



MINUTES OF THE SPECIAL CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 30, 2019, 7:00 p.m.

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

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lamnin, Wahab, Salinas
MAYOR Halliday

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:00 p.m. regarding three items: 1) public employment pursuant to Government Code 54957 regarding the City Manager's performance evaluation; 2) conference with legal counsel pursuant to Government Code 54956.9 regarding AGG, et al. v. City of Hayward, et al., U.S. District Court, ND CA, No. #4: 4:19-civ-00697-DMR; and 3) conference with legal counsel pursuant to Government Code 54956.9 regarding Spears v. City of Hayward, Alameda County Superior Court, No. RG17851268. Mayor Halliday noted there was no reportable action related to Item 1 and City Attorney Lawson added there was no reportable action concerning Item 2. Regarding Item 3, City Attorney Lawson reported the Council unanimously, with Council Member Salinas moving and Council Member Lamnin seconding, approved settlement of the case.

PRESENTATIONS

Council Member Salinas read a proclamation declaring the week of May 5 to May 11, 2019, as Public Service Recognition Week in the City of Hayward. City Manager McAdoo recognized past Hearts of Services Award winners who were present at the meeting and accepted the proclamation.

Council Member Zermeño read a proclamation declaring May 2019 as Bike to Work Month in the City of Hayward. Ms. Susie Hufstader, Community Organizer with Bike East Bay, accepted the proclamation.

Mayor Halliday announced the 36th Annual Earth Day Poster and Writing Contest Awards presentation. It was noted that 758 entries were received from students representing 31 Hayward schools, and four judges from the Hayward Arts Council evaluated and selected the winners. Council Member Mendall, who serves as the Chair of the Council Sustainability Committee, announced the 20 Poster and Writing Contest winners who were recognized with gift certificates and all teachers involved who were also recognized with gift cards.

PUBLIC COMMENTS

Mr. Zachariah Oquenda, Hayward resident, asked staff to present a resolution supporting statewide measures on a rent control cap.

Mr. Ramiro Iniquez and Ms. Rhea Grover, from Tennyson High School, Youth Advisory Panel, invited the public to the event “Reach for a Better Community” at Matt Jimenez Community Center on May 18, 2019.

The following individuals spoke about an Airbnb business on Seventh Street that is causing problems for the neighborhood and requested the City consider regulating these businesses and that they be required to receive use permits in residential neighborhoods. A petition with signatures was submitted for the record.

Mr. Tim Dragoni, Hayward resident
Ms. Susan Dragoni, Hayward resident
Mr. Tyler Dragoni, Hayward resident

Council Member Mendall suggested that staff add information to the City’s website where residents can report problems with Air B&Bs in their neighborhoods.

Mr. Anwar Mohammed shared that he was the victim of an attack and then wrongfully arrested by the Hayward police, and he was concerned about police brutality, profiling, and misconduct.

Ms. Kristina Boyce and Ms. Gail Minor submitted a document and requested postponement of a Parcel Group 5 eviction notice for her terminally ill father, Troy Minor.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about a document submitted for the record regarding information about GMO corn fuel and ethanol in gasoline.

Mr. Sean Kim, program director with International Youth Fellowship, introduced his group to the Council, which helps to develop youth global leadership training, and invited the community to their Christmas Cantata on September 28, 2019 in San Jose at the Cow Palace.

Ms. Mary Ann Higgs, Hayward resident, commented on homebuying assistance being provided to City employees and asked that it also be extended to longtime renters.

Mr. Bill Espinola, Bay East Association of Realtors, presented a document for the record on the real estate market in Hayward, and he expressed a desire to work with the City to provide further homeownership opportunities.

Mr. Joshua Kim, International Youth Fellowship member, announced the 2019 Korean Camp in San Jose on May 4, 2019.



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Ms. Sharan Aminy thanked the City for its support of Eden I&R, 2-1-1 which helps individuals who are homeless and those in a housing crisis.

Consent Item No. 6 was removed from the Consent Calendar to allow for a public comment.

CONSENT

1. Minutes of the City Council Meeting on April 2, 2019 **MIN 19-053**

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 April 2, 2019.

2. Minutes of the Special City Council Meeting on April 9, 2019 **MIN 19-054**

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 April 9, 2019.

3. Approval of Final Map Tract 8439 for 59 Townhomes (Hideaway-Ersted) Located South of the New Tennyson Road Extension Between Mission Boulevard and Vista Grande Drive **CONS 19-237**

Staff report submitted by Development Services Director Simpson, dated April 30, 2019, was filed.

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

Resolution 19-071, "Resolution Approving Final Map for Tract 8439 and Authorizing the City Manager to Execute a Subdivision Agreement"

4. Adoption of a Resolution to Commit to Participate in the Climate Mayors Electric Vehicle Purchasing Collaborative **CONS 19-247**

Staff report submitted by Public Works Director Ameri and Maintenance Services Director Rullman, dated April 30, 2019, was filed.

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

Resolution 19-072, "Resolution in Support of the Climate Mayors Electric Vehicle (EV) Purchasing Collaborative"

5. Authorization to Award a Construction Contract to Evans Brothers, Inc., in the amount of \$246,300 for the Fire Station 6 and Fire Training Center Project-Abatement and Deconstruction and to Approve Addendum No. 1 to Clarify Plans and Specifications **CONS 19-251**

Staff report submitted by Public Works Director Ameri, dated April 30, 2019, was filed.

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

Resolution 19-073, "Resolution Approving Addendum No. 1 for the Fire Station 6 and Fire Training Center: Abatement and Deconstruction of Existing Buildings Project, Project Nos. 07481 and 07482 and Awarding the Contract to Evans Brothers, Inc."

6. Authorize the City Manager to Negotiate and Execute an Agreement with KBM Office Equipment Inc. (KBM-Hogue) for the Purchase of Office Modules and Furniture for the Records Bureau of the Hayward Police Department **CONS 19-267**

Staff report submitted by Police Chief Koller, dated April 30, 2019, was filed.

Mayor Halliday opened the public comments section at 8:23 p.m.

Mr. Zachariah Oquenda, Hayward resident, expressed concern about the City's reliance on US Communities contracts and multi-agency bidding process rather than going through a local bid process. He requested that the Council vote to pause the process, gather more information and consider adopting a policy that commits to a local process.

Mayor Halliday closed the public comments section at 8:26 p.m.

Council Member Lamnin suggested that Mr. Oquenda share the research with the League of California Cities as a starting point.

It was moved by Council Member Lamnin, seconded by Council Member Mendall, and carried unanimously, to approve the resolution:

Resolution 19-074, "Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with KBM Office Equipment for the Remodel of the Hayward Police Department Records Bureau"



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At the request of Council Member Zermeño, the City Council unanimously agreed to move the Public Hearing Item 8 before Work Session Item 7.

WORK SESSION

7. Overview of the 2019 Resident Satisfaction Survey Results (Report from City Manager McAdoo) **WS 19-030**

Staff report submitted by Communications and Marketing Officer Finnie, dated April 30, 2019, was filed.

City Manager McAdoo announced the report and introduced Communications and Marketing Officer Finnie to provide an overview of the community survey. Mr. David Metz, consultant with FM3 Research, provided key findings from a survey of residents “Opinion Research & Strategy” conducted April 7-17, 2019.

There being no public comments, Mayor Halliday opened and closed the public comments at 10:25 p.m.

Discussion ensued among Council Members and City staff regarding the results of the Resident Satisfaction Survey.

Council Members provided the following recommendations: ensure that the City provide outreach for the 2020 Census with multilanguage materials; ensure that residents participate in the 2020 Census and be provided information about the citizenship question being optional; provide the Council with a copy of the Resident Satisfaction Survey Results prior to the Council Retreat; be more inclusive in the future to include the immigrant community and older residents who may not vote such as in a complementary data set to capture opinions; and consider including an additional language in the future and that language options continue to increase after that.

PUBLIC HEARING

Council Member Salinas disclosed he is the Executive Director of the Kids Breakfast Club and has an office in the Downtown but could participate in the hearing and vote. Council Member Márquez disclosed her family owns a business in Downtown and she could participate in the hearing and vote. City Manager McAdoo disclosed her personal residence is in Downtown but could participate in the hearing.

8. Adoption of the Downtown Specific Plan and Development Code and Certification of the Final Environmental Impact Report, per CEQA, with a Statement of Overriding

Considerations and Mitigation Monitoring and Reporting Program (Report from Development Services Director Simpson) **PH 19-027**

Staff report submitted by Development Services Director Simpson, dated April 30, 2019, was filed.

Development Services Director Simpson and Senior Planner Golubics announced the report and introduced Kathryn Slama, Project Manager with Lisa Wise Consulting and Terri McCracken, Associate Principal, who provided a synopsis of the Downtown Specific Plan “Plan” and Development Code – Chapter 6 Development Code Environmental Impact Report.

Discussion ensued among Council Members, City staff, and Lisa Wise Consulting team about: implementation of conversion of A Street rather than B Street; consideration of cannabis retail dispensaries; regulations for senior housing or group homes as done for home businesses; there was clarification that Council is not bound by the project order timeline being presented, which can be impacted by additional funding availability and other factors that may arise over time; preliminary steps that would proceed after adoption of the Plan; the ability of the Plan to be modified should there be problems or future concerns; input provided by the Hayward Downtown Improvement Area Organization; and construction of affordable units onsite.

Mayor Halliday opened the public hearing at 9:13 p.m.

Mr. Andreas Cluver, Secretary-Treasurer of the Alameda County Building and Construction Trades Council, introduced members of the workforce and expressed support for including Apprenticeship Utilization Requirements within the Downtown Specific Plan.

Mr. John Belperio, Carpenters Local 713 representative, expressed support for the proposed changes in the Plan on behalf of the union.

Mr. Tim Frank, Director of Center for Sustainable Neighborhoods, supported a full, build-out sustainable, walkable Plan, and a workforce development policy that will help build it faster.

Mr. Mark Wachter suggested the Plan include information to provide sufficient flexibility to preserve the existing neighborhood character and transition toward compliant development.

Mayor Halliday closed the public hearing at 9:25 p.m.

Council Member Zermeño suggested to add more green areas, tie-in City trails, and improve the Greyhound Station in Downtown. Council Member Zermeño offered a motion per staff’s recommendation with a modification to move the two-way street conversion of A and B Streets to short-term projects.

Council Member Mendall seconded the motion.



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Mayor Halliday requested to prioritize moving the conversion of A Street to short-term projects.

Council Member Zermeño and Council Member Mendall were amenable to the modification.

Council Member Mendall expressed support for the Plan because it captures the vision the Council has been articulating over the past years.

Council Member Márquez offered a friendly amendment to the motion to strongly encourage the production of onsite affordable housing in the Plan area.

Council Member Zermeño and Council Member Mendall accepted the friendly amendment.

Council Member Lamnin expressed support for the Plan and asked staff to ensure that current conditions for C Street is a one-way Street and noted she looked forward to seeing the different plans in a cohesive strategic planning document that connects to staff's workload.

Council Member Salinas expressed support for the Plan, wants A Street to be a priority, and would like to see B Street closed on weekends in the future.

Council Member Wahab expressed support for the components in the Plan and supported making A Street a priority.

Mayor Halliday supported the Plan and its vision for the future and expressed concern about the idea of a park in the middle of a roundabout street.

The City Council expressed appreciation for City staff, the consulting team and the community for all the contributions.

It was moved by Council Member Zermeño, seconded by Council Member Mendall, and carried unanimously, with two additional recommendations: 1) prioritize converting A Street to a two-way street as part of the short-term improvements for street modifications; and 2) strongly encourage the production of onsite affordable housing in the Plan area consistent with the City's Inclusionary Housing Ordinance.

Resolution 19-075, "Resolution Certifying the Program Environmental Impact Report, Approving the Mitigation Monitoring and Reporting Program, Adopting the Statement of Overriding Considerations, Adopting the Downtown Specific Plan and Findings in Support of the Downtown Development Code and all Zoning Map Amendments for the Project"

Introduction of Ordinance 19-_, “An Ordinance of the Council of the City of Hayward Adopting the Downtown Development Code and Amending the City’s Zoning Map to Incorporate all Proposed Downtown Hayward Regulating Plan Map Amendments contained in Figure 2.1.020.1 of the Downtown Specific Plan and Code”

CITY MANAGER’S COMMENTS

There were none.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Lamnin made three announcements: 1) along with Council Member Zermeno, Council Member Lamnin attended the first City of Hayward/AC Transit Interagency Liaison Committee meeting on April 24, 2019; 2) nomination period is open for community agencies to select volunteers to be recognized during the Annual Volunteer Recognition and Awards Dinner; and 3) luncheon on Census 2020 for faith-based organization on May 8, 2019 at Glad Tidings Church.

Council Member Márquez invited all to the 37th Annual Cinco de Mayo celebration on May 4, 2019 at B and Main Streets organized by La Alianza de Hayward.

Council Member Zermeño reported he attended a Waste Management Authority Board meeting where there was a budget presentation.

COUNCIL REFERRALS

9. Consider an Item for Discussion on a Future City Council Agenda Regarding the Promotion of Housing & Home Ownership Opportunities with Hayward Residents Given Priority Preference Regarding the City of Hayward’s Partnerships, Projects, and Services
RPT 19-284

Referral Memorandum submitted by Council Member Wahab, dated April 30, 2019, was filed.

Mayor Halliday announced the item, clarification about the memorandum ensued, and staff responded to questions posed by Council members.

There being no public comments, Mayor Halliday opened and closed the public comments section at 10:48 p.m.

It was moved by Mayor Halliday, seconded by Council Member Wahab, and carried unanimously, to approve the referral memorandum.



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ADJOURNMENT

Mayor Halliday adjourned the meeting at 11:15 p.m., in memory of Naphtali “Neff” MoiMoi. Neff MoiMoi was a standout football player at Hayward High School and had earned a full ride scholarship to the University of Wyoming. Neff MoiMoi drowned while boogie boarding at Half Moon Bay. Mayor Halliday asked City staff to work with the family and the school to plant a tree at Hayward High School in memory of Neff MoiMoi.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward