to Recycling Collection Facilities"

Introduction of an Ordinance 15-_, "Ordinance Amending Hayward Municipal Code Chapter 10, Article 1, Zoning Ordinance, Related to Recycling Facilities for Redemption or Donation of Reusable Materials to Include Regulations for Unattended Collection Boxes"

Introduction of an Ordinance 15-_, "Ordinance Amending Hayward Municipal Code Section 10-1.3510 *Et Seq.*, Zoning Ordinances Uses and Activities Defined, Related to Unattended Collection Boxes"

Introduction of an Ordinance 15-_, "Ordinance Amending Hayward Municipal Code Section 5-7.20 *Et Seq.*, Public Nuisances,



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to Reference New Zoning Regulations Related to Unattended
Collection Boxes”

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Mendall requested an update on the camera recording/video policy.

Council Member Zermeño announced the Keep Hayward Clean and Green Community Beautification & Clean-Up event on September 26, 2015, at 27836 Loyola Avenue.

Mayor Halliday noted that there would be a closed session meeting on September 29, 2015, and the next special meeting would be on October 13, 2015. Mayor Halliday added that the City Council would be attending the 38th Annual Volunteer Recognition and Awards Dinner at the St. Rose Hospital's Grand White Tent on October 6, 2015.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:52 p.m., in memory of Sergeant Scott Paul Lunger for his dedication and commitment to the City of Hayward. Mayor Halliday asked staff to work with his family to find a suitable place to plant a tree in his memory and to consider dedicating a tree and a bench in his honor.

APPROVED:

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

ATTEST:

Miriam Lens
City Clerk, City of Hayward
Secretary, Redevelopment Successor Agency