

MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 19, 2016, 7:00 p.m.

The City Council meeting 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, Mendall, Jones, Peixoto, Lamnin,
Márquez
MAYOR Halliday
Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño asked when the City would begin enforcing the policy related to chain link fences.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council convened in closed session concerning four items: 1) 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; 2) Conference with legal counsel pursuant to Government Code 54956.9 regarding one anticipated litigation; 3) Public employment pursuant to Government Code 54957 regarding the City Manager; and 4) Public employment pursuant to Government Code 54957 regarding the City Attorney. The Council did not have an opportunity to reach Item No. 4 and there was no reportable action on Items 1, 2, or 3.

PUBLIC COMMENTS

Ms. JoAnne Lauer, representing Castro Valley Matters (CVM), asked the City Council to support the CVM's Board of Directors in asking the Alameda County Board of Supervisors to pass a resolution changing the Castro Valley Municipal Advisory Council to an elected body or place a measure on the June or November 2016 ballot. The Council concurred to direct staff to do an analysis and bring the matter at a future agenda meeting in February.

Ms. Wynn Grich, Hayward resident, announced she will be filing nomination papers to run for City Council; and provided a document for the record.

Mr. Benjamin Goulart, Hayward resident, representing the Prospect Hill Neighborhood Association, urged the City to consider upcoming projects such as the Maple and Main project having the community's interest in mind. Mr. Goulart suggested turning parking lot areas into parks for the community.

The following Service Employees International Union (SEIU) Local 1021 speakers urged the City Council to not appeal the Administrative Law Judge (ALJ) decision to the Public Employee Relations Board (PERB) and asked to move forward with the ALJ recommendation.

Ms. Linda Reid, SEIU Local 1021 member

Mr. Gilbert Hesla, SEIU Local 1021 member

Mr. Gary Jimenez, SEIU Local 1021 regional vice president and Alameda Labor Council vice president

Ms. Debra Pearson, SEIU 1021 Alameda County Courts Chapter president

Mr. Jim Drake, Hayward resident, spoke about the article entitled, "Hayward fire chief allowed to keep job" and requested that the Fire Chief be required to have a breathalyzer for his City vehicle.

Mr. Charlie Peters, Hayward resident with Clean Air Performance Professionals, spoke about information he provided for the record regarding Health and Safety Article 6, public information program 44070.

Mr. Kim Huggett, Hayward Chamber of Commerce president, announced six events: 1) the 72nd annual Hayward Chamber of Commerce Awards Gala on January 30, 2016; 2) a Hayward small business workshop on January 20, 2016; 3) the Hayward Nonprofit Alliance meeting on January 21, 2016; 4) the Latino Business Roundtable on January 22, 2016 at St. Rose Hospital; 5) a groundbreaking for a Meta Housing senior project on February 8, 2016; and 6) a luncheon hosted by the Chamber of Commerce where Mexico's Consul General will speak on March 18, 2016.

Mayor Halliday noted the City Council convened in closed session regarding the Administrative Law Judge (ALJ) decision and is evaluating options and future course of action.

Consent Item No. 2 was removed for separate vote.

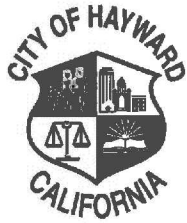
CONSENT

1. Approval of an Agreement Authorizing Bilingual Pay between the City of Hayward and the International Association of Firefighters Local 1909 **CONS 16-002**

Staff report submitted by Human Resources Analyst II Adams, dated January 19, 2016, was filed.

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

Resolution 16-005, "Resolution to Approve a Side Letter between the City of Hayward and the International Association of Firefighters Local 1909 Authorizing Bilingual Pay"



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2. Adoption of Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201501012 Relating to a Six Unit Residential Development at 1151 Overlook Avenue **CONS 16-009**

Staff report submitted by City Clerk Lens, dated January 19, 2016, was filed.

It was moved by Council Member Márquez, seconded by Council Member Peixoto, and carried unanimously with Mayor Halliday not voting, to adopt the following:

Ordinance 16-06, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201501012 Relating to a Six Unit Residential Development at 1151 Overlook Avenue"

3. Adoption of Ordinance Amending Hayward Municipal Code Section 10-1.215: Single-Family Residential, to Revise the Permitted Use Table with Respect to Household Pets and Apiaries **CONS 16-010**

Staff report submitted by City Clerk Lens, dated January 19, 2016, was filed.

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

Ordinance 16-02, "Ordinance Amending Hayward Municipal Code Section 10-1.215: Single-Family Residential, to Revise the Permitted Use Table with Respect to Household Pets and Apiaries"

4. Adoption of Ordinance Amending Hayward Municipal Code Section 10-1.315: Residential-Natural Preservation District, to Revise the Permitted Use Table with Respect to Household Pets and Apiaries **CONS 16-011**

Staff report submitted by City Clerk Lens, dated January 19, 2016, was filed.

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

Ordinance 16-03, "Ordinance Amending Hayward Municipal Code Section 10-1.315: Residential-Natural Preservation District, to Revise the Permitted Use Table with Respect to Household Pets and Apiaries"

5. Adoption of Ordinance Amending Hayward Municipal Code Section 10-1.2735.e: General Regulations, to Revise the Standards for the Keeping of Livestock and Household Pets, and to Include Additional Regulations for the Operation of Apiaries
CONS 16-013

Staff report submitted by City Clerk Lens, dated January 19, 2016, was filed.

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

Ordinance 16-04, "Ordinance Amending Hayward Municipal Code Section 10-1.2735.e: General Regulations, to Revise the Standards for the Keeping of Livestock and Household Pets, and to Include Additional Regulations for the Operation of Apiaries"

6. Adoption of Ordinance Amending Hayward Municipal Code Section 10-1.3500: Definitions, to Revise Definitions Relating to Household Pets, Livestock, and Apiaries
CONS 16-014

Staff report submitted by City Clerk Lens, dated January 19, 2016, was filed.

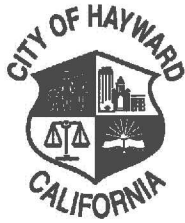
It was moved by Council Member Lamnin, seconded by Council Member Zermeño, and carried unanimously, to adopt the following:

Ordinance 16-05, "Ordinance Amending Hayward Municipal Code Section 10-1.3500: Definition, to Revise Definitions Relating to Household Pets, Livestock, and Apiaries"

7. Resolution Appropriating Additional Funds to Increase the Contract/Consulting Services budget for Outside Building Plan Check and Inspection Services for the Current Fiscal Year
CONS 16-015

Staff report submitted by Management Analyst I Kim, dated January 19, 2016, was filed.

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



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Resolution 16-006, "Adoption of a Resolution Appropriating Additional Funds to Increase the Contract/Consulting Services Budget for Outside Building Plan Check and Inspection Services for the Current Fiscal Year"

8. Authorization to Enter into an Exclusive Right to Negotiate Agreement with William Lyon Homes, Inc. for a Proposed Development Located in South Hayward Near Dixon and Valle Vista Avenues **CONS 16-017**

Staff report submitted by Assistant City Manager McAdoo, Public Works Director Fakhrai, and Economic Development Manager Hinkle, dated January 19, 2016, was filed.

Council Member Lamnin encouraged the applicant to have a robust community engagement piece.

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

Resolution 16-007, "Resolution of the City Council of the City of Hayward Authorizing the City Manager to Negotiate and Execute an Exclusive Right to Negotiate Agreement between the City of Hayward and William Lyon Home, Inc. for a Proposed Development Located in South Hayward Near Dixon and Valle Vista Avenues"

9. Approval of Final Map Tract 8120 - Hill Avenue Homes Development - associated with the previously approved Vesting Tentative Map and proposed development of a twenty-four (24) lot subdivision on a 2.26 acre site at 1818 Hill Avenue; Westlake Development Group LLC (Applicant/Owner) **CONS 16-018**

Staff report submitted by Contract Development Review Engineer Rei, dated January 19, 2016, was filed.

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

Resolution 16-008, "Resolution Approving Final Map for Tract 8120 and Authorizing the City Manager to Execute a Subdivision Agreement"

LEGISLATIVE BUSINESS

10. Transmittal of the Comprehensive Annual Financial Report for the Year Ended June 30, 2015; and of the Memorandum on Internal Control and Required Communications **LB 16-001**

Staff report submitted by Director of Finance Vesely and Deputy Director of Finance Claussen, dated January 19, 2016, was filed.

Finance Director Vesely announced the report and introduced Deputy Director of Finance Claussen who provided a synopsis of the staff report.

Ms. Katherine Yuen, Maze & Associates Vice-President, provided an overview of the audits of the financial statements of the City of Hayward and the Hayward Public Financing Authority for the fiscal year ended June 30, 2015.

Discussion ensued among City Council, Ms. Katherine Yuen, and City staff related to:

Governmental Accounting Standards Board (GASB) statement numbers 68 and 71 related to pension liability and reporting requirement and fiscal year 2015 year-end status of the General Fund.

Mayor Halliday noted that staff had presented the audit findings to the Council Budget and Finance Committee and had met with the auditor.

There being no public comments, Mayor Halliday opened and closed the public hearing at 7:57 p.m.

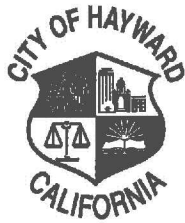
It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Resolution 16-009, "Resolution Accepting the Comprehensive Annual Financial Report for the Year Ended June 30, 2015; and the Memorandum on Internal Control and Required Communications"

PUBLIC HEARING

11. Adoption of a an Ordinance to Approve An Amendment to the City of Hayward Contract with the California Public Employees Retirement System (PERS) Contract for Miscellaneous Members in HAME, Local 21 and Unpresented Employees **PH 16-006**

Staff report submitted by Human Resources Analyst II Adams, dated January 19, 2016, was filed.



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Human Resources Director Collins provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:01 p.m.

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

Ordinance 16-07, "An Ordinance Authorizing the Amendment of the Contract between the City of Hayward and the Board of Administration of the California Public Employees' Retirement System"

INFORMATION ITEMS

**12. Memorandum of Understanding for the AC Transit Line 97 Project on Hesperian Blvd
RPT 16-012**

Staff report submitted by Senior Transportation Engineer Parikh, dated January 19, 2016, was filed.

The staff report was presented as general information for Council and the public and no action was required.

In response to Council Member Zermeño's inquiry about bus stop covers for Hayward, Senior Transportation Engineer Parikh noted that the approved funding for the proposed project scope did not cover additional improvements, but he would bring it to the attention of the Metropolitan Transportation Commission and ACT Transit for consideration.

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced the Keep Hayward Clean and Green Task Force was having a clean-up event at Leidig Court and north of Tennyson Road on January 23, 2016.

In response to Council Member Mendall's inquiry about the status of the staff report related to a citywide Project Labor Agreement, staff noted the item would be presented on February 16, 2016.

Mayor Halliday spoke about the successful Martin Luther King Jr. birthday celebration events at the City Hall Plaza and at Chabot College Buffington Visual & Performing Arts Center on January 18, 2016.

ADJOURNMENT

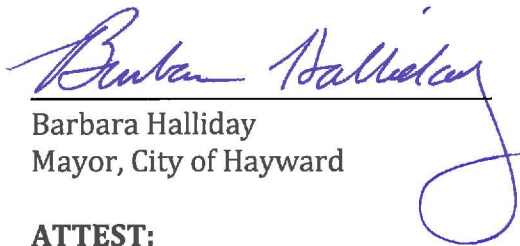
Mayor Halliday adjourned the meeting at 8:13 p.m., in memory of Ms. Louise Ann Santucci Bargagliotti and Mr. Douglas Goldsbury Sprague.

Ms. Louise Ann Santucci Bargagliotti was born in Hayward, grew up in Russell City on a hog ranch, graduated from All Saints Catholic School and Bishop O’Dowd High School, and was a Hayward Chamber of Commerce volunteer and its 2013 Volunteer of the Year.

Mr. Douglas Goldsbury Sprague, was a longtime professor and onetime departmental chair of the Educational Psychology Department at California State University Hayward, helped create the Marriage and Family Therapy course, served as a mediator in landlord-tenant disputes for the City of Hayward, and was a member of the Starr King Unitarian Universalist Church in Hayward and also served as its President from 1989 to 1991.

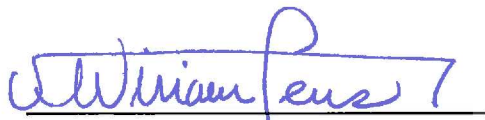
Mayor Halliday asked staff to work with the Bargagliotti and Sprague families and plant trees in memory of Louise Ann Santucci Bargagliotti and Douglas Goldsbury Sprague.

APPROVED:



Barbara Halliday
Mayor, City of Hayward

ATTEST:



Miriam Lens
City Clerk, City of Hayward