



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/ HAYWARD HOUSING
AUTHORITY/REDEVELOPMENT SUCCESSOR AGENCY/HAYWARD PUBLIC
FINANCING AUTHORITY MEETING OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 17, 2015, 7:00 p.m.**

The Special Joint City Council/Hayward Housing Authority/Redevelopment Successor Agency/Hayward Public Financing Authority meeting was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council/HHA/RSA/HPFA Member Mendall.

ROLL CALL

Present: COUNCIL/HHA/RSA/HPFA MEMBERS Zermeño, Mendall, Jones, Peixoto,
Lamnín, Márquez
MAYOR/CHAIR Halliday
Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS - November 10, 2015

Mayor Halliday shared a letter addressed to the Attorney General of the United States from the mayors of Chicago, Los Angeles, and New York, regarding an opportunity to address public safety issues facing cities throughout the nation.

Council Member Peixoto reported that people who are circulating the initiative petition to amend the municipal election from June to November were misrepresenting themselves.

Council Member Márquez asked for an update on the former Hayward Kaiser Permanente hospital.

Council Member Lamnín noted the Hayward Homeless Count was conducted November 8-14, 2015.

Mr. Michael Emerson, spoke about the proposed 911 memorial, delays with the granite order documents and the wording on the back of the granite monuments.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS - November 17, 2015

Council Member Zermeño shared that the preliminary findings of the Hayward Youth Commission survey showed interest for a bowling alley at Southland Mall.

CLOSED SESSION ANNOUNCEMENT - November 10, 2015

City Attorney Lawson announced that the Council convened in a special closed session on November 10, 2015, regarding five items: (1) Conference with labor negotiators pursuant to Government Code 54957.6 related to all groups; (2) Conference with legal counsel pursuant to Government Code 54956.9 regarding Joseph James Greer v. City of Hayward, et al.,

United States District Court Case 3:15-cv-02307; (3) Conference with property negotiators pursuant to Government Code 54596 regarding 22631 Foothill Blvd, APNs: 428-0066-085 and 428-0066-086; (4) Conference with property negotiators pursuant to Government Code 54596 regarding 22300 Foothill Blvd., 22292 Foothill Blvd. and 22321 City Center Drive, APNs.: 415-0250-111-02, 415-0250-113-00, 415-0250-112-00; and (5) Conference with property negotiators pursuant to Government Code 54596.8 regarding 22632 Main Street (APN 428-0066-024-00); 22654 Main Street (APN 428-0066-039-00); 22696 Main Street (APN 428-0066-038-02); 1026 C Street (APN 428-0066-037-00); 1026 C Street (APN 428-0066-038-01). There was no reportable action.

CLOSED SESSION ANNOUNCEMENT – November 17, 2015

Mayor Halliday announced that the Council convened in closed session regarding public employment pursuant to Government Code 54957 regarding the City Manager, City Attorney, and City Clerk, and noted there was no reportable action.

PRESENTATION

Mayor Halliday shared a PowerPoint presentation about the highlights of her visit to Yixing, China along with a delegation comprising Marita Cheng and Francis Cheng, and Paul Nguyen. Mayor Halliday shared that the objective of the trip was to formalize the Sister-City relationship between the City of Yixing, China and City of Hayward, California; explore economic development opportunities; and exchange knowledge of culture and business practices and environmental and economic goals. Economic Development Specialist, Paul Nguyen, expanded on the economic development and environmental objectives of the trip.

PUBLIC COMMENTS

Ms. Marita Cheng, member of the Hayward/Yixing Sister City Formation Committee, shared she visited Yixing with the delegation and spoke about the mutual benefit of both communities to explore cultural, educational, and economic development opportunities.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, announced the Downtown Hayward Light Up the Season event on December 3, 2015.

Ms. Chelsea Anderson and her peers announced the SantaCon Hayward event on December 5, 2015, and noted that the proceeds would benefit the Hayward Animal Shelter.

Ms. Wynn Grcich, Hayward resident, noted she was going to run for City Council and spoke in favor of raising the minimum wage in Hayward and also provided resources related to fluoride.

Mr. Elie Goldstein, Kraski's Nutrition business owner, invited all to a Cash Mobb event at Kraski's Nutrition on November 21, 2015, and shared that Kraski's Nutrition celebrated 66 years in Hayward.



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Ms. Esmeralda Espinoza, Hayward business owner, and Mr. Martin Caraves, attorney, promoted an event for Latino business owners at the Pancho Villa Event Center on November 19, 2015, and noted that Council Members Márquez and Zermeño had helped organize the event.

Mr. Mike Francois, referred to an anonymous blog in the East Bay Citizen regarding Hayward Unified School District Superintendent Dobbs.

Mayor Halliday noted she attended the Made in Hayward Annual Kick-Off Breakfast on November 13, 2015, and shared that Hayward school scores are improving and the students are motivated by Superintendent Dobbs.

CONSENT

Consent Item No. 4 was removed from the Consent Calendar.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Successor Agency/Hayward Housing Authority Meeting on October 27, 2015 [MIN 15-030](#)

It was moved by Council/RSA/HHA Member Márquez, seconded by Council/RSA/HHA Member Jones, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Successor Agency/Hayward Housing Authority Meeting on October 27, 2015.

2. Approval of Minutes of the City Council Meeting on November 3, 2015 [MIN 15-031](#)

It was moved by Council Member Márquez, seconded by Council Member Jones, and carried unanimously, to approve the minutes of the City Council Meeting on November 3, 2015.

3. Approval of Final Map Tract 8188 associated with a seven lot subdivision on a 2.15 acre site at 25993 Dollar Street at the intersection of Harder Road, to allow construction of 38 townhome-style condominiums; KB Home, South Bay Inc. (Applicant/Owner) [CONS 15-276](#)

Staff report submitted by Contract Development Review Engineer
Rei, dated November 17, 2015, was filed.

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

Resolution 15-217, "Resolution Approving Final Map for Tract
8188 and Authorizing the City Manager to Execute a Subdivision
Agreement"

4. Adoption of a Resolution Declaring that the City of Hayward is Subject to the Geologic Hazard Abatement District Law [CONS 15-287](#)

Staff report submitted by Contract Development Review Engineer Rei, dated November 17, 2015, was filed.

Assistant City Manager McAdoo referred to additional information related to Geologic Hazard Abatement Districts (GHADs) which was provided via a memorandum to the City Council.

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

Resolution 15-224, "Resolution Declaring that the City of Hayward is Subject to the Geologic Hazard Abatement District (GHAD) Law"

5. Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2016 pursuant to California Government Code Section 22892 of the Public Employees Medical and Hospital Care Act [CONS 15-305](#)

Staff report submitted by Human Resources Analyst I Halverson, dated November 17, 2015, was filed.

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

Resolution 15-218, "Resolution Agreeing to Meet the Minimum Employer Contribution Toward Medical Cost as Set by California Public Employees Retirement System One Hundred Twenty Five Dollars (\$125) Per Month for Calendar Year 2016"

6. New Sidewalks FY16 - Donald Avenue and Hayward Boulevard: Approval of Plans and Specifications and Call for Bids [CONS 15-319](#)

Staff report submitted by Assistant City Engineer Owusu, dated November 17, 2015, was filed.

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

Resolution 15-219, "Resolution Approving Plans and Specifications for the New Sidewalks FY16 – Donald Avenue and Hayward Boulevard Project, Project No. 05268 and Call for Bids"



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7. Adoption of Ordinance Repealing Section 2-13.00 to Section 2-13.07 of the City of Hayward Municipal Code and Adding Chapter 2, Article 13 to the Hayward Municipal Code Regarding Campaign Contribution Practices for City Elective Offices and Ballot Measures [CONS 15-320](#)

Staff report submitted by City Clerk Lens and City Attorney Lawson, dated November 17, 2015, was filed.

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

Adoption of Ordinance 15-29, "An Ordinance Repealing Section 2-13.00 to Section 2-13.07 of the City of Hayward Municipal Code and Adding Chapter 2, Article 13 to the Hayward Municipal Code Regarding Campaign Contribution Practices for City Elective Offices and Ballot Measures"

8. Recycled Water Project: Adoption of a Revised Resolution of Pledged Revenues and Fund(s) Required for the Recycled Water Project State Revolving Fund Loan Application [CONS 15-329](#)

Staff report submitted by Associate Civil Engineer Chatterjee and Senior Utilities Engineer England, dated November 17, 2015, was filed.

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

Resolution 15-220, "Recycled Water Project Pledged Revenues and Funds Resolution in Support of State Water Resources Control Board State Revolving Fund Loan Application"

9. Approval of Final Map Tract 7894 - Blackstone at the Cannery Development by Tri Pointe Homes - to create 17 parcels to construct 105 Townhome-styled Condominiums and 52 parcels to construct 52 Single-family Detached Homes on an approximately 8.81 Acre Parcel bordered by Burbank Street, Filbert Street, Palmer Avenue and Parkhurst Street in the Cannery development; Brian Barry of Tri Pointe Homes (Applicant/Owner) [CONS 15-330](#)

Staff report submitted by Contract Development Review Engineer Rei, dated November 17, 2015, was filed.

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

Resolution 15-221, “Resolution Approving Final Map for Tract 7894 and Authorizing the City Manager to Execute a Subdivision Agreement”

10. Resignation of Omkar Salpekar from the Hayward Youth Commission and Appointment of Mr. Christian Hernandez-Perez to Fulfill Salpekar’s Unexpired Term [CONS 15-335](#)

Staff report submitted by City Clerk Lens, dated November 17, 2015, was filed.

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

Resolution 15-222, “Resolution Accepting the Resignation of Omkar Salpekar from the Hayward Youth Commission and Appointing Mr. Christian Hernandez-Perez to Fulfill Omkar Salpekar’s Term”

11. Adoption of Fiscal Year 2016 Statement of Investment Policy and Delegation of Investment Authority [CONS 15-336](#)

Staff report submitted by Deputy Director of Finance Claussen, dated November 17, 2015, was filed.

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

Resolution 15-223, “Resolution Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”

Redevelopment Successor Agency Resolution 15-09, “Resolution of the City Council of the City of Hayward, Acting as the Governing Board for the Redevelopment Successor Agency of the City of Hayward Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”

Hayward Housing Authority Resolution 15-05, “Resolution Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”



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Hayward Public Financing Authority Resolution 15-02,
"Resolution Reaffirming the Statement of Investment Policy and
Renewing the Delegation of Authority to Make Investments to the
Director of Finance"

PUBLIC HEARING

12. Establishment of New Regulations for Vacant Property Fencing Requiring Introduction of Ordinances to Amend Chapter 5, Article 7 (Community Preservation and Improvement), and Chapter 10, Article 1 (Zoning Ordinance), of the Hayward Municipal Code; and Adoption of a Resolution to Make Findings Related to Text Amendments; City of Hayward (applicant) [PH 15-099](#)

Staff report submitted by Senior Planner Schmidt, dated
November 17, 2015, was filed.

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

Discussion ensued among Council Members and City staff regarding the proposed regulations for vacant property fencing; Code enforcement and abatement of nuisance and illegal dumping; proposed design standards for fencing and compliance with Sign Ordinance regulations; review and approval process for types of fences such as screen/mesh fence; input by the Police Department about potential issues with vacant lots that are not fenced or concerns about fence screen; impact to the General Plan associated with the proposed regulations; notification process for business/property owners who might not be in compliance with the regulations; concern about increased illegal dumping and nuisance in vacant lots without fencing; possible funding and resources geared to construction of fences for Downtown business/property owners; and collaboration with the arts community and other groups to erect screen/mesh fences that might serve as vehicles to promote City events.

Mayor Halliday opened the public hearing at 8:26 p.m.

Mr. Jerry Springer, property owner on Mission Boulevard, shared that one of his vacant properties has a chain link fence around it and is on sale and expressed that the proposed regulations could create a safety issue or an economic burden for his family. Staff offered to discuss with Mr. Springer an amenable solution.

Mayor Halliday closed the public hearing at 8:32 p.m.

Council Member Zermeno offered a motion per staff recommendation with one amendment: that in the Downtown district zone, vacant properties be required to have fencing subject to the specific design and maintenance standards.

Council Member Lamnin seconded the motion and offered a modification that if the property was hazardous or the site of repeated nuisances, then the City would require fencing. After hearing from staff enforcement concerns with the modification, Council Member Lamnin withdrew her support for the motion.

Council Member Jones seconded the motion and supported having higher standards for the Downtown based on safety issues, higher pedestrian traffic, the business environment that the City wants to create and the attraction of further investment.

Council Member Mendall supported the staff recommendation and giving one year to non-conforming properties to comply, and evaluating the proposed regulations thereafter. Council Member Mendall noted that if illegal dumping became an issue on vacant properties without fencing, then staff could bring to Council findings that would require nuisance properties to have fencing. Mr. Mendall did not support creating a special requirement for Downtown.

Council Member Lamnin suggested exploring opportunities to collaborate with property owners when implementing the regulations such as having mesh fences for City properties in order to promote City events; promoting local fence companies; and considering other uses for vacant properties such as urban agriculture, landscaping, or parking in addition to fencing. Ms. Lamnin recommended adding the language “chain link with decorative fence screen” to subsection (3) (c) under J. Fence Regulations for Vacant Properties in order to be consistent with the language for Central City Districts.

Council Member Márquez expressed she did not feel comfortable erecting fences all around vacant properties in the Downtown because it would carve out a specific area and it would not be aesthetically pleasing; and did not favor giving priority to Downtown. Ms. Márquez preferred the staff recommendation of making fencing optional, tracking issues as result of the proposed regulations, and having a mechanism to require fencing when nuisance and abatement issues were found.

Council Member Peixoto noted that exemptions for properties that are going through a development process should be considered. Mr. Peixoto was concerned that properties that bring down their fences might become blighted areas in the Downtown. Mr. Peixoto favored requiring vacant properties in Downtown to have fencing and suggested having fence screens that would emulate the rest of the architecture in Downtown.

Discussion ensued among Council Members and City staff about moving forward with the motion as proposed with an amendment to have a requirement for Downtown vacant properties; approving staff’s recommendation and reviewing the regulations after six months; or continuing the item to a future date.

Council Member Zermeño withdrew his original motion and offered a modified motion per staff’s recommendation as presented in the report with the addition that in six months, staff would bring back a report including review of the regulations and any nuisance issues that arose as a result of the implementation phase.



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Council Member Jones withdrew his second and accepted the modified motion with a friendly amendment that the six month review include a mechanism that would require property owners to erect fencing if property owners begin to remove fencing and problems with nuisances and illegal dumping develop. Mr. Jones added that a mechanism could include language such that after the third Code violation, property owners would be required to install fencing subject to the specific designs and maintenance standards.

It was moved by Council Member Zermeño, seconded by Council Member Jones, and carried unanimously, to adopt the following as proposed in the staff report with an amendment to review the proposed regulation in six months and potentially bring back to Council a mechanism that would require property owners to erect fencing if property owners begin to remove fencing and problems with nuisances and illegal dumping develop. The mechanism could include language such that after the third Code violation, a property owner is required to install fencing subject to specific designs and maintenance standards.

Resolution 15-225, "Resolution Adopting Findings Supporting Amendments to the City of Hayward Municipal Code Establishing Vacant Property Fencing Regulations"

Introduction of Ordinance 15-_, "Ordinance Amending Hayward Municipal Code Chapter 10, Section 10-1.2700, General Regulations, of the Zoning Ordinance to Include New Standards Related to Vacant Property Fencing"

Introduction of Ordinance 15-_, "Ordinance Amending Hayward Municipal Code Chapter 10, Section 10-1.3500, Definitions, of the Zoning Ordinance to Include New Standards Related to Vacant Property Fencing"

Introduction of Ordinance 15-_, "Ordinance Amending Hayward Municipal Code Section 5-7.20 Et Seq., Public Nuisances, to Reference New Zoning Regulations Related to Vacant Property Fencing"

CITY MANAGER'S COMMENTS

Assistant City Manager McAdoo made three announcements: 1) the successful Grand Opening Ceremony for Fire Station No. 7 and Firehouse Clinic on November 13, 2015; 2) an update on the construction project of the Hayward's 21st Century Library and Heritage Plaza; and 3) an Instagram photo contest for the Hayward community where participants can snap an Instagram photo of a favorite outdoor space and tag it to #HaywardFresh.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Members Zermeño and Márquez announced there was a Keep Hayward Clean and Green Task Force Clean-Up/Graffiti Removal event on November 21, 2015, at the Hayward Area Recreation and Park District on E Street. Council Member Zermeño announced he was going to reclaim the San Felipe-Hayward Sister City relationship in January 2016.

ADJOURNMENT

Mayor/Chair Halliday adjourned the meeting at 9:22 p.m., in memory of the people who were killed in Paris, France and all who have been victims of attacks throughout the world.

APPROVED:

Barbara Halliday
Mayor, City of Hayward
Chair, Hayward Housing Authority
Chair, Redevelopment Successor Agency
Chair, Hayward Public Financing Authority

ATTEST:

Miriam Lens
City Clerk, City of Hayward
Secretary, Hayward Housing Authority
Secretary, Redevelopment Successor Agency
Secretary, Hayward Public Financing Authority