



**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
Conference Room 2A
777 B Street, Hayward, CA 94541
Tuesday, January 12, 2015, 7:00 p.m.**

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Halliday.

ROLL CALL

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

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño referred to a resolution in support of AB 474 (Brown and Thurmond) related to State Supplementary payment amounts. Staff was directed to do an analysis before taking any action.

Council Member Márquez referred to two inquiries she had received related to the parking at South Hayward BART and about a company causing nuisance.

Mr. John Stead-Mendez, Executive Director of Service Employees International Union (SEIU) Local 1021, spoke about the report presented to the Public Employee Relations Board (PERB) and urged the Council to direct staff to find a resolution.

Mr. Gary Jimenez, concurred with Mr. John Stead-Mendez and asked the Council to take into consideration the workforce.

The Council convened in Conference Room 2A at approximately 7:00 p.m.

There was Council consensus to add the Closed Session Announcement section to the agenda.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council convened in closed session concerning conference with legal counsel pursuant to Government Code 54956.9 regarding S.E.I.U., Local 1021/City of Hayward, P.E.R.B., Case Nos. SF-CE-1075-M, SF-CE-1117-M, SF-CE-1118-M, SF-CE-1174-M, SF-CO-320-M, SF-CE-321-M; and there was no reportable action.

PUBLIC COMMENTS

Ms. Betty DeForest, Hayward resident, reported on warming center issues in Hayward and urged the Council to find a second location to accommodate individuals who are homeless and not able to be helped at the current warming center.

Ms. Felicia Sandoval, Hayward resident, spoke about the Public Employee Relations Board (PERB) decision and urged the Council to settle the case.

Mr. John Stead-Mendez, Executive Director of Service Employees International Union (SEIU) Local 1021, urged the City not to appeal the Administrative Law Judge (ALJ) to the PERB Board, and to effectuate the remedy as recommended by the ALJ.

Ms. Mimi Bauer, Hayward resident, urged the Council to ensure that the proposed community park is built within one year and asked that the City and Hayward Area Recreation and Park District (HARD) consider building a park in the Fairway Park area.

Mr. Robert Owens, asked the City to consider helping individuals who are homeless.

Ms. Wynn Grcich, Hayward resident, spoke about the incident that occurred at the closed session meeting of the Hayward Unified School District Board in 2015.

WORK SESSION

1. Work Session to Provide Feedback on a Conceptual Plan for the Proposed New Community Park Adjacent and West of the Approved La Vista Development that will be Served via an Eastward Extension of Tennyson Road from Mission Boulevard **WS 16-001**

Staff report submitted by Development Services Director Rizk, dated January 12, 2016, was filed.

Development Services Director Rizk provided a synopsis of the report and consultant David Gates with Gates and Associates delivered a PowerPoint presentation.

The City Council was overall enthusiastic and supportive of the proposed new community park and offered the following recommendations: hold more community meetings and one in South Hayward; ensure ample parking space; have proper lighting; have security measures in place; solicit recommendations from Hayward Youth Commission regarding the park; find creative funding sources to address the capital expenditure and ongoing expense to support the proposed park; consider something honoring Hayward through integration of public art or a history walk; have the Picnic Area next to the Yoga Lawn; ensure that the Play Zone area is enclosed; ensure the park has bathrooms; ensure there is ADA accessibility in all areas; integrate bike connectivity; make improvements that do not get outdated; consider the right place for uses and amenities such as a BMX track, bocce ball, gymnastics, soccer field, kite flying, acting, rocking chairs; consider STEM learning opportunities; consider events for the park such as the 4th of July; consider uses for the amphitheater such as the Russell City Blues Festival; disperse the Gardens area to other areas; consider concrete and gravel surface for jogging; do not add attractions that are available in other local parks; make sure the Water Play has low water usage; and use bay-friendly landscaping .



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The City Council took a recess at 8:31 p.m. and reconvened in the Council Chambers at 8:41 p.m.

PUBLIC COMMENTS

There were none.

CONSENT

2. Approval of the Minutes of the City Council Meeting on December 15, 2015 **MIN 16-001**
It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried unanimously, to approve the minutes of the City Council Meeting on December 15, 2015, with an amendment to the minutes to reflect that Council Member Márquez joined the Closed Session at 5:05 p.m.

3. Adoption of Ordinance Amending Hayward Building Code Section 105.3.1 (Relating to Restrictions on Issuance of Building Permits) and Section 105.5 (Relating to Time Limitations on Building Permit Expiration) **CONS 16-001**

Staff report submitted by City Clerk Lens, dated January 12, 2016, was filed.

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

Ordinance 16-01, "An Ordinance Amending Hayward Building Code Section 105.3.1 (Relating to Restrictions on Issuance of Building Permits) and Section 105.5 (Relating to Time Limitations on Building Permit Expiration)"

Mayor Halliday recused from participating on discussion related to Public Hearing Item No. 4 due to the proximity of the project to her new residence, and left the Council Chambers at 8:45 p.m. Mayor Pro Tempore Mendall presided over the meeting.

PUBLIC HEARING

4. Proposed subdivision and construction of six detached single-family homes around a central open space area located at 1151 Overlook Avenue, requiring adoption of a resolution and introduction of an ordinance for a zone change from Sustainable Mixed Use (SMU) to Planned Development (PD) and approval of Tentative Tract Map 8244 - Overlook Terrace, LLC (Applicant/Owner) **PH 16-001**

Staff report submitted by Assistant Planner Christensen, dated January 12, 2016, was filed.

Development Services Director Rizk announced the report and introduced Assistant Planner Christensen who provided a synopsis of the staff report. Mr. Christensen noted that there were amendments to Condition of Approval No. 59 and Condition of Approval No. 120g to reflect correct street names, and added that additional conditions of approval were renumbered for consistency with no change in content.

Discussion ensued among Council Members and City staff regarding gray water; environmental concerns; setback and frontage requirements; clustering development; garbage and recycling receptacles and standard conditions; universal design and units accessibility; protected open space; distance between units; and Sustainable Mixed Use.

Mayor Pro Tempore Mendall opened the public hearing at 9:12 p.m.

Mr. Paz Sandoval, Hayward resident, requested that consideration be given for more student housing in Hayward.

Mayor Pro Tempore Mendall closed the public hearing at 9:14 p.m.

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

Council Member Márquez, Council Member Lamnin, and Mayor Pro Tempore Mendall disclosed having met with the developer regarding the proposed project.

Council Member Peixoto asked staff to work with the developer to improve the elevations and suggested considering different color palettes and pop-up features.

Mayor Pro Tempore Mendall supported the proposal noting it was a unique project and it was not a precedent for more hillside neighborhood developments.

It was moved by Council Member Zermeño, seconded by Council Member Márquez, and carried unanimously with Mayor Halliday absent, to adopt the following with amendments to Condition of Approval No. 59 and Condition of Approval No. 120g, and renumbering additional conditions of approval for consistency with no change in content.

Resolution 16-001, "Resolution Adopting the Negative Declaration and Approving Vesting Tentative Tract Map Application and Zone Change Application 201501012 Pertaining to the Development of Six Detached Single-Family Homes at 1151 Overlook Avenue"



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Introduction of Ordinance 16-, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201501012 Relating to a Six Unit Residential Development at 1151 Overlook Avenue"

Mayor Halliday returned to the Council Chambers at 9:19 p.m., to preside over the remainder of the Council meeting.

5. Proposed amendments to the City of Hayward Livestock Regulations, including establishment of a revised, simplified permit process for the keeping of bees, hens, and other small animals in residential areas; and Establishment of Proposed New Fees to reduce the cost for processing of permits for such uses **PH 16-002**

Staff report submitted by Assistant Planner Christensen, dated January 12, 2016, was filed.

Development Services Director Rizk announced the report and introduced Assistant Planner Christensen who provided a synopsis of the staff report. Mr. Christensen clarified a typo in the staff report and noted that a resident of a property within 100 feet of a proposed apiary would have thirty days to notify the City of a bee allergy as stated in the resolution.

Mayor Halliday opened the public hearing at 9:26 p.m.

Ms. Savoy Glancy, Fairview resident, supported having regulations to raise animals, but noted that permit fees should be minimal.

Mayor Halliday closed the public hearing at 9:28 p.m.

Council Member Mendall offered a motion per staff recommendation.

Council Member Zermeño seconded the motion.

Council Member Lamnin supported the motion and encouraged considering opportunities for similar regulations related to cats and dogs.

While Council Member Jones supported having a process that would be based on a complaint basis and had reservations about the maximum number of small fowls that were allowed, he supported the motion because the proposed amendments were more reasonable than the former. Mr. Jones hoped the regulations could be revisited in the future.

Council Member Peixoto expressed concern that there would be nuisances with the proposed regulations, but was glad to see there were measures to mitigate the issues; and supported the motion.

Mayor Halliday supported the motion and noted she was glad the proposed permit fees were minimal and the proposed regulations would be a good tool for the City to foster good neighborhood.

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

Resolution 16-002, "Resolution Determining Project is Exempt from Environmental Impact Analysis, Per the California Environmental Quality Act, and Approving Amendments to the Hayward Municipal Code Regarding Livestock, Household Pets, and Apiaries"

Resolution 16-003, "Resolution Amending the City of Hayward Fiscal Year 2016 Master Fee Schedule Associated with Amendments to the Hayward Municipal Code for Livestock, Household Pets, and Apiaries"

Introduction of Ordinance 16-_, "Ordinance Amending Hayward Municipal Code Section 10-1.215: Single-Family Residential, to Revise the Permitted Use Table with Respect to Household Pets and Apiaries"

Introduction of Ordinance 16-_, "Ordinance Amending Hayward Municipal Code Section 10-1.315: Residential-Natural Preservation District, to Revise the Permitted Use Table with Respect to Household Pets and Apiaries"

Introduction of Ordinance 16-_, "Ordinance Amending Hayward Municipal Code Section 10-1.2735.e: General Regulations, to Revise the Standards for the Keeping of Livestock and Household Pets, and to Include Additional Regulations for the Operation of Apiaries"

Introduction of Ordinance 16-_, "Ordinance Amending Hayward Municipal Code Section 10-1.3500: Definitions, to Revise Definitions Relating to Household Pets, Livestock, and Apiaries"



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LEGISLATIVE BUSINESS

6. Draft Purchase and Sale Agreement with the California Department of Transportation for the City of Hayward to Acquire Excess Property in the 238 Bypass Corridor **LB 16-007**

Staff report submitted by City Manager David, dated January 12, 2016, was filed.

City Manager David provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding: process for purchase and sale of specific Caltrans parcels along the 238 Bypass Corridor and Local Alternative Transportation Improvement Program (LATIP) funds and projects.

Mayor Halliday opened the public hearing at 9:59 p.m.

Ms. Debbie Frederick, Bunker Hill Boulevard resident, asked that the City manage and sustain the current Caltrans rental properties until there is a developer ready to buy the properties in order to avoid loitering and vandalism.

Mr. Renard Johnson, Bunker Hill Boulevard resident, inquired how long would tenants be allowed to stay in the Caltrans residential units and asked if he could purchase his unit.

Mr. Jonathon Meyers, Bunker Hill Boulevard resident, was concerned that the proposed sale agreement with Caltrans might displace current tenants and asked for a clause in the agreement that would allow current tenants to acquire Caltrans land.

Ms. Savoy Glancy, Bunker Hill Boulevard resident, did not favor having open space taken by big housing developers.

Mayor Halliday noted that Mr. Sherman Lewis had submitted a written comment in which he supported the proposal to use options to buy opportunity sites from Caltrans and to develop them in a sustainable manner.

Ms. Lori Moitié, Bunker Hill Boulevard resident, noted that in 2009 she was informed that the Bunker Hill Boulevard area was ineligible for purchase; and inquired if she would be eligible to buy the property under the current proposal.

Mayor Halliday closed the public hearing at 10:15 p.m.

Council Member Lamnin offered a motion per staff recommendation with the revised resolution. Council Member Mendall seconded the motion.

Council Member Lamnin suggested that staff consider a proactive mechanism to allow for public process such as a charrette or a forum for small concept proposals; and to allow for input by current residents living in Caltrans units to address concerns and opportunities.

Council Member Mendall noted that the proposal had a solid vision and a creative solution to an unusual problem with an opportunity to develop the 238 Corridor in a way that benefits the community.

Council Member Peixoto supported the motion noting that the proposal was an opportunity to take advantage of the beautiful parcels and create high end development.

Council Member Zermeño concurred with the vision for the Caltrans parcels and asked that impacted neighborhood residents be informed about the project; and also expressed that he was open to consider possibilities for affordable housing or housing for seniors, teachers, and students.

Council Member Márquez was supportive of the motion and noted she was pleased with the clause in the agreement regarding the five-year time frame in which the City can sell the properties. Ms. Márquez requested that the next report include information about the number of tenants who would be impacted by the proposal and how they would be noticed.

Mayor Halliday supported the motion noting there was a vision for the Caltrans parcels and there would be opportunity for further discussion. Mayor Halliday asked that the current tenants be informed and that there be consideration for assistance should relocation becomes necessary.

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

Resolution 16-004, “Resolution Declaring Public Purpose and Authorizing the City Manager to Negotiate and Execute an Agreement with the State of California Acting Through the Department of Transportation for the Purchase of Certain Excess Route 238 Properties”

CITY MANAGER’S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño wished everyone a Happy New Year.



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ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:43 p.m., in memory of Mr. Delmo Della-Dora and Mr. John Kyle.

Mr. Delmo Della-Dora served on the Board of Directors for Ruby's Place, served as a President of the League of Women Voters-Eden Area, was a member of the Hayward Rotary Club, and was a Lifetime Achievement Award recipient at the Hayward Volunteer Recognition in 2008.

Mr. John Kyle served on the Growth Management Task Force, served on the committee for noise abatement at the Hayward Airport, and became "the one man nighttime graffiti eliminator" because he would go around Hayward streets getting rid of unwanted art.

Mayor Halliday asked staff to work with the Della-Dora and Kyle families and find suitable places to plant trees in memory of Delmo Della-Dora and John Kyle.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward