



MINUTES OF THE MEETING OF THE CITY COUNCIL
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 5, 2018, 7:00 p.m.

The Meeting of the Hayward City Council was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Peixoto.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced the City Council convened in closed session at 4:30 p.m., to discuss four items: (1) conference with property negotiators pursuant to Government Code 54956.8 regarding City owned properties and easements located at 22300 Foothill Boulevard; APNs: 415-0250-112-00, 415-0250-111-02, and 415-0250-113-00; (2) conference with property negotiators pursuant to Government Code 54956.8 regarding 22549 Foothill Boulevard; APN: 428-0061-044-00; (3) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; and (4) public employment pursuant to Government Code 54957 regarding the City Attorney and City Clerk's annual performance evaluations. City Attorney Lawson noted there was no reportable action related to Items 1, 2, and 3. Mayor Halliday noted there was no reportable action related to Item 4. Mayor Halliday subsequently added that the City Council was going to continue the discussion related to Item No. 4 after the regular City Council meeting and would report on it at the next City Council meeting.

PRESENTATIONS

Congressman Eric Swalwell's representative, Mr. Edward Mora, read a letter on behalf of Congressman Swalwell congratulating the students for completing the Raising Leaders in Hayward Workshops created by the Hayward Adult School's Youth Enrichment Services Program in partnership with the City of Hayward, and provided a copy of the letter to the students. Mr. Mora presented certificates of recognition to the Maintenance Services and Human Resources Departments for their support of the program. Dr. Guy 'Zak' Zakrevsky, Hayward Adult School Director, thanked the City for the partnership, and Ms. Davida Scott, provided an overview of the Youth Enrichment Services Program.

Mayor Halliday read a Certificate of Commendation recognizing the Cobblers on their 60th anniversary and their business, service, and commitment to the Hayward community. Mr. Rudy Grasseschi and Dino Grasseschi accepted the recognition.

PUBLIC COMMENTS

Mr. Charlie Peters, Clean Air Performance Professional representative, spoke about the federal ethanol mandate and provided a related document.

Consent Item No. 6 was removed for separate vote.

CONSENT

1. Minutes of the Special City Council Meeting on May 8, 2018 **MIN 18-078**

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried unanimously, to approve the minutes of the Special City Council Meeting on May 8, 2018.

2. Resignation of Ms. Jillian Hogan from the Keep Hayward Clean and Green Task Force
CONS 18-371

Staff report submitted by City Clerk Lens, dated June 5, 2018, was filed.

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

Resolution 18-093, "Resolution Accepting the Resignation of Jillian Hogan from the Keep Hayward Clean and Green Task Force"

3. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Assessments for Fiscal Year 2019 and Set June 19, 2018 as the Public Hearing Date for Such Actions for Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 16 **CONS 18-131**

Staff report submitted by Maintenance Services Director Rullman, dated June 5, 2018, was filed.

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

Resolution 18-094, "Resolution Preliminarily Approving Engineer's Report Declaring Intention to Levy Assessments for Fiscal Year 2019 for Consolidated Landscaping and Lighting District No. 96-1, Zones 1-16, and Setting June 19, 2018 as the Public Hearing Date"



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4. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2019 for Maintenance District No.1 - Storm Drainage Pumping Station and Storm Drain Conduit Located at Pacheco Way, Stratford Road and Ruus Lane, and Set June 19, 2018 as the Public Hearing Date for Such Actions **CONS 18-132**

Staff report submitted by Maintenance Services Director Rullman, dated June 5, 2018, was filed.

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

Resolution 18-095, "Resolution of Intention Preliminarily Approving Engineer's Report Declaring Intention to Levy Assessments for Fiscal Year 2019; and Setting June 19, 2018 as the Public Hearing Date Concerning Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road, and Ruus Lane"

5. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2019 for Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer, and Set June 19, 2018 as the Public Hearing Date for Such Actions **CONS 18-133**

Staff report submitted by Maintenance Services Director Rullman, dated June 5, 2018, was filed.

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

Resolution 18-096, "Resolution of Intention Preliminarily Approving Engineer's Report Declaring Intention to Levy Assessments for Fiscal Year 2019; and Setting June 19, 2018 as the Public Hearing Date Concerning Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer"

6. Approval of FY 2018 - 2019 Measure B/BB Annual Paratransit Program Plan **CONS 18-365**

Staff report submitted by Assistant City Manager Hurtado, dated June 5, 2018, was filed.

Council Member Lamnin offered the following recommendations: share outcomes for the contractees with the City Council in the future; consider having a joint meeting of the Community Services Commission and Paratransit Advisory Committee meeting to allow for public input; and consider if funded agencies need to go through an Request for Proposal (RFP) process to reevaluate outcomes.

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

Resolution 18-103, "Resolution Authorizing the City Manager to Implement an Annual Paratransit Plan and Negotiate and Execute All Documents Related to an in Support of Paratransit Activities Including the Administration of the Hayward Operated Paratransit (HOP) Program"

7. Authorization for the City Manager to Execute an Agreement with the Alameda County Probation Department for Delinquency Prevention Network Youth Service Center Services Provided by the Youth and Family Services Bureau of the Hayward Police Department **CONS 18-372**

Staff report submitted by Police Chief Koller, dated June 5, 2018, was filed.

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

Resolution 18-097, "Resolution Authorizing the City Manager to Execute an Agreement with the Alameda County Probation Department for Delinquency Prevention Network Youth Service Center Services Provided by the Youth and Family Services Bureau of the Hayward Police Department"

8. Authorization to Amend the FY2018 Operating Budget of the Development Services Department Building Division to Increase the Consulting Services Allocation from \$790,000 to \$1,040,000, an increase of \$250,000, for Outside Plan Check, Building Inspection and Permit Technician Services **CONS 18-373**

Staff report submitted by Interim Development Services Director Bristow, dated June 5, 2018, was filed.

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

Resolution 18-098, "Adoption of a Resolution Appropriating an Additional \$250,000 for Consulting Services for Plan check, Building Inspection, and Permit Technician Services for Fiscal



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Year 2018”

9. Authorize an Additional \$89,000 to Complete the Administrative Draft Code Component of the Downtown Specific Plan Project **CONS 18-374**

Staff report submitted by Interim Development Services
Director Bristow, dated June 5, 2018, was filed.

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

Resolution 18-099, “Resolution Authorizing Additional Funding for the Completion of the Administrative Draft Code Component of the Downtown Specific Plan Project”

10. New Sidewalks FY17: Walpert Street (Fletcher Lane to Second Street), Project No. 05258 & 05259 - Rejection of All Bids **CONS 18-378**

Staff report submitted by Interim Public Works Director Ameri,
dated June 5, 2018, was filed.

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

Resolution 18-100, “Resolution Rejecting All Bids Received for New Sidewalks FY 17: Walpert Street (Fletcher Lane to Second Street)”

11. Consideration of Resolution Opposing the State Water Tax Provisions of the Safe and Affordable Drinking Act Budget Trailer Bill **CONS 18-379**

Staff report submitted by Utilities and Environmental Services
Director Ameri, dated June 5, 2018, was filed.

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

Resolution 18-101, “Resolution Opposing the State Water Tax Provisions of the Safe and Affordable Drinking Water Act Budget Trailer Bill, Unless Amended, and Directing Staff to Prepare a Letter for the Mayor’s Signature Stating Hayward’s Position”

12. Sustainable Groundwater Management: Authorization for the City Manager to Execute a Cooperating Agreement with the East Bay Municipal Utility District for Preparation of a Groundwater Sustainability Plan for the East Bay Plain Subbasin **CONS 18-380**

Staff report submitted by Utilities and Environmental Services
Director Ameri, dated June 5, 2018, was filed.

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

Resolution 18-102, "Resolution Authorizing the City Manager to Execute a Cooperating Agreement with the East Bay Municipal Utility District for Preparation of a Groundwater Sustainability Plan for the East Bay Plain Subbasin"

WORK SESSION

13. Discussion of Potential November 2018 Ballot Measures (Report from City Manager McAdoo) **WS 18-024**

Staff report submitted by Communications and Marketing
Officer Finnie and Management Analyst II Stefanski, dated June
5, 2018, was filed.

City Manager McAdoo announced the report and Communications and Marketing Officer Finnie provided a synopsis of the staff report.

Mayor Halliday opened the public comment section at 7:44 p.m.

Mr. Bill Mulgrew, Rental Housing Association Executive Director, expressed concern about the public opinion survey conducted by Godbe Research and suggested that in the second option survey more effort be given in gathering the opinion of those who will be paying the taxes; and asked for survey results.

Mayor Halliday closed the public comment section at 7:47 p.m.

Discussion ensued among Council Members and City staff regarding: possible service additions (maintenance crews, library operating hours, social services funding) if measures pass; Real Property Transfer Tax (RPTT) Measures on California Ballots in the last ten years; Transient Occupancy Tax (TOT) revenue; and survey of Hayward registered voters conducted by Godbe Research. Mayor Halliday and Council Members Lamnin and Salinas were acknowledged for their service on the Council Budget and Finance Committee.

Council Members were in general agreement to direct staff to finalize the second public opinion survey with Godbe Research; and pending poll results, consider possible service additions if measures pass. Council Members also offered suggestions: that staff invest in



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getting a robust survey sampling; poll the age group between 30 and 40 who might be potential buyers; continue to conduct outreach via the Hayward Listens Mailer Survey to increase response by outreaching at the Hayward Downtown Street Parties and the Hayward Chamber of Commerce; when staff returns to the City Council on June 26, 2018, provide scenarios at different service levels.

LEGISLATIVE BUSINESS

14. Transfer of Partial Ownership of the Palace Poker Casino, LLC Per the Hayward Card Club Regulations and a Conditional Use Permit Amendment Related to the Parking Mitigation Fee Associated with the Palace Card Club Shuttle located at 22821 Mission Boulevard (APN 428-0081-033-00) Catherine Aganon and Pamela Roberts (Owners and Applicants) (Report from Interim Development Services Director Bristow) **LB 18-024**

Staff report submitted by Interim Development Services
Director Bristow, dated June 5, 2018, was filed.

Planning Manager Buizer provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 8:19 p.m.

Mr. Kim Huggett, Hayward Chamber of Commerce President, urged the Council to approve the staff's recommendation and thanked the Aganon family for their investment in the City.

Ms. Catherine Aganon, owner of the Palace Poker Casino, introduced her children Richard Box, Tami Box, and Heather Plaza, whom are also employed by the Card Club, and sought the Council's approval of the ownership transfer.

Ms. Diana Anderly, spoke about the Conditional Use Permit amendment related to the parking mitigation fee.

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

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

Council Members were amenable to grant the request because the Palace Poker Casino is a well-run business.

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

Resolution 18-104, "Resolution Finding the Project Statutorily Exempt from CEQA Review and Approving the Partial Ownership Transfer Per the City's Card Club Regulations and Related Increase to the Parking Mitigation Fee Associated with the Palace Card Club at 22821 Mission Boulevard"

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Salinas reported that the Kid's Breakfast Club was selected as a 2018 California Nonprofit of the Year by State Assembly Member Quirk, and noted that along with the Kid's Breakfast Club President, Frank Garcia, he will travel to the California State Capitol to receive the award on June 6, 2018.

Mayor Halliday noted the next City Council meeting was scheduled for June 19, 2018.

ADJOURNMENT

Mayor Halliday announced adjournment to Closed Session at 8:39 p.m., and noted that the report out of Closed Session will occur at the City Council meeting on June 19, 2018.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward