



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HAYWARD PUBLIC
FINANCING AUTHORITY/REDEVELOPMENT SUCCESSOR AGENCY
MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 3, 2016, 7:00 p.m.**

The Special Joint City Council/Hayward Public Financing Authority/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/Chair Member Mendall.

ROLL CALL

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

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño asked for an update on chain-link fences.

Mayor Halliday shared that she would be attending a meeting in Sacramento concerning the dissolution of health care districts.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council convened in closed session concerning a 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; and noted there was no reportable action.

PRESENTATION

Mayor Halliday read a certificate presented to the East Bay Housing Organizations proclaiming May 13 through May 21, 2016 as Affordable Housing Week. Mr. Jason Blair, Director of Alameda County Housing Programs at Abode Services, accepted the proclamation on behalf of East Bay Housing Organizations.

PUBLIC COMMENTS

Ms. Wynn Grich, Hayward resident, spoke about the proposed FY 2017 operating budget and the "March Against Monsanto" in San Francisco on May 21, 2016.

Ms. Dianne McDermott, Hayward resident, spoke about the "East Bay Gives" event and solicited donations for the Hayward Education Foundation.

Mr. Jim Drake, Hayward resident, spoke about the way the water bill format is presented and offered comments about the operating budget.

CONSENT

1. Approval of Minutes of the City Council Meeting on April 19, 2016 [MIN 16-036](#)
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 19, 2016.
2. Resolution Authorizing the Communications and Marketing Officer as an Unclassified Position in the City of Hayward [CONS 16-171](#)

Report continued to May 17, 2016.

3. CalRecycle Payment Programs: Authorization to Submit Applications [CONS 16-181](#)

Staff report submitted by Management Analyst Thomas, dated May 3, 2016, was filed.

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

Resolution 16-061, “ Resolution Authorizing Submittal of Application for CalRecycle Payment Programs and Related Authorizations”

4. Approval of FY 2016-17 Measure B/BB Annual Paratransit Program Plan [CONS 16-185](#)

Staff report submitted by Community Services Manager Jaeger and Senior Property Rehabilitation Specialist Bailey, dated May 3, 2016, was filed.

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

Resolution 16-062, “ Resolution Authorizing the City Manager to Implement an Annual Paratransit Plan and Negotiate and Execute All Documents Related to and in Support of Paratransit Activities Including the Administration of the Hayward Operated Paratransit (The Hop) Program”

5. Water Main Replacement at Mission Boulevard, Fairway Street to Lexington Avenue: Approval of Plans and Specifications, and Call for Bids [CONS 16-186](#)

Staff report submitted by Associate Civil Engineer Schurman, dated May 3, 2016, was filed.



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

Resolution 16-063, “Resolution Approving Plans and Specifications for the Water Main Replacement at Mission Boulevard, Fairway Street to Lexington Avenue Project, Project No. 07011, and Call for Bids”

6. Water Pollution Control Facility (WPCF) Headworks Rehabilitation Project: Approval of Plans and Specifications, and Call for Bids [CONS 16-192](#)

Staff report submitted by Senior Utilities Engineer England, dated May 3, 2016, was filed.

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

Resolution 16-064, “Resolution Approving Plans and Specifications for the Water Pollution Control Facility (WPCF) Headworks Rehabilitation Project, Project NO. 07660 and Call for Bids”

7. Approval to Annex “Blackstone at the Cannery” to Benefit Zone No. 13 of the Consolidated Landscaping and Lighting District 96-1, Setting of the Date for the Associated Public Hearing, and Ordering the Mailing of Ballots and Associated Waiver [CONS 16-199](#)

Staff report submitted by Contract Development Review Engineer Rei, dated May 3, 2016, was filed.

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

Resolution 16-065, “Resolution of the City Council of the City of Hayward Initiating Proceedings for the Annexation of Blackstone at Cannery Place Property to Benefit Zone No. 13 of the City of Hayward Landscaping and Lighting Assessment District No. 96-1”

Resolution 16-066, “Resolution Initiating Proceedings, Providing Intention to Levy Assessments, Preliminarily Approving Engineer’s Report, and Providing for Notice of Hearing for the

Annexation of Blackstone at Cannery Place Property to Benefit Zone No. 13 of the City of Hayward Landscaping and Lighting Assessment District No. 96-1”

8. Resolution Accepting the Written Resignation of Florine Banks from the Keep Hayward Clean and Green Task Force [CONS 16-209](#)

Staff report submitted by City Clerk Lens, dated May 3, 2016, was filed.

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

Resolution 16-067, “Resolution Accepting the Resignation of Florine Banks from the Keep Hayward Clean and Green Task Force”

9. Adoption of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2016 [CONS 16-216](#)

Staff report submitted by Director of Human Resources Collins, dated May 3, 2016, was filed.

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

Resolution 16-068, “Resolution Approving the Amended Fiscal Year 2016 Salary Plan Designating Positions of Employment in the City Government of the City of Hayward and Salary Range; and Superseding Resolution No. 16-040 and All Amendments Thereto”

WORK SESSION

10. Presentation of Proposed FY 2017 Operating Budget [WS 16-028](#)

Staff report submitted by Director of Finance Vesely, dated May 3, 2016, was filed.

Director of Finance Vesely provided a synopsis of the staff report and City Manager David presented the proposed FY 2017 Operating Budget.

Discussion ensued among Council Members and City staff regarding: the City’s Other Post-Employment Benefits (OPEB) Retiree Medical unfunded liability and Ten-Year Plan projection; the cost and revenue related to residential development; and the logistics for the May 21, 2016 special budget work session.



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Mayor Halliday announced that Finance Director Vesely was separating from the City effective May 13, 2016 and presented her with a certificate of commendation upon her separation and in honor of her dedication and commitment to the City of Hayward.

PUBLIC HEARING

11. Recommendation to approve a proposed subdivision and construction of forty-two Townhomes at 25891 and 25915 Dollar Street: Donald Babbitt/Warmington Residential (Applicant); Lakhbir Singh, Dubba, LLC (Owner) [PH 16-039](#)

Staff report submitted by Associate Planner Camire, dated May 3, 2016, was filed.

Planning Manager Buizer announced the item and introduced Associate Planner Camire who provided a synopsis of the staff report. Associate Planner Camire noted that there was a revision to Condition of Approval No. 58.

Discussion ensued among Council Members and City staff regarding: the Form-Based Code and challenges with new development projects; the sprinkler system; sound requirements due to the proximity of the proposed development to BART; the Thoroughfare Plan; warrants for roof pitch; and parking.

Council Members Lamnin, Zermeño, Mendall, Márquez, and Mayor Halliday disclosed having individually met with the applicant and/or his representatives.

Council Member Mendall requested that a condition requiring locking mailboxes be added to the Conditions of Approval.

Mayor Halliday opened the public hearing at 8:21 p.m.

Mr. Donald Babbitt, applicant for Warmington Residential, noted he continued to pursue connectivity between the proposed project and the adjacent KB Homes project, and he was agreeable to adding a condition of approval that would provide connectivity for future projects to the north of the proposed project to allow for more walkability.

Mayor Halliday closed the public hearing at 8:28 p.m.

Council Member Mendall offered a motion per staff recommendation with two additional modifications: 1) that locking mailboxes be required; and 2) that connectivity with future properties to the north of the proposed property be required.

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:

Resolution 16-069, “Resolution Determining California Environmental Quality Act Categorical Exemption and Approving Application 201504436 Pertaining to a Site Plan Review, a Text Amendment to the Mission Boulevard Corridor Specific Plan and Form-Based Code Thoroughfare Plan, a Warrant Allowing a Roof Pitch Less Than 5:12, a Warrant Allowing Eleven Parking Spaces Above the Maximum Eighty-Four Spaces Allowed, and a Vesting Tentative Tract Map No. 8301 for Forty-Two Residential Units Proposed at 25891 and 25915 Dollar Street”

Introduction of Ordinance 16-, “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”

12. Authorization for the City Council and the Hayward Public Financing Authority to Issue Certificates of Participation in an Amount Not to Exceed \$23 Million to Refinance the Outstanding 2007 Refunding Certificates of Participation [LB 16-044](#)

Staff report submitted by Director of Finance Vesely, dated May 3, 2016, was filed.

Finance Director Vesely provided a synopsis of the staff report.

There being no public comments Mayor/Chair Halliday opened and closed the public hearing at 8:35 p.m.

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

Resolution 16-070, “Resolution of the City Council of the City of Hayward Authorizing Delivery and Sale of Refunding Certificates of Participation to Refinance Outstanding 2007 Certificates of Participation, and Approving Related Documents and Actions”

HPFA Resolution 16-01, “Resolution of the Board of Directors of the Hayward Public Financing Authority Authorizing Delivery and Sale of Certificates of Participation to Refinance 2007 Refunding Certificates of Participation, and Approving Related Documents and Actions”



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13. Authorization for the Redevelopment Successor Agency Board to Issue Tax Allocation Refunding Bonds in an Amount Not to Exceed \$45 Million to Refinance the Outstanding 2004 and 2006 Tax Allocation Bonds [LB 16-046](#)

Staff report submitted by Director of Finance Vesely, dated May 3, 2016, was filed.

Finance Director Vesely provided a synopsis of the staff report.

There being no public comments Mayor/Chair Halliday opened and closed the public hearing at 8:40 p.m.

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

RSA Resolution 16-02, "A Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Redevelopment Successor Agency of the City of Hayward, A Separate Legal Entity, Approving the Issuance of Refunding Bonds in Order to Refund Certain Outstanding Bonds of the Former Redevelopment Agency of the City of Hayward, Approving the Execution and Delivery of an Indenture of Trust and Refunding Instructions, Approving the Sale of the Refunding Bonds to an Underwriter, and Providing for Other Matters Properly Relating Thereto"

14. Adoption of Ordinance Establishing the Hayward Mills Act Historical Property Contract Program [LB 16-052](#)

Staff report submitted by Management Analyst Stefanski, dated May 3, 2016, was filed.

Assistant City Manager McAdoo provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding: the City register of historical or significant sites; properties on the National Register of Historic Places; and potential for a registered historic district.

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:51 p.m.

There was general consensus to introduce an Ordinance establishing the Hayward Mills Act Historical Property Contract Program.

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

Resolution 16-071, “Resolution Finding that the Proposed Hayward Mills Act Program is Categorically Exempt Under CEQA; Approving Mills Act Program Fees; and Finding that Such Fees are Compliant with California Proposition 26”

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

15. Overview of ABAG/MTC Proposed Merger and Potential Adoption of Council Position on the Issue [LB 16-048](#)

Staff report submitted by City Manager David, dated May 3, 2016, was filed.

City Manager David provided a synopsis of the staff report and Mayor Halliday offered background related to the proposed merger of the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC).

Mayor Halliday, who also serves as the ABAG Alternate to Fremont Mayor Bill Harrison representing the Alameda County Mayors’ Conference, concurred with staff in supporting Option Analysis and Recommendation Report 4 (Create a New Regional Agency and Governance Model) as recommended by Management Partners for the ABAG/MTC Merger Study. City Manager David noted that two guiding principles for the recommendation of Option 4 were local control and efficient government and added that a letter was distributed to Council from former ABAG executive directors in support of Option 4.

Council Member Zermeño, who also serves as the City’s Delegate to ABAG, concurred with Option 4 and added that a funding mechanism for ABAG was needed and suggested pursuing funding directly from the State.

Discussion ensued among Council Members and City staff regarding: the proposed merger and the Council position on the issue; communicating to ABAG, MTC and interested parties the Council’s position on the matter, and educating the public about the proposed merger.

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

Council Member Zermeño offered a motion recommending that the Council support Option 4 (Create a New Regional Agency and Governance Model); rescind MTC Resolution 4210 and ABAG Resolution 1215; and pursue funding for ABAG.



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Council Member Lamnin seconded the motion supporting Option 4 as the option that the City's ABAG representatives carry forward. Ms. Lamnin supported sending a letter to MTC, ABAG, and interested parties; and holding MTC accountable for ABAG's funding. Ms. Lamnin further suggested having a small committee comprised of three representatives from ABAG and three from MTC to update the Plan Bay Area and then focus on the regional consolidation.

Council Member Mendall concurred with the two guiding principles of local control and efficient government, and offered that a third principle be a fair representation for Hayward. Mr. Mendall also suggested that the language for Option 4 be amended to include a stable funding source.

It was moved by Council Member Zermeño, seconded by Council Member Lamnin, and carried unanimously, to direct the City's ABAG representatives and City staff to send a letter to ABAG and MTC communicating the City Council's support for Option 4 (Create a New Regional Agency and Governance Model) and adhering to four principles: local control, efficient government, fair representation for Hayward on regional bodies, and stable funding source; to rescind MTC Resolution 4210 and ABAG Resolution 1215; and to send the letter to all interested parties including but not limited to legislators, League of California Cities, local media, and surrounding municipalities.

CITY MANAGER COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Lamnin noted two items: 1) highlighted that Consent Item No. 5 (CONS 16-186) approved the plans and specifications for pipe replacements, and 2) suggested a work session to review the priorities for development applications.

Council Member Zermeño announced there was a "Cinco de Mayo" celebration presented by La Alianza de Hayward on May 7, 2016 at Hayward City Hall Plaza.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 9:30 p.m.

APPROVED:

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

ATTEST:

Miriam Lens
City Clerk, City of Hayward
Secretary, Hayward Public Financing Authority
Secretary, Redevelopment Successor Agency