

**CITY COUNCIL MEETING
TUESDAY, OCTOBER 16, 2018**

**DOCUMENTS RECEIVED
AFTER PUBLISHED AGENDA**

PUBLIC COMMENT

WYNN GRINCH

If you are a parent who follows the CDC's VACCINE schedule, here are 20 FACTS you need to know to make an informed decision:

1. Vaccine manufacturers have NO liability (National Childhood Vaccine Injury Act of 1986), so CANNOT be sued for injury from their product and they have no incentive to make their product as safe as possible.
2. Vaccines are not held to the same double blind gold standard of clinical testing as other pharmaceutical drugs because they are considered biological products under the Public Health Federal Food, Drug and Cosmetic Act. They meet the same standards as cosmetics.
3. The per vaccine Federal Excise Tax is used to pay the vaccine injured through the government-created National Vaccine Injury Compensation Program (NVICP). \$3.1 Billion has been paid to date (through 2015).
4. Vaccines contain neurotoxins (aluminum and mercury) far exceeding "safe levels" deemed by the EPA.
5. Vaccines contain cancer-causing ingredients, and have never been tested if they cause cancer, infertility or DNA mutation (Section 13.1 of every vaccine package insert).
6. Some vaccines are made from aborted fetal cell lines. (WI-38 and MC5-5 Human Cell Fibroblasts)
7. Vaccines are not 100% effective and a vaccinated person can get the disease they were vaccinated for.
8. A vaccinated person carries the disease they were vaccinated for, "shedding" it, for up to 6 weeks.
9. The concept of herd/community immunity cannot be achieved by vaccines because vaccines are NOT 100% effective. Unlike lifetime immunity afforded by disease, vaccine-induced immunity lasts 2-10 years.
10. Doctors receive financial rewards from insurance companies for having patients fully vaccinated (~\$400 per patient). They are advised NOT to share all the risks or the vaccine package inserts, so 100% informed choices cannot be made in a doctor's office when vaccinating.
11. Vaccine injury is under-reported. VAERS is the only way to officially report a vaccine injury and is tedious with no incentive for a doctor to fill it out.
12. Vaccine mandates (like SB277 and SB792 in CA) literally hand over new customers to pharmaceutical companies, and remove rights to choose what is injected into a person's body.
13. Pharmaceutical companies spend up to 19 times more on advertising than they do on research.
14. Corporate mainstream media gets 70% of their advertising revenue from pharmaceutical companies.
15. Vaccine safety and efficacy research is not conducted by independent researchers and so is biased.
16. The full CDC recommended vaccine schedule has never been tested. Vaccinated children are the human experiment.
17. All vaccines can cause injury or death, and there is no way to tell who will have a reaction.
18. Most doctors receive 30 MINUTES on vaccine education (that they are safe, effective and a must) during their 8 YEARS in medical school.
19. If someone dies from a vaccine, their family will be awarded no more than \$250,000. Most cases of vaccine injury are dismissed because doctors and vaccine manufacturers deny a causation link. The statutory time limit for filing a claim is only 2 years after death and 3 years from the time of vaccine injury.
20. The government plan "Healthy People 2020" has a goal to fully vaccinate all children and adults by 2020. There are 217 new vaccines being created right now.

DO YOUR OWN RESEARCH BEFORE YOU VACCINATE.

This is too important to ignore.

Isn't your baby worth the time and effort to get engaged and educated?



Reference Links (for live links, go to <http://avoiceforchoice.org/20-vaccine-facts/>)

1. <http://www.nvic.org/Vaccine-Laws/1986-Vaccine-Injury-Law.aspx>; <http://www.nvic.org/NVIC-Vaccine-News/March-2011/No-Pharma-Liability--No-Vaccine-Mandates-.aspx>
2. U.S. Public Health Service Act. Part F – Licensing- Biological Products and Clinical Laboratories. Subpart 1 – Regulation of Biological Products. Sec. 351, Pg. 282
<http://www.fda.gov/RegulatoryInformation/Legislation/ucm149278.htm>
3. <http://www.cdc.gov/vaccines/programs/vfc/awardees/vaccine-management/price-list/>;
<http://www.hrsa.gov/vaccinecompensation/FAQ/vicpfactsheet.pdf>;
<http://www.hrsa.gov/vaccinecompensation/data/statisticsreport.pdf>
4. <http://vaxtruth.org/2011/08/vaccine-ingredients/>
5. <https://www.cdc.gov/vaccines/pubs/pinkbook/downloads/appendices/b/excipient-table-2.pdf>
6. <https://www.cdc.gov/vaccines/pubs/pinkbook/downloads/appendices/b/excipient-table-2.pdf>
7. <http://www.medscape.com/viewarticle/844128>
8. <https://www.youtube.com/watch?v=ubSPeZAOeDs>; <http://www.westonaprice.org/press/studies-show-that-vaccinated-individuals-spread-disease/>
9. <https://www.youtube.com/watch?v=ubSPeZAOeDs>; http://whale.to/vaccines/deadly_impossibility.html;
<http://tinyurl.com/linkhygiene>; <http://cid.oxfordjournals.org/content/38/4/591.full>
10. <http://articles.mercola.com/sites/articles/archive/2012/06/02/bribery-affects-vaccination-rates.aspx>;
<https://projects.propublica.org/docdollars/>
11. <https://vaers.hhs.gov/index>
12. <http://avoiceforchoice.org/issues/fighting-sb277/>
13. http://www.huffingtonpost.com/2012/08/09/pharmaceutical-companies-marketing_n_1760380.html
14. <https://wikkorg.wordpress.com/2015/06/05/robert-f-kennedy-jr-says-70-of-news-advertising-revenue-comes-from-big-pharma/?iframe=true&preview=true>
15. <http://vaxxedthemovie.com>; <http://www.ebcala.org/unanswered-questions/inadequate-vaccine-safety-research-and-conflicts-of-interest>
16. <http://www.thevaccinereaction.org/2016/02/questioning-the-safety-of-the-cdcs-childhood-vaccine-schedule/>
17. <http://www.hrsa.gov/vaccinecompensation/FAQ/vicpfactsheet.pdf>;
<http://www.hrsa.gov/vaccinecompensation/data/statisticsreport.pdf>
18. <http://www.thevaccinereaction.org/2015/11/doctors-are-no-experts-on-vaccines/>, <https://vactruth.com/2012/07/31/what-your-doctors-know/>
19. <http://www.hrsa.gov/vaccinecompensation/FAQ/vicpfactsheet.pdf>
20. <https://www.healthypeople.gov/>

Wynn Greich



A Prospective Study of Spontaneous Abortion: Relation to Amount and Source of Drinking Water Consumed in Early Pregnancy

Shanna H. Swan,¹ Kirsten Waller,¹ Barbara Hopkins,¹ Gayle Windham,¹ Laura Fenster,¹ Catherine Schaefer,² and Raymond R. Neutra¹

In 1992, we published four retrospective studies, conducted primarily within a single California county, which found higher spontaneous abortion rates among women who drank more tapwater than bottled water in early pregnancy. The current prospective study extends that investigation to other water systems. Pregnant women from three regions in California were interviewed during their first trimester. Multivariate analyses modeled the amount and type of water consumed at 8 weeks' gestation in each region in relation to spontaneous abortion rate. In Region I, which was within the previous study area, the adjusted odds ratio (OR) comparing high (≥ 6 glasses per day) consumption of cold tapwater with none was 2.17 [95% confidence interval (CI) = 1.22-3.87]. Furthermore, when women with high cold tapwater and no bottled water consumption were compared with those with high bottled water and no cold tapwater consumption, the adjusted odds

ratio was 4.58 (95% CI = 1.97-10.64). Conversely, women with high bottled water consumption and no tapwater had a reduced rate of spontaneous abortion compared with those drinking tapwater and no bottled water (adjusted OR = 0.22; 95% CI = 0.09-0.51). Neither tap nor bottled water consumption altered the risk of spontaneous abortion in Regions II and III. Although controlling for age, prior spontaneous abortion, race, gestational age at interview, and weight somewhat strengthened the association in Region I, the distribution of these confounders did not vary appreciably across regions. This study confirms the association between cold tapwater and spontaneous abortion first seen in this county in 1980. If causal, the agent(s) is not ubiquitous but is likely to have been present in Region I for some time. (Epidemiology 1998;9:126-133)

Keywords: spontaneous abortion, drinking water, tapwater, bottled water.

In 1992, a single issue of this journal reported a series of retrospective studies in which the risk of spontaneous abortion was examined in relation to the source and amount of drinking water consumed during early pregnancy.¹⁻⁵ These studies included subjects, residing primarily in a single California county, who became pregnant between 1980 and 1987. Study designs differed (two cross-sectional,^{1,2} one case-cohort,³ and two case-control^{4,5}), but all had retrospective assessment of water exposure. The strongest associations were seen in the two cross-sectional studies, in which considerable publicity made subjects aware of the study hypothesis. Data from four studies were consistent with a 10-50% greater

risk of spontaneous abortion in women who drank tap (or mostly tap) water compared with those who drank no tapwater.⁶ One smaller study in the same county did not find this association, although its power was limited.³ Two accompanying commentaries^{7,8} and a discussion on sources of bias and confounding⁹ proposed recall bias as a likely explanation.

The current study was conducted to extend this investigation to a later time period and to different water systems, as well as to eliminate recall bias by using a prospective design. We selected three regions in California, representing a range of water systems, for study. Here, we present region-specific results on spontaneous abortion risk by amount and source of drinking water. No analysis of water constituents or water companies is given here; an analysis of chlorination by-products and spontaneous abortion risk in this dataset is published separately.¹⁰

From the Environmental Health Investigations Branch, Department of Health Services, Emeryville, CA, and Division of Research, Kaiser Permanente Medical Care Program, Oakland, CA.

Address correspondence to: Shanna H. Swan, Environmental Health Investigations Branch, Department of Health Services, 5900 Hollis Street, Suite E, Emeryville, CA 94608.

Submitted June 5, 1997; accepted September 3, 1997.

Editors' note: See related editorial on page 113 of this issue.

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Subjects and Methods

STUDY REGIONS AND POPULATIONS

The study population was recruited between January 1990 and September 1991. Collaboration with the Division of Research of the Kaiser Permanente Medical

PUBLIC COMMENT

CHARLIE PETERS

Trump Gives Farmers a Jolt of Fuel

Chuck Grassley & Joni Ernst / WSJ / October 16, 2018

President Trump's decision last week to allow the year-round sale of E15 is a promise made and kept to farmers throughout rural America. E15 is shorthand for gasoline blended with 15% ethanol, instead of the more common E10, and was prohibited for sale in the summer by the Environmental Protection Agency in 2011.

Biofuels are a part of everyday life in Iowa, the top corn- and ethanol-producing state in the U.S. Ethanol supports more than 43,000 Iowa-based jobs and 350,000 jobs throughout the country, directly and indirectly....

<https://www.wsj.com/articles/trump-gives-farmers-a-jolt-of-fuel-1539730756>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

ITEM #10

**RESOLUTION APPROVING THE
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF HAYWARD AND THE
INTERNATIONAL FEDERATION OF
PROFESSIONAL AND TECHNICAL ENGINEERS -
LOCAL 21 (“LOCAL 21”) AND AUTHORIZING
STAFF TO EXECUTE THE AGREEMENT**



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 18-700

DATE: October 16, 2018

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Resolution Approving the Memorandum of Understanding between the City of Hayward and the International Federation of Professional and Technical Engineers - Local 21 ("Local 21") and Authorizing Staff to Execute the Agreement

RECOMMENDATION

That the City Council adopts the attached Resolution approving the memorandum of understanding between the City of Hayward and the International Federation of Professional and Technical Engineers, Local 21("IFPTE") bargaining unit for the period of July 1, 2018 through June 30, 2021.

SUMMARY

The current memoranda of understanding ("MOU") with IFPTE expired on June 30, 2018. The attached Resolution will allow staff to execute a successor agreement with IFPTE for the term of July 1, 2018 through June 30, 2021. The new agreement will grant salary and benefit adjustments, an equity study for specific classifications, add bilingual pay for written language skills, increase educational reimbursement, and add health and wellness reimbursement for part-time employees. Other terms include delaying cost of living adjustments until October 1, 2019 and additional savings on medical insurance premiums for the City effective January 1, 2020. The new contract also includes administrative and legal language updates.

If approved, the proposed MOU will result in a General Fund savings of approximately \$268,000 over the contract period, in comparison to the budget model for FY 2019 - FY 2021.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: October 16, 2018

TO: Mayor and City Council

FROM: Director of Human Resources

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BACKGROUND

The City of Hayward continues to face challenges balancing its General Fund budget. While the City is experiencing moderate growth in many of its key General Fund revenues such as Property Tax and Sales Tax significant increases to employee benefit costs, such as pension and healthcare benefits, continue to outpace revenue growth. The employee benefit costs make it even more challenging for cities to fund ongoing operations and preserve services to

their communities while continuing to provide their employees with a sustainable retirement and quality healthcare benefit options.

The City has worked hard to continue to preserve both quality services to its community and employee benefits while taking significant steps towards attaining fiscal sustainability. This includes partnering with employees who have committed to helping address the City's structural budget deficit by reducing expenses related to salaries and benefits. Contributions to date have included waiving salary increases and sharing the cost of benefits including retirement and health insurance. To continue on the path of fiscal sustainability, in October 2017 during the Fiscal Sustainability Work Session, the Council identified a number of budget balancing strategies and directed staff to explore potential revenue enhancements while partnering with City labor groups to address the increasing costs of employee benefits and other strategies to reduce total personnel costs.

The City entered into negotiations with IFPTE in April 2018. Over the last three years, IFPTE has collaborated with the City to achieve savings associated with salaries and benefits. In its last contract, employees agreed to contribute an additional three percent (3.0%) towards retirement costs for a total of eleven percent (11%) employee contribution and to contribute ten percent (10%) towards their medical premium costs. In their current agreement, the City and IFPTE have agreed to change the cap for City paid medical insurance at ninety percent (90%) of the second most expensive benefits plan to the fourth most expensive plan with each employee continuing to contribute ten percent (10%) towards their premiums at their chosen coverage level. The proposed MOU reflects a continued commitment to addressing the City's structural budget deficit and offsetting increased costs associated with healthcare and retirement.

DISCUSSION

The proposed changes negotiated in the successor MOU continue contributions toward the Employer's share of retirement costs, medical benefits, dental and vision plans.

The City's budget model for the three-year period of the new MOU (FY 2019-FY 2021) has an assumption of two percent (2%) increases in cost of living adjustments for each of the fiscal years. The proposed agreement achieves savings by offering employees fifty (50) additional leave hours, which can be cashed out in FY 2019 or used by the end of the contract term in lieu of cost of living adjustment ("COLAs") in the first year. This approach allows for savings because taking additional leave or cashing-in those hours do not permanently increase employees' base wages, which would have increased other payroll expenses for the City, such as overtime costs and increased pension obligations. Additionally, more personnel cost savings will result from delaying COLAs. Future COLAs have been delayed for fifteen (15) months. Adjustments will be made in October 2019, July 2020, and January 2021 for a total of seven percent (7%) over the term of the contract. The projected savings achieved from additional leave hours in lieu of a COLA in FY 2019, delayed salary adjustments in FY 2020 and FY 2021, and restructuring the medical benefit so that the City's maximum contribution is equivalent to the fourth highest plan instead of the second highest plan effective January 1, 2020 results in an approximate General Fund savings of \$644,000 over the agreement term.

The proposed contract also provides for equity adjustments of up to ten percent (10%) for classifications below mid-market as determined by a total compensation survey. The equity adjustments are necessary to maintain the City's ability to recruit and retain highly qualified individuals to serve the community. Local 21 positions have not been surveyed in nearly ten years and the City has experienced some difficulty with recruitment and retention for positions represented by the unit. Staff estimates that the equity adjustments could cost up to \$376,000, for an approximate net savings achieved by the proposed agreement of \$268,000. The tables below summarize the key proposed changes in the new memorandum of understanding:

Table 1: Key Proposed Changes

MOU Term	Proposed Language	Effective Date
Salaries and Additional Leave (w/cash out option)	FY 2019 – 50 hours of additional leave (part-time staff will receive prorated amount)	Next full pay period following execution of contract (PPE 11/9*)
	FY 2020 – 1% COLA	October 1, 2019
	FY 2021 – 2% COLA	July 1, 2020
	FY 2021 – 4% COLA	January 1, 2021
Equity Study	<p>Survey will include special districts for six specific classifications</p> <p>Classifications 4%+ below the median of surveyed jurisdictions (after accounting for COLAs) will receive equity adjustments not to exceed 5% in 2 installments not to exceed 10% during the term of the agreement.</p>	<p>Begin bidding and selection process by: <u>April 1, 2019 and completed by December 1, 2019</u></p> <p>Equity adjustment #1: <u>Fiscal Year 2020</u></p> <p>Equity Adjustment #2: <u>Fiscal Year 2021</u></p>
Health Care	City will contribute 90% of premium costs of the fourth most expensive benefit plan	January 1, 2020
Additional Licenses/certifications	Additional 3% salary adjustment for qualified employees who acquire a land surveyor license or are a Certified Access Specialist	July, 2018
Bilingual Pay	Allows for up to \$100 per pay period for written language skills.	July 1, 2018
Educational Reimbursement	Part-time employees will be eligible for \$500 per fiscal year	July 1, 2018
Health and Wellness	Part-time employees will be eligible to receive \$25 per month	July 1, 2018

* PPE = pay period ending

FISCAL IMPACT

The total proposed changes result in an estimated net savings of approximately \$268,000 over the contract period when compared to projections in the General Fund budget model for the same three-year period (FY 2019-FY 2021).

STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

NEXT STEPS

If adopted, Human Resources staff will finalize the agreement, the City Manager will execute the agreement, and the Finance Department will implement the above changes in coordination with HR.

Prepared by: Farbod Pirouzmand, Deputy Director of Human Resources

Recommended by: Nina S. Collins, Director of Human Resources

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-_____

Introduced by Council Member _____

Resolution Approving the Approval of the Successor Memorandum of Understanding between the City of Hayward and the International Federation of Professional and Technical Engineers, Local 21 and Authorizing Staff to Execute the Agreement

WHEREAS, the current Memorandum of Understanding between the City of Hayward and the International Federation of Professional and Technical Engineers, Local 21 (“IFPTE”) expired on June 30, 2018; and

WHEREAS, the City and IFPTE entered negotiations for a successor memorandum of understanding in April 2018; and

WHEREAS, the City of Hayward has experienced some positive economic improvement and costs related to employee salaries and benefits, primarily retirement and healthcare continue to increase substantially; and

WHEREAS, IFPTE recognizes the City’s fiscal challenges and agreed to continue partner with the City of Hayward by sharing the cost of employee benefits including contributions toward the cost of medical premiums in the amount of ten percent (10%) and CALPERS retirement at a rate of eleven percent (11%) of which three percent (3%) is a cost share of the employer’s contribution rate; and

WHEREAS, the City and IFPTE have reached a tentative agreement to a successor Memorandum of Understanding including the following key provisions: continued cost sharing, forgoing a cost of living adjustment in fiscal year 2019, delayed cost of living adjustments in FY 2020 and FY 2021, and a restructured medical benefit that reduces the City’s maximum contribution from the second highest plan to the fourth highest plan; equity adjustments of up to ten percent (10%) based on a total compensation salary survey; and

WHEREAS, the membership of IFPTE ratified the agreement on October 12, 2018; and

WHEREAS, the proposed changes will save the City approximately \$268,000 over the contract period when compared to the projections in the City’s budget model for same period (FY 2019 through FY 2021);

NOW, THEREFORE, BE IT RESOLVED THAT THE City Council hereby approves the Memorandum of Understanding between it and IFPTE for the period of July 1, 2018

ATTACHMENT II

through June 30, 2021 and authorizes staff to execute said agreement, a copy of which will be on file in the Office of the City Clerk.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ITEM #4

**MIN 18-135 REVISION TO MINUTES OF
THE SPECIAL JOINT CITY COUNCIL/
HOUSING AUTHORITY BOARD MEETING
ON OCTOBER 2, 2018**



DATE: October 16, 2018
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Revision to the Minutes of the Special Joint City Council/
Hayward Housing Authority Meeting on October 2, 2018

This serves to amend the minutes of the Special Joint City Council/Hayward Housing Authority Meeting on October 2, 2018.

Paragraph eight on page six currently reads:

“Council/HHA Member Lamnin asked for language consistency throughout City documents when referring to homeless individuals and people with disabilities.”

Proposed to read:

“Council/HHA Member Lamnin asked for language consistency throughout City documents when referring to individuals who are homeless and people with disabilities.”

With the change noted above, I respectfully request approval of the amended minutes.

AGENDA QUESTIONS & ANSWERS

Items 5 and 19

AGENDA QUESTIONS & ANSWERS

MEETING DATE: October 16, 2018

Item #5: Authorization to Execute an Amendment to the Advanced Metering Infrastructure (AMI) System Material Supply Contract to Purchase and Install Additional Water Meter Materials

How critical is this item? What is the risk if this work is not done?

Staff will address in closed session this evening.

In the Staff Report, page 3 of 6:

“Over the next few years, there will be moderate increases in water service costs for the wholesale replacement of all water meters in the City. “

The fact is that any expenditure that is not funded by a grant or paid for by a third party, such as a private developer, can eventually impact customers. The reserves that support certain expenditures would over time need to be replenished so eventually the customers pay for the expenditures. Given that the reserves do not have to be replenished in short order, the impact on customers can be spread over a few years

I thought the AMI improvements were already paid for out of reserves set aside for this purpose. Therefore, why would we increase fees to pay for them? I understand the need to continually refill reserves but thought that we do that already with our current rates.

Item #19: Proposal to Subdivide Two Existing Parcels Totaling 17.23-acres into 74 Parcels to Allow the Construction of 59 Townhome Residences with Common Open Space Areas and Related Site Improvements on a Site South of the New Tennyson Road Extension between Mission Boulevard and Vista Grande Drive (APNs 078C-0461-001-13 & 078C-0461-001-14) by Chris Conklin of The Grupe Company (Applicant) on behalf of Hayward Tennyson, LLC (Owner) Requiring Introduction of an Ordinance and Adoption of a Resolution to Approve a Vesting Tentative Tract Map, Planned Development (PD) Rezone, and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP) Application No. 201705848.

Why not connect Court B with Drive Aisle F?

This is not possible due to the topography of the site.

Where are the minutes of the planning commission meeting?

The PC meeting was held at the end of September, the final minutes are not available. However, for your reference we have attached the Draft minutes (Attachment I).

Is this a private, gated community?

This is not a private gated community.

Are tankless water heaters required? If so, why aren't they listed as a Sustainability feature?

Tankless water heaters are not required per code. If Council wishes to require that of the applicant and the applicant agrees to this, staff could certainly include a condition that addresses tankless water heaters.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 27, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Goldstein.

CALL TO ORDER Pledge of Allegiance

Chair Goldstein led in the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Willis, Andrews, Bonilla, Patton, McDermott, Faria
CHAIRPERSON: Goldstein
Absent: COMMISSIONER: None

Staff Members Present: Brick, Buizer, Chan, Emura, Golubics

General Public Present: 21

PUBLIC COMMENT:

Mr. Kim Huggett, Hayward Chamber of Commerce President, spoke about future events that will be happening in Hayward.

PUBLIC HEARINGS: For agenda item No. 1 and No. 2, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision. For agenda item No. 3, the Planning Commission may make a recommendation to the City Council

1. Proposed Establishment of a Drive-Through Coffee Shop at 28899 Hesperian Boulevard (APN 456-0101-009-04, 456-0101-009-05, 456-0101-009-06) by Eric Sobotka of Blake Griggs (Applicant)/Eden Shores Associates, LLC (Owner) Requiring Approval of Conditional Use Permit Application No. 201705152

Associate Planner Emura provided a synopsis of the staff report and a PowerPoint presentation. Mr. Emura reported that there are two changes to the Conditions of Approval that are 1) delete Condition 14 and 2) add the language "on a daily basis" at the end of the last sentence for Condition 11.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 27, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

In response to Commissioner Faria's concerns about traffic queuing and impacts to the other businesses, Associate Planner Emura said deliveries most likely will be delivered through the front of the businesses.

Chair Goldstein pointed out that the project plans indicated there are lanes behind building C, for other businesses there is no rear access and deliveries will have to be made through the front doors. Associate Planner Emura said Starbucks' drive-thru lane is a dedicated lane and cannot be used for deliveries.

Staff confirmed for Commissioner Willis that he does not need to recuse him, as he lives further than 500 feet from the project site. Associate Planner Emura said the current projected hours of operation can always be adjusted and noted this is an industrial area where some businesses are open 24 hours.

In response to Chair Goldstein's question regarding noise compliance, Associate Planner Emura said Starbucks will need to comply with the noise ordinance, noted the traffic noise along Hesperian Boulevard will drown out the noise from the drive-thru lane, and the design of the shopping center will shield the residential area from the retail noise.

In response to Commissioners Andrews' concerns about the noise from delivery trucks impacting the residential areas and the queuing of cars spilling over into Hesperian Boulevard, Associate Planner Emura said any delivery truck noise will be buffered by the other retail businesses and the Starbucks is located closest to the Costco Gas station. Mr. Emura said the cars will not spillover onto Hesperian Boulevard as there was still room in the shopping center and pointed out that the City's zoning ordinance requires queuing for eight (8) cars.

Commissioner McDermott agreed with the concern of the cars spilling over onto Hesperian Boulevard and said this can be a possible problem. Associate Planner Emura said the drive-thru runs parallel to Hesperian Boulevard and that none of the queuing will occur on Hesperian as there is space in the center's parking lot and Mr. Emura demonstrated the path of the drive-through and how cars can access the shopping center.

Commissioner Willis expressed concerns about the access road as this road is frequently blocked by cars utilizing the Costco Gas Station and suggested the retail establishments should remedy this issue.

Mr. Steve Dunn, representing Eden Shores Associates, the applicant, spoke about the proposed project.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 27, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

In response to Commissioner McDermott's questions about the Bank of America site and the Starbucks work schedule, Mr. Dunn said the Bank of America will be a technology site and he does not know the work schedules or rates of pay for the retail establishments.

In response to Chair Goldstein's concerns about traffic flow and the back-up of traffic to the gas station, Mr. Dunn pointed out the third access/ingress point and that the primary entrance and exit will be onto Marina.

Commissioner Willis commented about the three main access points into the shopping center and residential development. Mr. Dunn said there is no direct access from Hesperian Boulevard and the main access points will be from Eden Shores Boulevard or Marina.

Mr. Dunn confirmed for Chair Goldstein that the other businesses will have signage. Associate Planner Emura said there is an approved Master Sign Program.

Chair Goldstein opened and closed the public hearing at 7:39 p.m.

Commissioner Willis made a motion to approve the staff recommendation, seconded by Commissioner Bonilla. The motion included the following two changes to the Conditions of Approval 1) delete Condition 14 and 2) add the language "on a daily basis" at the end of the last sentence for Condition 11.

The motion passed with the following vote:

AYES:	Commissioners Willis, Andrews, Bonilla, Patton, McDermott, Faria Chair Goldstein
NOES:	None
ABSENT:	None
ABSTAIN:	None

2. Proposed Establishment of a Drive-Through Carwash for Hayward Honda at 25715 Mission Boulevard (APN No. 444-0078-003-04) by Jihad Othman of WD Partners (Applicant)/Sonic Automotive, Inc. (Owner) Requiring Approval of Conditional Use Permit Application No. 201801443

Associate Planner Emura provided a synopsis of the staff report and PowerPoint presentation.

In response to Commissioner Faria's questions of the car wash hours of operation and the impact to the condominiums, Associate Planner Emura said the hours of operation are 7 am



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to 7 pm, across from the car wash are light industrial and automotive businesses and there will be no impact to the condominiums which are located further down Mission near Harder.

Mr. Brian Lorenz, applicant, spoke about the proposed project clarified that it will be a small car wash of 1200 square feet as it will only serve the business.

Commissioner McDermott commented that in today's environment this is a nice additional service for their customers and it is important to keep the cars on the lot clean.

Mr. Lorenz confirmed for Chair Goldstein that the car wash doors being closed is to conform with the City's noise ordinance and since the car wash only serves the car lot there will be no additional traffic.

Chair Goldstein opened and closed the public hearing at 7:51 p.m.

Commissioner Patton made a motion to move the staff recommendation, seconded by Commissioner Willis.

The motion passed with the following vote:

AYES:	Commissioners Willis, Andrews, Bonilla, Patton, McDermott, Faria Chair Goldstein
NOES:	None
ABSENT:	None
ABSTAIN:	None

3. Proposal to subdivide two existing parcels totaling 17.23-acres into 74 parcels to allow the construction of 59 townhome residences with common open space areas and related site improvements on a site south of the new Tennyson Road extension between Mission Boulevard and Vista Grande Drive (APNs 078C-0461-001-13 & 078C-0461-001-14) by Chris Conklin of the Grupe Company (Applicant) on behalf of Hayward Tennyson, LLC (Owner) Requiring a Vesting Tentative Tract Map, Planned Development (PD) Rezone, and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP) Application No. 201705848

Senior Planner Golubics provided a synopsis of the staff report and a PowerPoint presentation.



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In response to Commissioner Patton's questions regarding the following, the Hayward Geologic Hazard Abatement District (GHAD), how many properties are involved, what are the yearly assessments, how long has the GHAD been in existence; and is the site on a natural hill. Senior Planner Golubics said the GHAD has been in existence for about 2-3 years authorized by State law as a vehicle to take care of areas with identified geologic hazards, he does not have any data on the yearly assessments and Council currently acts as the GHAD authority board. Mr. Golubics said that research done by the California Environmental Quality Act (CEQA) consultant found that the unnatural looking flat area could have been caused by nearby, now closed, La Vista quarry operation. Mr. Golubics said the proposed project meets the bare minimum of the medium density range. Mr. Patton requested staff provide site sections across the project site for future hillside projects to enable the Commission and the public to view how the projects fit in with the surrounding areas. Mr. Patton expressed concern about the Condition of Approval (COA) regarding the Conditions, Covenants and Restrictions (CC&Rs) since the City is not a party to the CC&Rs and does not have enforcement powers.

Planning Manager Buizer commented that staff will continue to explore the condition about the limitation of rental units in a development per the direction of Council.

Senior Planner Golubics pointed out that this is the last project that will be grandfathered in under the old Affordable Housing Ordinance. The applicant has also suggested the inclusion of the accessory dwelling unit (ADU) type unit. Mr. Golubics also stated that the proposed townhomes would be some distance from the officially designated seismic area and he noted that there are fault traces close to where the townhomes will be constructed on the project site. Mr. Golubics noted that fault traces are not the same as an earthquake fault and staff has reviewed and concurred with the applicant's geotechnical study.

In response to Commissioner Willis' questions about when the area was rezoned from high to medium density and concerns about burrowing owls, Senior Planner Golubics said the rezoning was done in the 1990s. Mr. Akoni Danielsen of Powers and Associates, environmental consultants and authors of the project CEQA analysis, said the biologists have not seen any burrowing owls but the biologist will be onsite and if owls are observed and are nesting, which would require that a mitigation measure be carried out pursuant to the project CEQA analysis. Mr. Golubics confirmed there will be private streets with adequate parking.

Commissioner Bonilla's had a question about the number of units to have solar panels and expressed concerns with the Condition of Approvals (COA), specifically related to solar, keeping garages used as garages, and adequate parking. Senior Planner Golubics said solar panels will be installed on units that have the best orientation to the sun. The condition of approval related to the garage space came from Council direction on this matter,



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specifically from previous issues within the Cannery development. Mr. Bonilla expressed concerns, as Hayward residents would not be able to afford these units because of the numerous fees on top of the unit price in this South Hayward neighborhood.

Mr. Kyle Masters, with Grupe Company, spoke about the project and introduced the development project team. Mr. Masters presented a PowerPoint presentation.

Mr. Zsombor Nagy, architect for Grupe Company, spoke about the architectural aspect of the proposed development.

Mr. Masters spoke about the planning process and that this project is grandfathered under the previous Affordable Housing Ordinance (AHO).

Commissioner Andrews disclosed going on the Route 238 site tour, which a member of Mr. Masters's group also attended and shared that she is a South Hayward resident. Ms. Andrews agrees with Commissioner Bonilla's concerns about having adequate parking for the proposed project. Mr. Masters said the proposed development is very close to the BART station and they will try to add a couple of more parking spaces. Mr. Masters said they will try to keep the homeowner's association (HOA) fees within market range.

Commissioner Patton expressed concern about the long runs for Units 1-18 and 45-55 and asked the developer to consider grade breaks between building groups and asked the developer to consider a more natural color palette for the new townhomes.

Commissioner Faria disclosed having met with Mr. Masters and Mr. Conklin. Mr. Masters confirmed there will be air gaps between units and there will be no common walls. Units will be "fee simple" units and each lot will be independent.

Commissioner McDermott asked how soon will building start and the price point. Mr. Masters said the proposed project has a goal of construction beginning in the spring of 2019 and pricing will be in the \$700,000 to \$800,000 range. Ms. McDermott likes the open space and would like a play area included in the development. Mr. Masters said the proposed development will include dog washing stations, bocce courts and the new La Vista public park is nearby.

Commissioner Bonilla asked why the developer is paying the in-lieu fees rather than build the affordable housing units. Mr. Masters said it made sense for them to pay the in-lieu fees based on how far along they were in the project plans.

Chair Goldstein commented that the City appreciates the inclusion of the ADU-type units and hopes that future projects will include affordable housing.



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Chair Goldstein opened and closed the public hearing at 8:59 p.m.

Commissioner Willis made a motion to approve the staff recommendation, seconded by Commissioner McDermott.

Commissioner Faria commented that she appreciates the inclusion of the ADUs, which offers an alternative for increased homeownership/housing opportunities.

Chair Goldstein added the ADUs opens up housing stock and offers alternatives.

The motion passed with the following vote:

AYES:	Commissioners Willis, Andrews, Bonilla, Patton, McDermott, Faria Chair Goldstein
NOES:	None
ABSENT:	None
ABSTAIN:	None

Chair Goldstein commented that the City is making the effort to encourage the public to use bicycles and there needs to be a place to secure bikes and asked the developer to consider this.

APPROVAL OF MINUTES

4. Minutes of the Planning Commission Meeting of June 14, 2018

Commissioner Willis made a motion, seconded by Commissioner McDermott, to approve the Planning Commission Meeting Minutes of June 14, 2018. The motion passed with the following votes:

5:0:2 (AYES: Willis, Bonilla, McDermott, Faria, Goldstein; ABSTAIN: Andrews, Patton)

5. Minutes of the Planning Commission Meeting of June 28, 2018

Commissioner Willis made a motion, seconded by Commissioner Bonilla, to approve the Planning Commission Meeting Minutes of June 28, 2018. The motion passed with the following votes:

5:0:2 (AYES: Willis, Bonilla, McDermott, Faria, Goldstein; ABSTAIN: Andrews, Patton)

6. Minutes of the Planning Commission Meeting of July 12, 2018



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Commissioner McDermott made a motion, seconded by Commissioner Faria, to approve the Planning Commission Meeting Minutes of July 12, 2018. The motion passed with the following votes:

3:0:4 (AYES: Goldstein, McDermott, Faria, ABSTAIN: Willis, Andrews, Bonilla, Patton)

7. Minutes of the Planning Commission Meeting of July 26, 2018

Commissioner Willis made a motion, seconded by Commissioner McDermott, to approve the Planning Commission Meeting Minutes of July 26, 2018. The motion passed with the following votes:

3:0:4 (AYES: Willis Jr., McDermott, Goldstein; ABSTAIN: Andrews, Bonilla, Faria, Patton)

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Planning Manager Buizer announced there will be a Special Work Session on October 11, 2018 at 5 pm prior to the regular 7 pm meeting. At the regular meeting there will also be the election of officers.

Commissioners' Announcements, Referrals:

None.

ADJOURNMENT

Chair Goldstein adjourned the meeting at 9:17 p.m.



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APPROVED:

Ray Bonilla Jr., Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk

COUNCIL REPORTS

COUNCIL MEMBER LAMNIN HANDOUT FROM STOPWASTE

Straws-Upon-Request Law

In an effort to mitigate plastic pollution and reduce the amount of single-use plastic, California lawmakers recently passed Assembly Bill (AB) 1884, which bans full-service restaurants from offering single-use plastic straws unless requested by the customer. The law, which will take effect January 1, 2019, calls for fines on establishments beginning with the third violation.

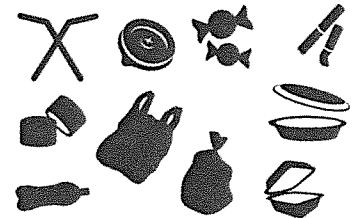
Background

The World Economic Forum reports that there are over 150 million metric tons of plastics in the ocean, and the problem is getting worse. Small items like straws and other single-use plastics are not easily recyclable and therefore end up in landfills, waterways, and oceans.

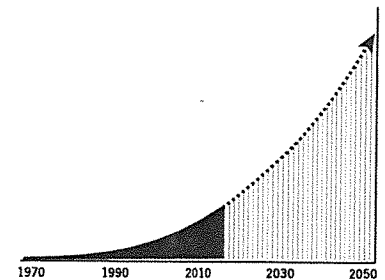
Why now?

This measure reflects a larger trend across the country to ban single-use plastic goods to reduce ocean pollution. Some restaurants in Alameda County have already voluntarily instituted this practice and others have switched to compostable paper straws. A handful of cities in the county have already adopted policies regulating plastic straw usage.

While straws themselves are not a significant component of plastic pollution in the ocean, proponents of AB 1884 hope that straws can serve as a “gateway plastic,” encouraging people to forgo other single-use plastics such as bags and bottles, and helping to increase awareness about the environmental impacts of single-use plastics.

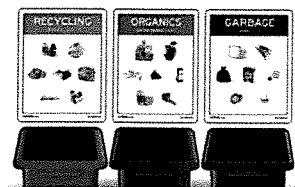


Plastics products account for **THE TOP 10 ITEMS COLLECTED** during the Ocean Conservancy's International Cleanup event.



Plastic production is predicted to **DOUBLE IN THE NEXT 20 YEARS AND QUADRUPLE BY 2050.**

Voluntary Actions Businesses Can Take Now:



Eliminate Plastic Service Ware

Convert disposable cutlery and food service ware to reusables when possible. “**ReThink Disposable**” is a free program that encourages food service businesses like restaurants, caterers, mobile food vendors, and institutional kitchens to minimize disposable product usage. In collaboration with ReThink Disposable, StopWaste offers rebates to businesses to use toward the purchase of reusable food service ware.

Incentivize Customers to Reuse

Post a sign up to encourage customers to bring their own reusable containers and cups for takeout. Provide a monetary incentive for those who do.

Encourage Proper Disposal

Reduce contamination in the recycling and compost streams by providing clear instructions for customers. The most effective signage uses images of the actual food ware packaging items above their corresponding bin.