



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 8, 2019, 7:00 p.m.

The 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 Mayor Halliday.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson reported the City Council convened in closed session at 6:00 p.m., concerning a conference with property negotiators pursuant to Government Code 54956.8, regarding: Civic Center, 22300 Foothill Boulevard, APNs 415-0250-111-02; 415-0250-112-00; 415-0250-113-00; and noted there was no reportable action related to the item.

PUBLIC COMMENTS

Mr. Jim Drake, Hayward resident, spoke about the conditions of approval related to the trees and shrubs on Jackson Street.

Ms. Mary Ann Higgs, Hayward resident, requested consideration for an ordinance requiring property owners, who have accessory dwelling units or short-term rentals such as Air BnB units, to provide one off street parking space for each rental unit.

Mr. Jerry Turney, Hayward Hangar Group (HHG) representative, showed a graph depicting hangar rent and CIP trendlines, and asked for a hangar rent freeze.

Mr. Didacus Ramos, Hayward resident, congratulated elected and reelected Council members, pledged to help increase voter turnout, provide housing and services assistance, and increase Hayward's minimum wage.

Ms. Kate Turney, HHG representative, provided a document for the record and asked for a hangar rent freeze until the rent parallels with the Bay Area CPI.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about self-driving vehicles and PG&E's potential liabilities.

Mr. Ghobad Zarch Sadeghi provided a document for the record and spoke about various items.

Consent Item No. 2 was removed from the Consent Calendar for separate vote.

CONSENT

1. Minutes of the Special City Council Meeting on December 11, 2018 **MIN 19-001**

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the Special City Council Meeting on December 11, 2018.

2. Approval to Appropriate Funds from the Measure C Operating Fund for the 2016 Lease Purchase of 532 Radios for Police and Field Personnel, Not to Exceed \$2,600,000 **CONS 19-001**

Staff report submitted by Development Services Director Simpson, dated December 18, 2018, was filed.

Council Member Wahab urged City staff to refrain from spending funds before getting approval for future items and noted she would be supporting the item on the floor.

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

Resolution 19-001, "Resolution to Appropriate Measure C Operating Funds to Pay for a Lease-Purchase Agreement with Motorola Solutions for 532 EBRCSA Compatible Radios for Police and Field Personnel, not to Exceed \$2,600,000"

Council Member Márquez disclosed she had to recuse herself from participating on Public Hearing Item 3 because her family owns property near the proposed establishment, and she left the Council Chambers.

PUBLIC HEARING

3. Approval of a Revised Application for the Proposed Establishment of a Cocktail Bar and Lounge with Food Service and Cabaret Entertainment Located at 990 "B" Street, Assessor Parcel No. 428-0056-057-00. VGJB, Inc. (Applicant); Corinne and Timoleon Zaracotas (Property Owners), Requiring Approval of Conditional Use Permit Application No. 201802339 (Report from Development Services Director Simpson) **PH 19-001**

Staff report submitted by Development Services Director Simpson, dated January 8, 2019, was filed.

Development Services Director Simpson announced the staff report and introduced Assistant Planner Martinez who provided a synopsis of the staff report.



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Discussion ensued among Council Members, City staff, and Hayward Police Department Detective Wright regarding: the proposed project being in a high reporting district for police calls for service; extending the kitchen service hours; entertainment at the proposed venue; future opportunities for outdoor patio; Type 48 license from the California Department of Alcoholic Beverage Control (ABC) for bar/lounge; proposed security plan; family-friendly options for weekends.

Mayor Halliday opened the public hearing at 7:43 p.m.

Mr. Aric Yevevina, Hayward resident and business owner, urged the Council to approve the application for the proposed 990 Cocktail Bar and Lounge and asked that the definition of “restaurant” be clarified.

Ms. Corinne Zaxacotas, 990 B Street property owner, spoke in support of the proposed 990 Cocktail Bar and Lounge.

Mr. Jay Baltazar, project applicant with VGJB, Inc., and Mr. Vic Gill spoke about the proposed establishment and answered questions from the City Council regarding the revised business plan.

Mayor Halliday closed the public comment section at 8:04 p.m.

Mayor Halliday and Council Members Lamnin, Salinas and Wahab disclosed having individually met with project proponents.

Council Member Mendall noted he was in favor of entertainment uses such as a bowling alley or bocce ball and full-service restaurants and approving a night club was a risk based on a track record of night club establishments that failed in the downtown and the generated calls for Police service.

Council Member Mendall offered a motion directing staff to come back to the Council with findings for denial of the revised application.

There being no second to the motion, it died for lack of a second.

Council Member Zermeño noted that while there was a record of poorly-operated bars in the downtown, the applicant had included a small kitchen to the business and recommended that the establishment open earlier to provide lunch/coffee options to patrons.

Council Member Zermeño offered a motion per staff’s recommendation.

Council Member Salinas seconded the motion and noted the business proposal could potentially serve as a catalyst for other bars and/or restaurants in the downtown, was interested about the prospect of having seafood bars on the sidewalk and was generally satisfied with the proposed security plan.

Council Member Lamnin offered a friendly amendment to the motion to have the entertainment hours extended to seven days a week. Council Member Zermeño and Council Member Salinas were amenable to the friendly amendment.

Council Member Lamnin offered a second friendly amendment to extend food service hours until midnight. Discussion ensued among Council Members, City staff, and the applicant about extending food service hours. As Council Member Zermeño and Salinas were not amenable, Council Member Lamnin withdrew her friendly amendment.

Council Member Wahab supported the applicant's business model and successful track record in San Jose and encouraged him to consider providing a brunch food option on weekends.

Mayor Halliday noted she continued to be concerned about approving a bar at a location with other bars nearby and based on a record of bars that had caused problems in the past. Mayor Halliday was amenable to evaluating entertainment opportunities when the Downtown Plan is considered.

It was moved by Council Member Zermeño, seconded by Council Member Salinas, and carried with the following vote with an amendment to extend the live entertainment component of the establishment to seven days a week, to approve the resolution:

AYES:	COUNCIL MEMBERS Zermeño, Lamnin, Wahab, Salinas
NOES:	COUNCIL MEMBERS Mendall MAYOR Halliday
ABSTAIN:	None
ABSENT:	COUNCIL MEMBERS Márquez

Resolution 19-002, "Resolution Approving Conditional Use Permit Application No. 201802339 to Establish a Cocktail Bar and Lounge with Cabaret Entertainment at 990 "B" Street in Downtown Hayward"

The City Council took a five-minute recess and reconvened the meeting at 8:36 p.m.

Council Member Márquez returned to the Council Chambers.



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LEGISLATIVE BUSINESS

4. Introduction of an Ordinance of the City of Hayward, Amending Chapter 7 of the Hayward Municipal Code by Amending Sections 7-2.00, 7-2.10 and 7-2.15 and Adding Sections 7-2.46 and 7-2.47 to Establish a “Dig-Once” Policy of Installing Underground Conduits and Adoption of a Resolution Amending the Master Fee Schedule for Related Program Fees (Report from Deputy City Manager Ott) **LB 19-001**

Staff report submitted by Deputy City Manager Ott, Information Technology Director Kostrzak, and Deputy Public Works Director Garcia, dated January 8, 2019, was filed.

Management Analyst II Stefanski provided a synopsis of the staff report.

Discussion ensued among Council Members, City staff, and Mr. Jory Wolf of Magellan Advisors, regarding: trenchless underground construction; trench length; and the five-year moratorium on construction and the deposit.

Mayor Halliday opened the public hearing at 8:51 p.m.

Mr. Brett Woollum, Tekify Fiber & Wireless CEO, recommended that the proposed ordinance be modified prior to its approval to address his concerns with trenchless installation and the five-year moratorium.

Mayor Halliday closed the public hearing at 8:58 p.m.

Council Member Salinas noted the Council Technology Application Committee had vetted the proposed ordinance and policy and offered a motion per staff’s recommendation.

Council Member Mendall seconded the motion.

Council Member Mendall noted the proposed policy sought to encourage the installation of fiber by reducing costs and preventing City streets from being torn unnecessarily. He added that if the provisions were not meeting the goal, there would be an opportunity to revise the proposed ordinance and possibly grant exceptions.

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

Resolution 19-003, “Resolution Amending the City of Hayward
Fiscal Year 2019 Master Fee Schedule Associated with

Amendments to the City of Hayward Municipal Code Establishing the “Dig-Once” Policy for Installing Underground Conduits”

Introduction of Ordinance 19-_, “Introduction of an Ordinance of the City of Hayward, California, Amending Chapter 7, Article 2 of the Hayward Municipal Code by Amending Sections 7-2.00, 7-2.10, and 7-2.15 and Adding Sections 7-2.46 and 7-2.47 to Establish a “Dig Once” Policy for Installing Underground Conduits”

5. Introduction of an Ordinance of the City of Hayward, Adding Article 4 of Chapter 7 to the Hayward Municipal Code for Regulating Wireless Communication Facilities in the Public Right of Way and Adoption of a Resolution Amending the Master Fee Schedule for Related Program Fees (Report from Deputy City Manager Ott) **LB 19-002**

Staff report submitted by Deputy City Manager Ott, Information Technology Director Kostrzak, and Interim Public Works Director Ameri, dated January 8, 2019, was filed.

Management Analyst II Stefanski provided a synopsis of the staff report.

Discussion ensued among Council Members, City staff, and Mr. Jory Wolf of Magellan Advisors regarding: the Federal Communications Commission’s (FCC) order that allows governments to recover the costs associated with allowing wireless facilities within the public right of way; health and safety impacts of wireless installation and construction; regulations for wireless communication facilities implemented by other municipalities; noticing requirements for property owners and occupants within a radius of 300 feet from each antenna location being proposed; the City’s lease rate and the initial Master License Agreement (MLA); and notification to interested parties regarding applications for small cells.

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

Mr. Dante Williams, Verizon Wireless representative, recommended the City hold a meeting with telecommunication providers to discuss the proposed MLA and lease rate.

Mr. Brett Woollum, CEO & Founder, Tekify Fiber & Wireless, cautioned the Council about small cells and the proposed annual rent of \$1,500 per pole.

Mr. Marco Montoya, External Relations Manager and Contractor with Extenet Systems, encouraged the City to reach out to telecommunication providers to address concerns with the proposed MLA.

Mayor Halliday closed the public hearing at 9:39 p.m.



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Council Member Márquez offered a motion per staff's recommendation with a modification to Section 7-4.60 to notify property owners and occupants within a radius of 500 feet from each antenna location being proposed, and with a recommendation that requests to be notified about installation of macro and micro cells be added to the City's website via Access Hayward under Topic Areas.

Council Member Salinas seconded the motion on the floor.

Council Member Mendall noted the Council's action was aimed at retaining local control, was confident negotiations would be done in good faith, and with no evidence of health impacts, the City could move forward knowing that modifications could occur later if needed.

Council Member Wahab expressed concern about the environmental and health impacts and noted that based on current information, the City could move forward and could reassess its position based on negotiations.

Mayor Halliday noted there was a demand for service, noted this was an effort to maintain local control, and encouraged staff to be mindful of locations when approving small cell applications.

It was moved by Council Member Márquez, seconded by Council Member Salinas, and carried unanimously, to approve the following with a modification to Section 7-4.60 Discretionary Review (b) (1) by changing 300 with 500 feet, and with direction that requests to be notified about installation of macro and micro cells would be added to the City's website via Access Hayward under Topic Areas:

Resolution 19-004, "Resolution Amending the City of Hayward Fiscal Year 2019 Master Fee Schedule Associated with Amendments to Chapter 7 the City of Hayward Municipal Code Adding Article 4 Establishing Regulations for Wireless Communication Facilities in the Public Right of Way"

Introduction of Ordinance 19-_, "Introduction of an Ordinance of the City of Hayward, California, Amending Chapter 7 of the Hayward Municipal Code by Adding Article 4 to Establish Regulations for Wireless Communication Facilities in the Public Right of Way"

CITY MANAGER'S COMMENTS

City Manager McAdoo provided five comments: 1) possible City's operations and finances

impacted by the federal shutdown; 2) the Hayward Downtown Specific Plan community meeting on January 12, 2019 at City Hall; 3) the Depot Road Affordable Housing Project community meeting on January 10, 2019 at California Crosspoint Academy hosted by Abode Services and the City of Hayward; 4) the 2019 Dr. Martin Luther King Jr. Birthday Celebration on January 21, 2019, at the Chabot College Performing Arts Center; and 5) update on citywide improved Hayward's average Pavement Condition Index.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Lamnin made two announcements: 1) a Martin Luther King Jr. Day event on January 21, 2019 at Hayward City Hall Plaza sponsored by the South Hayward Parish; and 2) a StopWaste December 2018's Topic Brief about Meal Delivery Kit Packaging.

Council Member Salinas thanked Hayward students who volunteered and helped the Kids' Breakfast Club prepare and distribute breakfast meals during the winter break.

Mayor Halliday announced the City Council held a Special Meeting/Tour of the Berkeley STAIR Center for Homeless Individuals on January 7, 2019, thanked staff and elected officials from the City of Berkeley and everyone who made the tour possible, and noted the Council would be discussing a related item on January 22, 2019.

Council Member Wahab requested that the City Council consider the possibility of introducing an equal pay ordinance for the City of Hayward. Mayor Halliday asked staff to include information about the possibility of raising the City's minimum wage. The majority of the City Council was amenable to having staff conduct a high-level analysis that can be presented to the Council Economic Development Committee.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:11 p.m., in memory of Ms. Nancy Schluntz.

Ms. Nancy Schluntz served as Executive Director of the Family Emergency Shelter Coalition (FESCO), served as a pet loss bereavement counselor and pet loss group facilitator, was a volunteer at Sulphur Creek, and received an award for ten years of service. Mayor Halliday asked staff to work with the Schluntz family to find a suitable place and plant a tree in memory of Nancy Schluntz.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward