



**MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, December 6, 2016, 7:00 p.m.**

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The City Council meeting was called to order by Mayor Halliday at 7:04 p.m., followed by the Pledge of Allegiance led by Council Member Peixoto.

**ROLL CALL**

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

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

There were none.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced the Council convened in closed session concerning two items: 1) conference with legal counsel pursuant to Government Code 54956.9 regarding pending litigation: City of Hayward vs. California State University Trustees, etc., Alameda County Superior Court, No. RG09481095; 2) one anticipated litigation; and noted there was no reportable action.

**PRESENTATIONS**

Mr. Ryan Clausnitzer, Mosquito Abatement District Manager, spoke about the history of the District. He made a presentation on the mosquitos and the diseases they spread and how the District is monitoring mosquito abundance.

Mr. David Korth, Assistant to the City Manager, made a presentation on the Funabashi trip on October 20-28, 2016. The delegation was composed of approximately 50 Hayward representatives who traveled to Funabashi, Japan to celebrate the 30<sup>th</sup> Anniversary of the Hayward-Funabashi Sister City relationship.

Mr. Ray Tsurumoto, one of the founding members of the Hayward-Funabashi Sister City Committee, thanked the people who participated in the trip and spoke in favor of continuing the Sister City relationship.

**PUBLIC COMMENTS**

Mr. Chris Lam, President of Pucci Foods, spoke favorably about the Funabashi trip.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, spoke about the Funabashi trip as an opportunity to showcase Hayward products that the Japanese participants were able to enjoy.

Ms. Wynn Grcich, Hayward resident, spoke about electromagnetic pollution and presented a document for the record.

Mr. Elie Goldstein, owner of Kraski's Nutrition, spoke about the situation with homeless individuals in downtown Hayward and offered to work with the City to help improve the situation.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about his application with the Department of Consumer Affairs for the position of Deputy Chief, Field Operations and Enforcement Division of the Bureau of Automotive Repair and provided documents for the record.

## **CONSENT**

1. Minutes of the Special City Council Meeting on November 5, 2016 **MIN 16-107**  
The item was continued to a future meeting.

2. Minutes of the Special Joint City Council/Planning Commission Meeting on November 15, 2016 **MIN 16-108**  
It was moved by Council Member Salinas, seconded by Council Member Peixoto, and carried unanimously, to approve the minutes of the Special Joint City Council/Planning Commission Meeting on November 15, 2016.

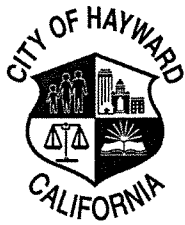
3. Adoption of Ordinance Authorizing Participation in Alameda County's Community Choice Aggregation Program **CONS 16-729**

Staff report submitted by City Clerk Lens, dated December 6, 2016, was filed.

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

Ordinance 16-21, "An Uncodified Ordinance of the City Council of the City of Hayward Authorizing Participation in Alameda County's Community Choice Aggregation Program"

4. Approval of the Preliminary Engineer's Report, Setting the Date for the Public Hearing, and Ordering the Mailing of Ballots and Associated Waiver for the Formation of Benefit Zone No. 15 of the Consolidated Landscaping and Lighting District 96-1 for the Cadence Development in the South Hayward BART Area **CONS 16-730**



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Staff report submitted by Development Services Director Rizk, dated December 6, 2016, was filed.

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

Resolution 16-214, "Resolution Initiating Proceedings, Providing Intention to Levy Assessments, Preliminarily Approving Engineer's Report, and Providing for Notice of Hearing for the Formation of Benefit Zone No. 15 of the City of Hayward Landscaping and Lighting Assessment District No. 96-1 for the Cadence Property Confirming the Report and Non-Abatable Code Violations and Penalties Liens List Associated with the Code Enforcement Division and Community Preservation/Rental Housing Programs"

5. Resignation of Isyanelly Gonzalez from the Hayward Youth Commission and Appointment of Kobe Shelby to fulfill Ms. Gonzalez's unexpired term **CONS 16-739**

Staff report submitted by City Clerk Lens, dated December 6, 2016, was filed.

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

Resolution 16-215, "Resolution Accepting the Resignation of Isyanelly Gonzalez from the Hayward Youth Commission and Appointing Kobe Shelby to Fulfill Isyanelly Gonzalez's Term"

6. Resolution Acknowledging Receipt of Canvass of the Special Municipal Election Held November 8, 2016, and Declaring the Results Thereof **CONS 16-743**

Staff report submitted by City Clerk Lens, dated December 6, 2016, was filed.

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

Resolution 16-216, "Resolution Acknowledging Receipt of Canvass by the City Clerk of the Special Municipal Election Held November 8, 2016, and Declaring the Results Thereof"

## **WORK SESSION**

Council Member Salinas disclosed his employment with CSUEB's Hayward Promise Neighborhood created a conflict of interest with Work Session No. 7 and he left the Council Chambers at 8:00 p.m.

7. Review of the Hayward Promise Neighborhood Initiative (Report from Library and Community Services Director Reinhart) **WS 16-071**

Staff report submitted by Library and Community Services Director Reinhart, dated December 6, 2016, was filed.

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

Ms. Carolyn Nelson, Principal Investigator for Hayward Promise Neighborhood (HPN) and CSUEB Dean of College of Education in Allied Studies, and Ms. Melinda Hall, Executive Director of HPN, made a presentation on the Hayward Promise Neighborhood Initiative, provided overview and accomplishments of the initiative and plans to sustain it.

Discussion ensued among Council Members, City staff, and HPN representatives regarding funding to support the infrastructure of the HPN programs in order to be competitive for the next round of grant application anticipated in July 2017, and the plan to continue delivery of HPN related services in the post grant period.

In response to Council Member Márquez' request for testimony related to HPN, Ms. Silvia Sandoval, Promotora de Salud for the HPN, provided testimony, through a Spanish Interpreter. Ms. Sandoval stated that she participated in the Home Visitation Program in the Hayward's Jackson Triangle neighborhood.

The Council was in general support of funding HPN programs and directed staff to come back to Council with: more information on the HPN's transitional year budget; prioritization and break down of HPN programs and key services that are most effective; and data and outcome of the programs.

Council Member Salinas returned to the Council Chambers at 9:06 p.m.

## **LEGISLATIVE BUSINESS**

8. Adoption of the California Code of Regulations 2016 edition of Title 24, including the 2016 Building, Fire, Plumbing, Mechanical, Electrical, Energy and Green Building Codes; and Related Amendments, Including to the Hayward Municipal Code (Report from Development Services Director Rizk and Fire Chief Contreras) **LB 16-109**



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Staff report submitted by Development Services Director Rizk and Fire Chief Contreras, dated December 6, 2016, was filed.

Development Services Director Rizk announced the report and introduced Acting Building Official Osborne who provided a synopsis of the staff report related to the Building Code.

Fire Chief Contreras provided a synopsis on the staff report related to the Fire Code.

Discussion ensued among Council Members and City staff related to: the proposed Building and Fire Codes; the recent warehouse fire in Oakland and the preventative measures the City has in place; the requirements in the Building and Fire Codes for fire alarms to have lights in addition to audible alarm for new constructions; and development of a list of incentives to provide flexibility to potential developers when they ask for variances related to their development.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:20 p.m.

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

Resolution 16-217, "Resolution Finding and Determining the Need for Changes or Modifications to the 2016 California Building Code"

Introduction of Ordinance 16-\_, "An Ordinance Establishing a Building Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of Structures; Providing for the Issuance of Permits and Collection of Fees; Repealing Ordinances No. 13-21, 13-22, 13-23, 15-08, 15-16, 16-01; Chapter 10, Article 23; Chapter 9, Article 2, and All Amendments Thereto"

Resolution 16-218, "Resolution Finding and Determining the Need for Changes or Modification to the California Fire Code, 2016 Edition"

Introduction of Ordinance 16-\_, "An Ordinance Establishing a Fire Prevention Code for the City of Hayward; Adopting the California Fire Code, 2016 Edition, Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion; Providing for the Issuance of Permits and

Collection of Fees; Providing for Penalties for Violation, and Repealing Ordinance No. 13-20, as Amended, and All Other Ordinances and Parts of Ordinances in Conflict Therewith”

9. Zero Net Energy Goal for Municipal Facilities (Report from Director of Utilities & Environmental Services Ameri) **LB 16-108**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated December 6, 2016, was filed.

Utilities and Environmental Services Director Ameri announced the report and introduced Environmental Services Manager Pearson who provided a presentation on the staff report.

Discussion ensued among Council Members and City staff related to: funding for additional municipal facilities; tariffs to encourage renewable energy; and the City’s investment in renewable energy and the long term cost savings.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:50 p.m.

Council Member Mendall directed staff to develop a list of programs that are available and beneficial to the City and provide it to the East Bay Community Energy Authority Board.

Council Member Mendall offered a motion per the staff recommendation and Council Member Zermeño seconded the motion.

Council Member Lamnin supported the motion with suggestions: continue to be proactive in leading efforts to make Hayward a greener city, and prioritize projects in places where there is need for energy efficiency.

Council Member Márquez supported the motion and hoped the money saved on the renewable energy projects would be invested in more educational programs and would bring back the rebate programs, especially for renters.

Mayor Halliday supported the motion and thanked the Council Sustainability Committee for its work in achieving cumulative Zero Net Energy for municipal facilities.

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

Resolution 16-219, “Resolution Establishing Zero Net Energy Goal”



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**CITY MANAGER'S COMMENTS**

City Manager McAdoo made four announcements related to: 1) the City Hall business/holiday closure from December 23, 2016 to January 2, 2017; 2) the Hayward Executive Airport annual holiday celebration and the Hayward Neighborhood Alert annual holiday party, on December 7, 2016; 3) The December 15, 2016 Planning Commission meeting on the Maple and Main development; and 4) the Grid Alternatives' (nonprofit organization) first canvassing event in Hayward on December 3, 2016.

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

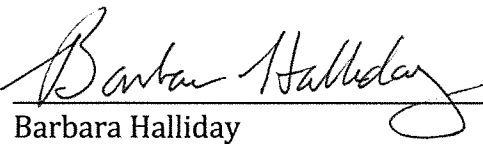
Council Member Salinas thanked everyone involved in kicking-off the holiday season on December 3, 2016.

Mayor Halliday thanked staff for all the work that was put into the Light up the Season event. She also reported on her participation, along with Council Members Lamnin and Zermeño, in the Chabot College annual production of the Ballet Petit's Nutcracker on December 4, 2016.

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 10:06 p.m., in memory of all those who lost their lives in the Oakland warehouse fire, and in particular, in memory of Brandon Chase, a Hayward resident. Mayor Halliday asked staff to work with his family and plant a tree in his memory and in memory of those who lost their lives.

**APPROVED:**

  
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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

  
\_\_\_\_\_  
Yolanda Cruz  
Deputy City Clerk, City of Hayward

