



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL /HAYWARD  
REDEVELOPMENT SUCCESSOR AGENCY/HAYWARD HOUSING AUTHORITY  
MEETING OF THE CITY OF HAYWARD  
Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, June 28, 2016, 7:00 p.m.**

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

**ROLL CALL**

Present: COUNCIL/HRSA/HHA MEMBERS Zermeño, Mendall, Jones, Peixoto,  
Lamnín, Márquez  
MAYOR/CHAIR Halliday  
Absent: None

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

There were no referrals or future agenda items.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced that the Council convened in closed session concerning two items: 1) Conference with legal counsel pursuant to Government Code 54956.9 regarding McKinney, et al. v. City of Hayward, U.S. District Court No. C-15-3121-THE; and 2) Public employment pursuant to Government Code 54957 regarding performance evaluation for City Manager. Mr. Lawson noted the City Council unanimously approved, with Council Member Lamnín moving and Council Member Márquez seconding to settle the case related to Item No. 1. Mayor Halliday noted there was no action related to Item No. 2.

**PUBLIC COMMENTS**

Ms. Tamara Centro, Hayward resident, was called during public comments, but spoke during Public Hearing No. 14.

Mr. Charlie Peters, with Clean Air Performance Professionals, spoke about an article in the Los Angeles Times regarding the Public Utilities Commission's decision about automobiles and transportation system.

Ms. Sarah Finnigan, Deputy Director at Eden I&R, noted that the \$10,000 reduction in funding for the 2-1-1 service would impact its operations and she urged the Council to continue to maintain the same level of funding of \$50,000 that had been provided since 2007.

## HAYWARD YOUTH COMMISSION

1. Appointment and Reappointment to the Hayward Youth Commission (Report from City Clerk Lens) **APPT 16-005**

Staff report submitted by City Clerk Lens, dated June 28, 2016, was filed.

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

Resolution 16-113, "Resolution Confirming the Appointment and Reappointment of Members of the Hayward Youth Commission"

## CONSENT

Consent Item No. 7 was removed for discussion and separate action.

Mayor Halliday noted that Mr. Bruce Roberts, had been the City's Poet Laureate for a year and had promoted poetry at various City events. Mayor Halliday recommended reappointing him for FY 2017 and establishing a stipend for his position.

Mr. Bruce Roberts shared a poem about the Fourth of July celebration.

2. Minutes of the Special Joint City Council/Hayward Public Financing Authority Meeting on June 14, 2016 **MIN 16-058**

It was moved by Council/HPFA Member Peixoto, seconded by Council/HPFA Member Márquez, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Public Financing Authority Meeting on June 14, 2016.

3. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Assessments for Fiscal Year 2017; and set July 19, 2016, as the Public Hearing Date for Such Actions for Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 13 **CONS 16-315**

Staff report submitted by Management Analyst II Blohm and Contract Development Review Engineer Rei, dated June 28, 2016, was filed.

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

Resolution 16-114, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2017 for Consolidated Landscaping and Lighting District No. 96-1, Zones 1-13, and Setting July 19, 2016, as the



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Public Hearing Date”

4. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2017 for Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit Located at Pacheco Way, Stratford Road and Ruus Lane, and Set July 19, 2016, as the Public Hearing Date for Such Actions **CONS 16-316**

Staff report submitted by Contract Development Review Engineer Rei, dated June 28, 2016, was filed.

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

Resolution 16-115, “Resolution of Intention Preliminarily Approving the Engineer’s Report; Declaring Intention to Levy Assessments for Fiscal Year 2017; and Setting July 19, 2016, 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 2017 for Maintenance District No.2 - Eden Shores Storm Water Facilities and Water Buffer, and Set July 19, 2016, as the Public Hearing Date for such Actions **CONS 16-317**

Staff report submitted by Contract Development Review Engineer Rei, dated June 28, 2016, was filed.

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

Resolution 16-116, “Resolution of Intention Preliminarily Approving Engineer’s Report, Declaring Intention to Levy Assessments for Fiscal Year 2017, and Setting July 19, 2016, as the Public Hearing Date Concerning Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer”

6. Resolution Authorizing the City Manager to Negotiate and Execute a Memorandum of Understanding with California State University, East Bay to Establish the Sustainable City Year Program for a Total Amount Not to Exceed \$75,000 **CONS 16-331**

Staff report submitted by Environmental Services Manager Pearson and Management Fellow James, dated June 28, 2016, was filed.

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

Resolution 16-117, "Resolution Authorizing the City Manager to Negotiate and Execute a Memorandum of Understanding with California State University, East Bay to Establish the Sustainable City Year Program for an Amount Not To Exceed \$75,000"

7. Resolution to Establish a Permanent Poet Laureate Program, Reappoint Bruce Roberts as Poet Laureate for FY 2017, and Establish a Stipend for FY 2017 **CONS 16-342**

Staff report submitted by Assistant City Manager McAdoo, dated June 28, 2016, was filed.

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

Resolution 16-124, "Resolution to Establish a Permanent Poet Laureate Program, Reappoint Bruce Roberts as Poet Laureate for FY 2017, and Establish a \$500 Stipend for the Position of Poet Laureate for FY 2017"

8. Adoption of a Resolution Approving the Modifications and Extensions of Employment Agreements with the City Manager, City Attorney and City Clerk for Fiscal Year 2017 and Authorizing the Mayor to Execute Those Agreements on Behalf of the Council **CONS 16-347**

Staff report submitted by Director of Human Resources Collins, dated June 28, 2016, was filed.

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

Resolution 16-118, "Resolution Approving the Modifications and Extensions of the City Manager's Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council"

Resolution 16-119, "Resolution Approving the Modifications and Extension of the City Attorney's Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council"



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Resolution 16-120, “ Resolution Approving the Modifications and Extension of the City Clerk’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council”

9. Adoption of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2017 **CONS 16-350**

Staff report submitted by Director of Human Resources Collins, dated June 28, 2016, was filed.

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

Resolution 16-121, “Resolution Approving the Amended Fiscal Year 2017 Salary Plan Designating Positions of Employment in the City Government of the City of Hayward and Salary Range; and Superseding Resolution No. 16-098 and All Amendments Thereto”

10. Resolution Accepting the Written Resignation of Rui Li from the Downtown Business Improvement Area Advisory Board **CONS 16-357**

Staff report submitted by City Clerk Lens, dated June 28, 2016, was filed.

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

Resolution 16-122, “Resolution Accepting the Resignation of Rui Li from the Downtown Business Improvement Area Advisory Board”

11. Downtown Business Improvement Area Annual Report and Proposed Budget for FY 2017 (Continued from June 21, 2016 City Council Meeting) **CONS 16-374**

Staff report submitted by Economic Development Specialist Thomas, dated June 28, 2016, was filed.

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

Resolution 16-123, "Resolution Accepting the Annual Report and Declaring Intention Not to Levy Annual Charges for the Downtown Hayward Business Improvement Area (DBIA) for Fiscal Year 2017"

## **WORK SESSION**

### 12. Preliminary Analysis of the 2-1-1 System in Alameda County (Report from Library and Community Services Director Reinhart) **WS 16-042**

Staff report submitted by Administrative Analyst McNamara and Community Services Manager Jaeger, dated June 28, 2016, was filed.

Library and Community Services Director Reinhart provided a synopsis of the report.

Discussion ensued among Council members and City staff regarding: the \$40,000 allocation recommended by the Community Services Commission (CSC) for Eden I&R and 2-1-1 operations; Social Services and Community Development Block Grant (CDBG) funding which is overseen by the U.S. Department of Housing and Urban Development (HUD); funding provided by the fifteen jurisdictions for Eden I&R services; process to evaluate all grantees and providers to ensure accountability at the local level; and funding source for the additional \$10,000.

Council Members Mendall and Peixoto favored the staff's recommendation noting that the funding level provided by cities to support operations of the 2-1-1 service was not based on population, was disproportionate, and the funding provided by Hayward seemed to subsidize cities with high call volume.

Council Members Márquez and Lamnin and Mayor Halliday favored adding an additional \$10,000 to fund Eden I&R at their requested level of \$50,000 because residents were in need of the service.

### 13. East Bay Community Energy-Presentation of Draft Joint Powers Agreement and Technical Study (Report from Utilities and Environmental Services Director Ameri) **WS 16-044**

Staff report submitted by Environmental Services Manager Pearson, dated June 28, 2016, was filed.

Utilities and Environmental Services Director Ameri announced the report and introduced Mr. Seth Baruch with Carbonomics. Mr. Baruch provided a presentation about the Joint Powers Agreement (JPA) and the Technical Study for East Bay Community Energy (EBCE).



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Discussion ensued among Council Members and City staff regarding: job creation from EBCE; the three scenarios with varying levels of renewable energy; the timeline to join the JPA and launch the EBCE; operational costs; and the fiscal impact to Hayward as a result of joining EBCE.

The City Council was in general agreement with the JPA and the Technical Study. Council Members offered the following recommendations for staff: consider geographical diversity when selecting member for the Community Advisory Committee; have the Alternate for the Board of Directors be a member of the governing body; the criteria for membership on the Community Advisory Committee should include that members be rate payers; the terms for Chair and Vice Chair should be limited to two-year terms; and urge the County to change the 15-day withdrawal period to at least 30 days.

#### **PUBLIC HEARING**

14. Recommend Approval and Necessary Actions to Allow Establishment of California Crosspoint Middle and High School at 25500 Industrial Boulevard. California Crosspoint Middle and High School (Applicant)/ Lampert 25500 Industrial Blvd, LLC (Owner); Including a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Report from Development Services Director Rizk) **PH 16-063**

Staff report submitted by Senior Planner Schmidt, dated June 28, 2016, was filed.

Development Services Director Rizk announced the report and introduced Senior Planner Schmidt who provided a synopsis of the report. Mr. Robin Hom, Superintendent of California Crosspoint Middle and High School provided an overview about the proposed school operation.

Discussion ensued among Council Members and City staff regarding: school academic track record and accreditation; community and Christian component to the curriculum; enrollment process; plans for the site to host community events; traffic impact and mitigation efforts such as a shuttle service and school bus transportation; academic plans including college preparation; and open space and building requirements for Phases 2 and 3 of the project.

Mayor Halliday opened the public hearing at 9:15 p.m.

The following individuals spoke in support of the establishment of California Crosspoint Middle and High School in Hayward because it would strengthen Hayward's economy; it would add quality education to Hayward; it has an outstanding academic record; it instills Christian values; the geographical location is beneficial for prospective students/parents;

and the institution would add an international component to the vitality of the business sector.

Ms. Samara Centro

Ms. Sandra Williams

Mr. Bruce Johnson, Superintendent at Redwood Christian School

Mr. Tomas Berg, submitted a speaker card but left

Mr. Ernie Vicentina, Hayward resident

Mr. Kim Huggett, President of the Hayward Chamber of Commerce

Mayor Halliday closed the public hearing at 9:31 p.m.

Council Member Zermeño offered a motion per staff recommendation noting that the school would strengthen the educational community and would offer another option for students.

Council Member Mendall seconded the motion noting the proposal would add to the educational institutions in Hayward and it would make an appropriate use of a prime location.

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

Resolution 16-125, "Resolution Adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and Approving Zone Change and Administrative Use Permit Application 201505867 Pertaining to Establishment of California Crosspoint Middle and High School at 25500 Industrial Boulevard"

Introduction of Ordinance 16-, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change Application No. 201505867 to Establish California Crosspoint Middle and High School at 25500 Industrial Boulevard"

## **LEGISLATIVE BUSINESS**

15. Approval of the FY 2017 Operating Budget and Appropriations for FY 2017; Approval of the FY 2017 Capital Improvement Program Budget and Appropriations for FY 2017; Approval of the Hayward Redevelopment Successor Agency Budget; Approval of the Hayward Housing Authority Budget (Report from Interim Director of Finance Claussen)  
**LB 16-077**





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Staff report submitted by Interim Director of Finance Claussen, dated June 28, 2016, was filed.

City Manager David announced the report and introduced Interim Director of Finance Claussen who provided a synopsis of the report.

In response to Mayor/Chair Halliday's inquiry about the source of funding should the Council increase funding for Eden I&R, staff indicated that the allocation would come from reserve funds.

Mayor/Chair Halliday opened the public hearing at 9:44 p.m.

Ms. Sarah Finnigan, Deputy Director at Eden I&R, clarified the share of cost paid by Fremont for the 2-1-1 service and urged the Council to fulfill Eden I&R's original request of \$50,000.

Mayor/Chair Halliday closed the public hearing at 9:49 p.m.

Council/HRSA/HHA Member Lamnin offered a motion per staff recommendation with an amendment to the appropriations of the Community Agency Funding Recommendations by restoring \$10,000 to Eden I&R.

Council/HRSA/HHA Member Márquez seconded the item.

Council/HRSA/HHA Member Lamnin urged staff to review how CDBG funds have been allocated.

Mayor/Chair Halliday supported the motion noting that the funding would serve to connect a vulnerable population to needed services and pledged to go to the Alameda County Mayors' Conference to offer this topic as one of discussion.

Council/HRSA/HHA Member Zermeño offered a friendly amendment by increasing the Eden I&R allocation to \$5,000 as opposed to \$10,000.

Council/HRSA/HHA Member Jones noted he needed to recuse from voting on the resolution related to Community Agency Funding Recommendations because he leases from one of the agencies that receives funding.

Council/HRSA/HHA Member Lamnin withdrew her original motion and offered a second motion to approve the resolution appropriating the Community Agency Funding recommendations for Fiscal Year 2017 with an amendment to increase the funding for Eden I&R by \$10,000.

Council/HRSA/HHA Member Márquez seconded the motion.

It was moved by Council/HRSA/HHA Member Lamnin, seconded by Council/HRSA/HHA Member Márquez, and failed by the following vote:

AYES: COUNCIL/HRSA/HHA MEMBERS Lamnin, Márquez  
MAYOR/CHAIR Halliday  
NOES: COUNCIL/HRSA/HHA MEMBERS Zermeño, Mendall, Peixoto  
ABSTAINED: COUNCIL/HRSA/HHA MEMBER Jones

It was moved by Council/HRSA/HHA Member Zermeño, seconded by Council/HRSA/HHA Member Lamnin, and unanimously carried, to adopt the following:

Resolution 16-126, “Resolution Approving the Operating Budget of the City of Hayward for Fiscal Year 2017; Adopting Appropriations for Fiscal Year 2017, Except For General Fund Community Agency Funding”

Resolution 16-127, “Resolution Approving Capital Improvement Projects for Fiscal Year 2017”

RSA Resolution 16-03, “Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Successor Agency for the Redevelopment Agency of the City of Hayward, Approving the Budget of the Redevelopment Successor Agency of the City of Hayward and Adopting Appropriations for Fiscal Year 2017”

HA Resolution 16-01, “Resolution Confirming the Proposed Hayward Housing Authority Budget for Fiscal Year 2017”

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

Resolution 16-128, “Resolution Approving and Appropriating the Community Agency Funding Recommendations for Fiscal Year 2017”

## **INFORMATION ITEMS**

### **16. Downtown Specific Plan Project Update (Report from Development Services Director Rizk) RPT 16-063**

Staff report submitted by Senior Planner Golubics, dated June 28, 2016, was filed.



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The report was an informational item. Discussion ensued about the Downtown Specific Plan and a study of the Downtown Loop and its technical aspect and the economic impact on merchants and safety.

**CITY MANAGER COMMENTS**

City Manager David made an announcement about Fourth of July fireworks and noted they were not permitted in Hayward and subject to enforcement.

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Mayor Halliday wished everyone a safe and joyous Fourth of July celebration.

**ADJOURNMENT**

Mayor/Chair Halliday adjourned the meeting at 10:22 p.m.

**APPROVED:**

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

**ATTEST:**

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