



**MINUTES OF THE SPECIAL JOINT HAYWARD CITY
COUNCIL/REDEVELOPMENT SUCCESSOR AGENCY MEETING
OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 16, 2018, 7:00 p.m.**

The Special Joint Hayward City Council/Redevelopment Successor Agency meeting was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor/Chair Halliday.

ROLL CALL

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

PUBLIC COMMENTS

Mr. Jim Drake, Hayward resident, spoke about an incident at Harder Road and Franklin Avenue where a store was vandalized, and asked for more police presence.

Mr. Manuel Flores, Hayward resident, acknowledged the professional work done by staffs from Public Works, Maintenance Services and Police.

Ms. Wynn Grich, Hayward resident, spoke about water and geoengineering, and shared related literature.

Mr. Ramon Aviles, Hayward resident, showed a video on geoengineering and 5G transmission.

Mr. Charlie Peters, Clean Air Performance Professionals (CAPP) representative, spoke about ethanol in gasoline, and submitted related documents.

Council Member Mendall noted the Hayward Unified School District will make public the results of pipe tests and any corrective actions by the end of the year.

CONSENT

1. Minutes of the Special Joint Hayward City Council/Housing Authority/Redevelopment Successor Agency/Public Financing Authority Meeting on December 5, 2017 **MIN 18-011** It was moved by Council/HA/RSA/PFA Member Márquez, seconded by Council/HA/RSA/PFA Member Peixoto, and carried unanimously, to approve the minutes of the Special Joint Hayward City Council/Housing Authority/Redevelopment Successor Agency/Public Financing Authority Meeting on December 5, 2017.

2. Minutes of the Special City Council Meeting on December 12, 2017 **MIN 18-012**

It was moved by Council Member Márquez, seconded by Council Member Peixoto, and carried unanimously, to approve the minutes of the Special City Council Meeting on December 12, 2017.

3. Adoption of Ordinance Amending Chapter 10, Article 24 of the Hayward Municipal Code by Removing the New Thoroughfare Roadway Designation (Figures 1-2 and 1-3) from the South Hayward BART/Mission Boulevard Form Based Code on Three Parcels for the Mission Seniors Project (APN# 078C-0455-002-00; 78C-0455-001-08; 078C-0455-001-05) **CONS 18-025**

Staff report submitted by City Clerk Lens, dated January 16, 2018, was filed.

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

Ordinance 18-01, “An Ordinance Amending Chapter 10, Article 24 of the Hayward Municipal Code by Removing the New Thoroughfare Roadway Designation (Figures 1-2 and 1-3) from the South Hayward Bart/ Mission Boulevard Form Based Code on Three Parcels for the Mission Seniors Project (APN# 078C-0455-002-00; 78C-0455-001-08; 078C-0455-001-05)”

4. Adoption of a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2018 Pursuant to California Government Code Section 22892 of the Public Employees Medical and Hospital Care Act **CONS 18-003**

Staff report submitted by Human Resources Director Collins, dated January 16, 2018, was filed.

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

Resolution 18-001, “Resolution Agreeing to Meet the Minimum Employer Contribution Toward Medical Cost as Set by California Public Employees Retirement System One Hundred Thirty-Three Dollars (\$133) Per Month for Calendar Year 2018”

5. Authorization for the City Manager to Execute an Agreement with the Alameda County Probation Department for Delinquency Prevention Network Services Provided by the Youth and Family Services Bureau of the Hayward Police Department **CONS 18-001**

Staff report submitted by Police Chief Koller, dated January 16, 2018, was filed.



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

Resolution 18-002, "Resolution Authorizing the City Manager to Negotiate and Execute a Contract with the Alameda County Probation Department for Delinquency Prevention Network Services Provided by the Youth and Family Services Bureau of Hayward Police Department"

6. Authorization for the City Manager to Appropriate Funds and Accept an Agreement with the Alameda County Health Care Services Agency for Our Kids Our Families Services Provided by the Youth and Family Services Bureau of the Hayward Police Department **CONS 18-047**

Staff report submitted by Police Chief Koller, dated January 16, 2018, was filed.

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

Resolution 18-003, "Resolution Authorizing the City Manager to Appropriate Funds and Accept a Contract with the Alameda County Health Care Services Agency for the Our Kids Our Families Program Services Provided by the Youth and Family Services Bureau of the Hayward Police Department"

7. Authorization for the City Manager to Accept and Appropriate \$240,000 in Awarded Grant Funding from the State of California Office of Traffic Safety for the Hayward Police Department **CONS 18-043**

Staff report submitted by Police Chief Koller, dated January 16, 2018, was filed.

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

Resolution 18-004, "Resolution Authorizing the City Manager to Accept and Appropriate \$240,000 in Funding from the State of California Office of Traffic Safety for the Hayward Police Department"

8. Authorization to Negotiate and Execute an Agreement with Dude Solutions for the Purchase of Computerized Maintenance Management System and Facility Condition Assessment **CONS 18-002**

Staff report submitted by Maintenance Services Director Rullman, dated January 16, 2018, was filed.

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

Resolution 18-005, “Resolution Authorizing the City Manager to Execute a Contract with Dude Solutions for the Purchase of Computerized Maintenance Management System and Facility Condition Assessment”

9. Mission Boulevard Corridor Improvements Phase 2 Project - Award of Construction Contract to DeSilva Gates Construction and Amendment to Professional Services Agreement with BKF Engineers **CONS 18-032**

Staff report submitted by Interim Public Works Director Ameri, dated January 16, 2018, was filed.

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

Resolution 18-006, “Resolution Approving Addenda NO. 1-5 for the Mission Boulevard Corridor Improvements Phase 2 Project, Project No. 05270 and Awarding the Contract to De Silva Gates Construction”

Resolution 18-007, “Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with BKF Engineers for Additional Services Associated with the Mission Boulevard Corridor Improvements Project”

10. Approval of the Annual Recognized Obligation Payment Schedule for the Period July 1, 2018 to June 30, 2019 and the Successor Agency Administrative Budget for the Period July 1, 2018 to June 30, 2019 **CONS 18-051**

Staff report submitted by Management Analyst Stefanski, dated January 16, 2018, was filed.

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

RSA Resolution 18-01, “A Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Hayward



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Successor Agency, A Separate Legal Entity, Approving the Recognized Obligation Payment Schedule for the Period July 2018 Through June 2019 (“ROPS 18-19”) and the Administrative Budget for the 2018-2019 Fiscal year, and Directing the City Manager to Take All Actions Necessary to Effectuate Requirements Associated with this Approval”

WORK SESSION

11. East Bay Community Energy Program Overview (Report from Utilities and Environmental Services Director Ameri) **WS 18-001**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated January 16, 2018, was filed.

Environmental Services Manager Pearson announced the report and introduced East Bay Community Energy’s CEO, Nick Chaset, who provided an overview of the East Bay Community Energy (EBCE) program, and updated the Council on activities for 2018.

Mayor Halliday opened the public comments section at 7:32 p.m.

Mr. Frank Burton, former member of the Alameda County Community Choice Aggregation (CCA), asked for more concrete plans for local development and clarification about the relationship between Pacific Gas & Electric (PG&E), its union IBEW 1245, and Community Choice Aggregation (CCA).

Mr. Charlie Peters, Clean Air Performance Professionals (CAPP) representative, spoke about the perception that PG&E and CCA are opposed to each other when in fact they are partners; and also spoke about the Shell Oil Company.

Mayor Halliday closed the public comments section at 7:37 p.m.

Discussion ensued among Council Members and EBCE CEO Nick Chaset about: the California Public Utilities Commission’s (CPUC) concern with grid reliability and the delayed launch of CCAs; potential sources of electricity; rates for electricity; the local development plan; EBCE’s plans and PG&E’s operations of its infrastructure; non PG&E customers that have access to other energy providers; programs paid by distribution rate; marketing outreach plan; community gain through energy efficiency programs; and contract with Sacramento Municipal Utility District for the call center.

It was noted that Council Member Mendall is representing the City as an EBCE Board Member and Council Member Márquez as the Alternate, and they were thanked for their participation and efforts.

In response to Council Member Mendall's request for input as to whether the Mayor should be designated to sign letters on behalf of the City to state its opposition to the intent to undermine CCAs, the consensus of the Council was to grant that authority to the Mayor.

Council Member Mendall requested input regarding whether Hayward should consider paying a premium rate for electricity that is 100% renewable and local for City facilities. Some Council Members were in favor of paying the premium rate and others were in favor of getting more information prior to setting a rate.

In response to Council Member Mendall's request for input regarding whether the default electricity product for Hayward residents should be a lower rate with less green electricity or a higher rate with cleaner electricity, most Council Members thought the decision would depend on the difference in rate, and some thought that the default should be lower rate and less green and work towards lower rate and greener electricity. It was noted that while it was important to attain local renewable energy consistent with the City's Climate Action goals, it was also important to attain it in a cost effective manner during the initial years.

Council Member Márquez suggested that the weblink to EBCE meeting videos be located on the same EBCE website, and that there be consistency with the date, time, and location of EBCE meetings.

PUBLIC HEARING

12. Proposed Amendments to Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code to Amend Airport Terminal (AT) District Regulations Related to Height; Application No. 201706359; City of Hayward (Applicant/Owner) (Report from Interim Development Services Director Bristow) **PH 18-002**

Staff report submitted by Interim Development Services
Director Bristow, dated January 16, 2018, was filed.

Interim Development Services Director Bristow announced the report and introduced Senior Planner Schmidt who provided a synopsis of the staff report.

Ms. Schmidt noted that the resolution inadvertently had the incorrect language for Section D and provided a revised resolution with a corrected Section D; and also indicated that staff was in receipt of correspondence from Cindy Horvath with the Alameda County Airport Land Use Commission (ALUC).

Discussion ensued among Council Members and City staff regarding: revisions to the maximum allowable height in the Air Terminal (AT) District; the role of the Federal Aviation Administration (FAA) in reviewing the proposed height increase; amenities that would be achieved by the increased building height; and the letter submitted by ALUC prior to the meeting.



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Mayor Halliday opened the public hearing at 8:42 p.m.

Mr. Andy Wilson, Hayward resident and member of the Board of Directors for the California Pilots Association, noted the City did not have the authority to mitigate height for the FAA; and requested that introduction of the ordinance be continued until after review by the ALUC.

Mayor Halliday closed the public hearing at 8:46 p.m.

In response to Council Member Zermeño's inquiry, Assistant City Attorney Brick noted the proposed amendments related to height regulations were for the parcels located within the boundaries of the Hayward Executive Airport property and the process would involve referral to and approval by the FAA.

Council Member Zermeño offered a motion per staff's recommendation and Council Member Salinas seconded the motion.

Council Member Mendall indicated he would be supporting the motion noting the Council Airport Committee had encouraged the applicant to consider a slightly taller building because of the amenities that would be allowed as long as the height increase was approved by the FAA.

Council Member Lamnin appreciated the community benefits that would be gained by the proposed amendments, and asked staff to notify the California Pilots Association and ALUC as developments come forward.

Council Member Salinas indicated he would be supporting the motion noting he had received positive feedback from the neighborhood.

Council Member Peixoto indicated he would be supporting the motion noting his safety concerns with the proposal were mitigated because the proposal would be approved by the FAA.

Mayor Halliday indicated she would be supporting the motion noting the adoption of the ordinance was scheduled for February 6, 2018, and at that point there would be more information about communications with the ALUC.

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

Resolution 18-008, "Resolution to Adopt a Zoning Text Amendment to Chapters 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code Related to Height Regulations for Airport Terminal District Properties Located within the Boundaries of the Hayward Executive Airport"

Introduction of Ordinance 18-_, "An Ordinance Amending Chapter 10, Article 1, Sections 10-1.1900 (Air Terminal District) and 10-1.2700 (General Regulations) of the Hayward Municipal Code Related to Height for New Developments Located within the Boundaries of the Hayward Executive Airport"

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Salinas shared that the U.S. Department of Education had announced the Hayward Promise Neighborhood (HPN) was reauthorized a \$28.9 million grant for the HPN (Jackson Triangle), and congratulated all partners.

Council Member Zermeño reminded residents who are aware of litter to report it to the City via Access Hayward.

Council Member Márquez announced the Keep Hayward Clean and Green Task Force's first beautification event on January 27, 2018, at Five Flags on Mission Boulevard.

Mayor Halliday thanked those who were involved in the Dr. Martin Luther King Jr. Birthday Celebration on January 15, 2018, at the City Hall Plaza rally and the Chabot College program where Brian Copeland was the keynote speaker. Mayor Halliday also congratulated four students from Mt. Eden High School who were distinguished in instrumental music: three were named to the National Honor Band and one to the National Honor Orchestra.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 9:12 p.m., in memory of retired Hayward Fire Captain Donald "Don" Louis Brazil and California Highway Patrol Officer Andrew Camilleri.

Don Brazil was born and raised in Hayward, became a Hayward firefighter in 1961, was named "Fireman of the Year" by the Hayward Chamber of Commerce in 1971, was known as "Teddy Bear", was a softball player for the department's softball team, and retired in 1989 as Captain after 28 years of service to Hayward. California Highway Patrol (CHP) Officer Andrew Camilleri was hired by CHP on August 22, 2016, was assigned to the Hayward Office in 2017, and was a devoted family man. Officer Camilleri died on December 24, 2017, when his patrol car was struck by a DUI driver while stopped at I-880 and W. Winton Avenue. Mayor Halliday asked City staff to work with both families and plant trees in memory of Don Brazil and Andrew Camilleri.



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APPROVED:

Barbara Halliday
Mayor, City of Hayward
Chair, Hayward Redevelopment Successor Agency

ATTEST:

Miriam Lens
City Clerk, City of Hayward
Secretary, Hayward Redevelopment Successor Agency