



MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 19, 2016, 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 Council Member Márquez.

ROLL CALL

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

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Peixoto noted that he had received complaints from residents on Virginia Street about unfair street sweeping tickets.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council convened in closed session concerning a 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 reported there was no action.

PRESENTATION

Mayor Halliday noted the City of Hayward 2016 Environmental Awards honored residents, schools, businesses and property managers of multi-family homes for excellent environmental practices. Efforts by members of the community were acknowledged in recognition of Earth Day, April 22, 2016. Mayor Halliday and Council Member Mendall, who also serves as the Chair of the Council Sustainability Committee, presented the 2016 Environmental Awards to the following recipients: Stonebrae Elementary School; Longwood Elementary School; Lea's Christian School; Cesar Chavez Middle School; Bret Harte Middle School; Tennyson High School; residents and managers of multi-family housing for participating in the City's residential recycling program and energy-efficiency programs; and former Mayor Michael Sweeney for his contributions to environmental sustainability in the City of Hayward. Mr. Kim Huggett, President of the Hayward Chamber of Commerce, recognized the following: Felson Companies; Pepsi Beverages Company (Hayward facility); Alphabet Energy; Hayward Area Senior Center; and South Hayward Parish.

PUBLIC COMMENTS

Mr. Charlie Peters, Clean Air Performance Professionals representative, provided documents related to voluntary genetically modified corn fuel.

Mr. Mark Stillman, Hayward resident, spoke about the improvements of the Green Shutter Hotel.

Mayor Halliday announced the League of Women Voters- Eden Area was hosting forums for the June 7, 2016 Ballot Measures C and D on April 20, 2016 at Hayward City Hall.

The following speakers expressed concerns about noise and safety as they relate to the Hayward Executive Airport.

Mr. Tommy Paich, San Lorenzo resident
Mr. Al Herrera, Hayward resident
Mr. Fred Carrillo, Hayward resident
Ms. Rebeca Mendoza, Hayward resident
Mr. Paul Steinbrink, San Lorenzo resident

Mr. Victor Medina, Hayward resident, reported that commercial trucks were driving on the residential area of Baumberg Avenue.

CONSENT

1. Authorization to Withdraw Membership in the East Bay-Delta Housing and Finance Agency, dba Bay Area Homebuyer Agency, a Joint Powers Agency **CONS 16-034**

Staff report submitted by Housing Development Specialist Cortez, dated April 19, 2016, was filed.

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

Resolution 16-048, "Resolution of the City Of Hayward Authorizing Withdrawal from Membership in the East Bay-Delta Housing and Finance Agency, dba Bay Area Homebuyer Agency, a Joint Powers Agency"

2. Filing Nuisance Abatement/Municipal Code Liens with the County Recorder's Office for Non-Abatable Code Violations **CONS 16-168**

Staff report submitted by Code Enforcement Supervisor Espitia, dated April 19, 2016, was filed.

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



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Resolution 16-049, “ Resolution Confirming the Report and Non - Abatable Code Violations and Penalties Lien List Associated with the Code Enforcement Division and Community Preservation/Rental Housing Programs”

3. Water Pollution Control Facility Phase II Improvements: Authorization for City Manager to Submit an Application for State Water Resources Control Board Revolving Fund Loan **CONS 16-169**

Staff report submitted by Senior Management Analyst Mosher, dated April 19, 2016, was filed.

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

Resolution 16-050, “Resolution Authorizing the City Manager to Sign and File a State Water Resources Control Board Revolving Fund Loan Financial Assistance Application for Water Pollution Control Facility Phase II Improvements”

4. Water Pollution Control Facility Digester Improvement Project: Approval of Addendum Nos. 1 and 2 and Award of Contract **CONS 16-170**

Staff report submitted by Senior Utilities Engineer England, dated April 19, 2016, was filed.

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

Resolution 16-051, “Resolution Awarding Contract to Anderson Pacific Engineering Construction, Inc., for the Water Pollution Control Facility Digester Improvement Project, Project no. 07566, and amending Resolution 15-116, as Amended, the Budget Resolution for Capital Improvement Projects for FY 2016, Relating to an Appropriation of Funds from the Sewer Improvement Fund 612 to Project 07566”

5. Adoption of Resolution Authorizing the City Manager to Negotiate and Execute a Contract with Jones Hall for Bond Counsel, Disclosure Counsel and Legal Services in an Amount not to Exceed \$200,000; and for Community Facilities District (CFD) Services in an Annual Amount not to Exceed \$25,000 **CONS 16-178**

Staff report submitted by Finance Director Vesely, dated April 19, 2016, was filed.

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

Resolution 16-052, "Adoption of a Resolution Authorizing the City Manager to Negotiate and Execute a Contract with Jones Hall For Bond Counsel, Disclosure Counsel and Legal Services, Including Community Facilities District (CFD) Services in an Amount not to Exceed \$225,000"

6. Resolution Authorizing Submission of Application for Participation in the Employment Risk Management Authority **CONS 16-180**

Staff report submitted by City Attorney Lawson, dated April 19, 2016, was filed.

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

Resolution 16-053, "Resolution Authorizing Submission of Application for Participation in the Employment Risk Management Authority"

7. Adoption of Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201400466 Relating to Vesting Tentative Tract Map No. 8240; Harvest Park **CONS 16-183**

Staff report submitted by City Clerk Lens, dated April 14, 2016, was filed.

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

Ordinance 16-10, "Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application no. 201400466 Relating to Vesting Tentative Tract Map No. 8240; Harvest Park"

8. Resolution Accepting the Written Resignation of Anjanette Scott from the Council Economic Development Committee and Ms. Dania Frink from the Community Services Commission **CONS 16-187**



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Staff report submitted by City Clerk Lens, dated April 19, 2016, was filed.

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

Resolution 16-054, "Resolution Accepting the Resignation of Anjanette Scott from the Council Economic Development Committee and Dania Frink from the Community Services Commission"

9. Park In-Lieu Fee Appropriation to the Hayward Area Recreation and Park District (HARD) for the Greenwood Park Expansion and Enhancement Project **CONS 16-190**

Staff report submitted by Management Analyst Kim, dated April 19, 2016, was filed.

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

Resolution 16-055, "Resolution Approving Request from Hayward Area Recreation and Park District for Final Appropriation of Park Dedication in-Lieu Fees for the Greenwood Park Expansion and Enhancement Project"

WORK SESSION

10. Overview of Draft Airport Overlay Zoning Regulations **WS 16-027**

Staff report submitted by Development Services Director Rizk, Consultant Lichman of Buchalter Nemer, and Assistant City Attorney Brick, dated April 19, 2016, was filed.

Development Services Director Rizk provided a synopsis of the report and noted that the proposed regulations in the staff report did not apply to the Hayward Executive Airport operations.

Discussion ensued among Council Members and City staff regarding: the proposed Airport overlay zoning regulations; the Airport Land Use Compatibility Plan and infill developments; public outreach regarding the Airport overlay zone ordinance; potential airport noise impacts of projects to surrounding areas; land use compatibility regulations and non-conforming uses. There was general support for staff to continue to work with the consultant to develop regulations and return with final draft regulations.

PUBLIC HEARING

11. FY 2017 Master Fee Schedule/Fine and Bail Update PH 16-032

Staff report submitted by Finance Director Vesely, dated April 14, 2016, was filed.

Finance Director Vesely provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding: elimination of the clerk-assisted telephone credit debit card payment fee; analysis for litter abatement fee; public safety video footage redaction and associated cost; UST Complete Installation/VPH Systems' cost justification; expedited plan checking fee; and street sweeping tickets and logistics for enforcement.

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:53 p.m.

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

Resolution 16-056, "Resolution Adopting the FY 2017 Master Fee Schedule that Reflects Updated Fees and Charges for Departments in the City of Hayward and the Fine and Bail Schedule with no Changes and Rescinding Resolution No. 15-061 and All Amendments Thereto"

Council Member Jones disclosed that the Hayward Area Historical Society was the landlord for the place he rents for his business and because the agency was applying for City funding he had to recuse from participating on Item No. 12 and left the Council Chambers at 8:55 p.m.

12. Approval of FY 2017 Community Agency Funding Recommendations Including Community Development Block Grant (CDBG), Social Services, and Arts/Music; the City of Hayward FY 2017 (HUD Program Year 2016) CDBG Annual Action Plan; and the City of Hayward CDBG Citizen Participation Plan PH 16-036

Staff report submitted by Community Services Manager Jaeger, dated April 14, 2016, was filed.

Library and Community Services Director Reinhart provided a synopsis of the report and noted there was a minor typographical error in the proposed resolution: the fiscal year listed in the resolution should have been FY 2016-2017 as opposed to FY 2015-2016.



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In response to Council Member Lamnin's inquiry, City staff provided information about the changes to the Citizen Participation Plan and the modifications to the public notification.

Council Member Márquez, also Council liaison to the Community Services Commission, appreciated the recommendation for staff to work with Eden I&R to complete an analysis before the Council budget adoption in June.

Mayor Halliday opened the public hearing at 9:10 p.m.

Ms. Barbara Bernstein, Executive Director of Eden I&R, expressed agreement to initiate an analysis of the 2-1-1 services in Hayward and to also compare them to compatible 2-1-1 organizations, and urged the Council for the continued financial support.

Ms. Stephanie Penrod, attorney at the Family Violence Law Center, urged the Council to approve the proposed funding for the Family Violence and Homeless Prevention Project.

Mayor Halliday closed the public hearing at 9:16 p.m.

Council Member Lamnin offered a motion per the Community Services Commission and staff recommendations with the exception of the recommended amount for Eden I&R. Ms. Lamnin recommended that the grant for Eden I&R be increased from \$40,000 to \$50,000 as requested by Eden I&R and that a more robust analysis of the 2-11 service be completed at a later time.

Council Member Zermeño seconded the motion.

Discussion ensued among Council Members and City staff about the source for the additional allocation of \$10,000 for Eden I&R and the proposed analysis of the 2-1-1 services in Hayward.

Council Member Zermeño withdrew his support for the motion and Mayor Halliday seconded the motion on the floor.

It was moved by Council Member Lamnin, seconded by Mayor Halliday, and failed by the following vote to approve the Community Services Commission and staff recommendations and that the grant for Eden I&R be increased from \$40,000 to \$50,000 as requested by Eden I&R and that a more robust analysis of the 2-11 service be completed at a later time.

AYES: Council Member Lamnin
MAYOR Halliday
NOES: Council Members Zermeño, Mendall, Peixoto,
Márquez
ABSENT: Council Member Jones
ABSTAINED: None

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried, to adopt the following resolution and the Community Services Commission and staff recommendations including that City staff work with Eden I&R to complete an analysis and present to Council findings regarding additional funds recommended for Eden I&R and potential sources before the Council budget adoption in June:

AYES: Council Members Zermeño, Mendall, Peixoto,
Lamnín, Márquez
MAYOR Halliday
NOES: None
ABSENT: Council Member Jones
ABSTAINED: None

Resolution 16-057, "Resolution Authorizing an Application for Federal Assistance Under the Community Development Block Grant (CDBG) Program for Fiscal Year 2015-2016; and Updating the CDBG Citizen Participation Plan."

13. Approving an Amendment to the Contract Between the City of Hayward and the California Public Employees Retirement System (PERS) for Miscellaneous Members in HAME, Local 21, and the Unpresented Employee Group (Report continued to April 26, 2016) **PH 16-038**

The report was continued to the City Council meeting on April 26, 2016.

CITY MANAGER COMMENTS

City Manager David noted the north Hayward warming center was ready to open at the Salvation Army on A Street. The center, funded by joint effort of the City and County, would be open during cold nights and stormy weather.

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Council Member Zermeño announced there was a Keep Hayward Clean and Green Task Force clean-up event on April 23, 2016 at Burbank Elementary School.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 9:37 p.m., in memory of Mr. Richard "Dick" Warren Sr. and Dr. Ralph F. Herndon.

Mr. Richard "Dick" Warren Sr. was the son of E. Guy Warren, who helped bring California State University to Hayward; served as president of the Hayward Rotary Club; served as president of the Hayward Area Historical Society; and was a member of the 100 Club of Alameda County.



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Dr. Ralph F. Herndon had a Chiropractic practice in Hayward; served as the president of the Alameda-Contra Costa Chiropractic Association; served as president of the Greater Hayward Kiwanis and district chairman of the Castro Valley Campfire Girls; and was a member of the Board of Directors for the Chabot College Foundation.

Mayor Halliday asked staff to work with the Warren and Herndon families and plant trees in memory of Mr. Richard "Dick" Warren and Dr. Ralph Herndon.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward