



# CITY OF HAYWARD

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

## Action Minutes City Council

---

**Tuesday, November 14, 2017**

**7:00 PM**

**Council Chambers**

---

### SPECIAL CITY COUNCIL MEETING

#### **CALL TO ORDER Pledge of Allegiance: Council Member Salinas**

#### **ROLL CALL**

**Present:** 7 - Council Member Francisco Zermeno, Council Member Al Mendall, Council Member Marvin Peixoto, Council Member Sara Lamnin, Council Member Elisa Marquez, Mayor Barbara Halliday, and Council Member Mark Salinas

#### **CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced the City Council convened in closed session regarding two items: 1) conference with legal counsel pursuant to Government Code 54956.9 regarding City of Hayward v. Board of Trustees, California State University, et al., Alameda County Superior Court No. RG09481095, consolidated with No. RG09480852; and 2) conference with legal counsel pursuant to Government Code 54956.9 regarding one anticipated litigation case; and noted there was no reportable action.

#### **PRESENTATION**

City Council Youth Achievement "Hall of Fame" Awards

#### **PUBLIC COMMENTS**

Mr. Jim Drake  
Mr. Charlie Peters  
Mr. Alfredo Rodriguez  
Ms. Debbie Frederick

#### **CONSENT**

Consent Items 4, 5, and 6 were removed for separate vote.

#### **Approval of the Consent Calendar**

**A motion was made by Council Member Mendall, seconded by Council Member Marquez, to approve the Consent Calendar. The motion carried by the following vote:**

**Aye:** 7 - Council Member Zermeno, Council Member Mendall, Council Member Peixoto, Council Member Lamnin, Council Member Marquez, Mayor Halliday, and Council Member Salinas

1. [Minutes of the Special Joint City Council and Hayward Area Recreation and Park District Meeting on October 30, 2017](#)

Consent Item approved.

2. [Minutes of the Special City Council Meeting on October 30, 2017](#)

Consent Item approved.

3. [Minutes of the City Council Meeting on November 7, 2017](#)

Consent Item approved.

4. [Authorization for the City Manager to Execute an Agreement with the Alameda County Sheriff's Office and the U.S. Department of Justice to Accept the FY2017 Byrne Justice Assistance Grant \(JAG\) fund in the Amount of \\$42,491.60 for Hayward Police Department Operations](#)

A motion was made by Council Member Lamnin, seconded by Council Member Marquez, to approve staff's recommendation. The motion carried by the following vote:

Aye: 7 - Council Member Zermeno, Council Member Mendall, Council Member Peixoto, Council Member Lamnin, Council Member Marquez, Mayor Halliday, and Council Member Salinas

5. [Approval of Resolution Authorizing the City Manager to Execute a Service Agreement with the Fairview Fire Protection District](#)

A motion was made by Council Member Marquez, seconded by Council Member Zermeno, to approve staff's recommendation. The motion carried by the following vote:

Aye: 7 - Council Member Zermeno, Council Member Mendall, Council Member Peixoto, Council Member Lamnin, Council Member Marquez, Mayor Halliday, and Council Member Salinas

6. [Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Design Workshop for the Development of a Route 238 Properties Master Development Plan and Appropriation of Funds](#)

A motion was made by Council Member Mendall, seconded by Council Member Zermeno, to approve staff's recommendation. The motion carried by the following vote:

Aye: 7 - Council Member Zermeno, Council Member Mendall, Council Member Peixoto, Council Member Lamnin, Council Member Marquez, Mayor Halliday, and Council Member Salinas

7. [Resolution Authorizing the City Manager to Negotiate and Execute New Land Lease Agreements for Three Parcels of Land at Hayward Executive Airport](#)

Consent Item approved.

## WORK SESSION

8. [Measure C Sales Tax Initiative - Annual Report \(Report from Director of Finance Claussen\)](#)

Information Only.

**PUBLIC HEARING**

9. [Proposed subdivision and construction of 35 townhomes and a mixed-use building of 39 apartment units with 1,020 square feet of ground floor commercial use on a 2.7-acre project site located at 26601 Mission Boulevard \(west side, north of Sorenson Road\) Assessor Parcel Number \(APN\) 452-0036-30-05, requiring: 1\) approval of an amendment to South Hayward BART/Mission Boulevard Form-Based zoning code \(Article 24\) to allow residential density transfer/averaging among like-zoned development sites in the Urban General transect zones T4 \(17.5 DU/Acre min; to 35 DU/Acre max\) and T5 \(35 DU/Acre min; to 55 DU/Acre max\); 2\) Site Plan Review; 3\) Warrants for: \(a\) roof pitch, \(b\) excess parking in the T4 zone, \(c\) glazing less than 30% for the first story along Mission Boulevard, and \(d\) parking within the Layer 2 setback area; 4\) Vesting Tentative Map 8335 associated with the subdivision; and 5\) Mitigated Negative Declaration. KB Home \(Applicant\) and DNS Capital Partners LLC/Robert Telles \(Owner/Applicant\). Application No. 2016-01022 \(Continued from October 3, 2017\) \(Report from Interim Development Services Director Bristow\)](#)

**A motion was made by Council Member Salinas, seconded by Council Member Marquez, to approve staff's Option #2 with amendments. The motion carried by the following vote:**

**Aye:** 7 - Council Member Zermeno, Council Member Mendall, Council Member Peixoto, Council Member Lamnin, Council Member Marquez, Mayor Halliday, and Council Member Salinas

**LEGISLATIVE BUSINESS**

10. [Re-Introduction of Ordinance of the Council of the City of Hayward Enacting Comprehensive Regulations for Personal Cannabis Cultivation and Commercial Cannabis Land Uses through the Amendment of Hayward Municipal Code, Chapter 10, Article 1\(Zoning Ordinance\) \(Report from City Attorney Lawson and Interim Development Services Director Bristow\)](#)

**A motion was made by Council Member Mendall, seconded by Council Member Zermeno, to approve staff's recommendation. The motion carried by the following vote:**

**Aye:** 6 - Council Member Zermeno, Council Member Mendall, Council Member Peixoto, Council Member Lamnin, Council Member Marquez, and Mayor Halliday

**Nay:** 1 - Council Member Salinas

11. [Introduction of Ordinance Amending Chapter 6, Article, 2, Section 6-2.15 of the Hayward Municipal Code To Allow The Hayward Police Department To Accept Payment For Cabaret License Application Fees \(Report from Police Chief Koller and Director of Finance Claussen\)](#)

**A motion was made by Council Member Lamnin, seconded by Council Member Marquez, to approve staff's recommendation. The motion carried by the following vote:**

**Aye:** 7 - Council Member Zermeno, Council Member Mendall, Council Member Peixoto, Council Member Lamnin, Council Member Marquez, Mayor Halliday, and Council Member Salinas

12. [Construction, Repair, Reconstruction, Destruction or Abandonment of Wells: Introduction of Ordinance Updating Section 5-4.10 of the Hayward Municipal Code \(Report from Utilities and Environmental Services Director Ameri\)](#)

**A motion was made by Council Member Peixoto, seconded by Council Member Mendall, to approve staff's recommendation. The motion carried by the following vote:**

**Aye:** 7 - Council Member Zermeno, Council Member Mendall, Council Member Peixoto, Council Member Lamnin,  
Council Member Marquez, Mayor Halliday, and Council Member Salinas

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 10:30 p.m.

**NEXT MEETING, November 28, 2017, 7:00 PM**