



MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 25, 2017, 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, Márquez, Mendall, Peixoto, Lamnin, Salinas
MAYOR Halliday
Absent: None

CITY COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

The City Council, unanimously, directed staff to agendize a closed session and a legislative business discussion related to a Sanctuary City declaration.

CLOSED SESSION

Mayor Halliday announced the Council convened in closed session pursuant to Government Code 54957 regarding the City Manager's performance evaluation, and noted there was no reportable action.

PRESENTATION

Mayor Halliday announced that the proclamation in recognition of Carl Baker-Madsen would be rescheduled to the following week.

Mayor Halliday read a proclamation in recognition of the 21st Annual East Bay Affordable Housing Week. Ms. Cherrisse Baptiste, Housing Counselor at Eden Council for Hope and Opportunity (ECHO) Housing, accepted the proclamation on behalf of ECHO Housing.

Mayor Halliday announced the fourth annual Hayward Youth Poetry Contest Awards: "What Does Hayward's Future Look Like?" sponsored by The Friends of Hayward Public Library. It was noted that over 300 Hayward students submitted entries. Library Commissioner, Peter Bufete, announced and congratulated the Student Poetry Awards winners and all the participants.

The City Council took a recess at 7:56 p.m., and reconvened the meeting at 7:59 p.m.

PUBLIC COMMENTS

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about a letter addressed to Berkeley Mayor Arreguin regarding Trump EPA GMO corn climate crisis.

Ms. Judith Velazquez, Hayward resident, noted that traffic and noise depress property values.

Mr. Robert Garchow, Hayward resident, spoke about the traffic congestion near Dixon Street and spoke against building more houses in congested neighborhoods.

CONSENT

Consent Items No. 1 and 2 were removed for separate vote.

1. Minutes of the Special City Council Meeting on April 11, 2017 **MIN 17-059**
The item was continued to next week.

2. Authorization to Negotiate and Execute an Agreement with V5 Systems for the Purchase of Security Cameras **CONS 17-125**

Staff report submitted by Chief Information Officer/Information Technology Director Kostrzak, dated April 25, 2017, was filed.

Council Member Mendall highlighted the report and added that there would be an opportunity for the public to comment on deploying security cameras in other public places at a future Council meeting.

Mayor Halliday opened the public comments section at 8:08 p.m.

Ms. Mary Lavelle, Hayward resident, urged the City to be mindful of where the security cameras are placed and to target appropriate areas; and urged the public to express concerns at the upcoming public forum.

Mayor Halliday closed the public comments section at 8:11 p.m.

Council Member Márquez noted that she would be voting against the motion because her preference would be to hold the public forum before the City purchases the additional camera systems.

Council Member Salinas noted that the topic of the cameras will also be discussed at a Council Technology Application Committee meeting where the public would be able to express concerns.



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

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

Resolution 17-047, "Resolution of the City Council of the City of Hayward Authorizing the City Manager to Negotiate and Execute an Agreement Between the City of Hayward and V5 Systems to Purchase Security Cameras and Video Data Storage"

3. Approval of Final Map Tract 8301 (Hideaway II), associated with the previously approved Vesting Tentative Tract Map and proposed development of 42 townhome-style condominium homes on a 2.31-acre site located at 25891 and 25915 Dollar Street, (444-0078-07-07, 444-0078-08-06); KB Home (Applicant/Owner) **CONS 17-181**

Staff report submitted by Development Services Director Rizk, dated April 25, 2017, was filed.

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

Resolution 17-042, "Resolution Approving Final Map for Tract 8301 and Authorizing the City Manager to Execute a Subdivision Agreement"

4. Approval and Acceptance of EDA Grant No. 07-01-07286: Hayward High Speed Fiber Optic Network Installation Project, aka Highspeed Hayward **CONS 17-216**

Staff report submitted by Management Analyst I Stefanski, dated April 25, 2017, was filed.

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

Resolution 17-043, "Resolution Retroactively Authorizing the Submittal for an Application for a Federal Economic Development Administration Grant to Fund the Construction of a

High-Speed Fiber Optic Network, Committing and Appropriating the Necessary Matching Requirements, and Directing and Authorizing the City Manager to Take All Actions Necessary to Effectuate Requirements Associated with the Grant”

5. Adoption of a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Stevenson, Porto & Pierce, Inc., for Planner Services **CONS 17-195**

Staff report submitted by Development Services Director Rizk, dated April 25, 2017, was filed.

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

Resolution 17-044, “Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Agreement with Stevenson, Porto & Pierce, Inc., for Planner Services”

6. Consideration of a Resolution Noting Council Member Zermeño's Affiliation with La Alianza de Hayward **CONS 17-203**

Staff report submitted by City Attorney Lawson, dated April 25, 2017, was filed.

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

Resolution 17-045, “A Resolution Acknowledging Council Member Francisco Zermeno’s Affiliation with the Organization La Alianza De Hayward (“La Alianza”)”

7. Amendment No. 1 to Professional Services Agreement with Signet Testing Labs **CONS 17-217**

Staff report submitted by Public Works Director Fakhrai, dated April 25, 2017, was filed.

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

Resolution 17-046, “Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Signet Testing Labs for Increased Services for this Contract Year”



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PUBLIC HEARING

8. Appeal by M. R. Wolfe & Associates on behalf of Desirae Schmidt, of the Planning Commission's February 23, 2017 Approval of the Lincoln Landing Mixed-Use Project and Certification of the Related Environmental Impact Report, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations for Traffic-Related Impacts. The Lincoln Landing Project is Comprised of 80,500 Square Feet of Ground Floor Retail Uses, 476 Multi-Family Rental Units and Related Site Improvements on an 11.5-Acre Site Located at 22301 Foothill Boulevard and 1155 Hazel Avenue; Vesting Tentative Parcel Map and Site Plan Review Application No. 2015001148; Scott Athearn on behalf of Dollinger Properties/DP Ventures LLC (Applicant/Owner) (Report from Development Services Director Rizk) **PH 17-029**

Staff report submitted by Development Services Director Rizk, dated April 25, 2017, was filed.

Development Services Director Rizk announced the report and introduced Senior Planner Schmidt who provided a synopsis of the staff report. Transportation Manager Kelley summarized the traffic analysis that identified potential impacts of the project.

Council Members Lamnin, Zermeño, Salinas, Mendall, Márquez, and Mayor Halliday, disclosed having met individually with the applicant and/or the appellant prior to the public hearing.

Discussion ensued among Council Members and City staff regarding: the overall Lincoln Landing mixed-used project; Creek Walk; shuttle service; commercial development and tobacco and liquor stores; mid-block crossing between Hazel Avenue and City Center Drive; Downtown Specific Plan; Condition of Approval No. 22 and lack of public art on the northern elevation along Hazel Avenue; Transportation Demand Management Plan; unbundling parking from unit rate; reinstating parking on Foothill Boulevard; City Center Commercial District and desirable retail uses for the catalyst site; and the gas station at the corner of Hazel Avenue and Foothill Boulevard.

Mayor Halliday opened the public hearing at 9:24 p.m.

Mr. Mark Wolfe, on behalf of appellant Desirae Schmidt, submitted a letter for the record which addressed the urban decay analysis and information showing that the proposed project would cause supermarkets to close.

The following speakers spoke against the proposed Lincoln Landing project due to concerns with adding a large grocery component to an area already served by two full service stores and the fact that the United Food & Commercial Works Union had not

reached agreement with the developer; and urged the Council to conduct a complete analysis of the economic impact of the proposed project to existing retail establishments.

Mr. John Nunes, president of United Food & Commercial Works Union, Local 5
Ms. Josie Camacho, Executive Secretary-Treasurer of the Alameda Labor Council

The following speakers spoke in favor of the Lincoln Landing mixed-use project because: it would improve an important gateway to the community which is currently an eyesore; the project proponent worked with the community and plans to hire local artists; the project would create construction union jobs; the project would revitalize the downtown and local economy; it would create housing to meet the demand for a segment of the community; it would provide a mix of residential and retail; it would provide healthy food options; the developer could entertain working with local businesses to bring a coffee cart or breakfast burrito service to the Creek Walk; and the project had green open space and attractive elements.

Mr. Ben Goulart, Prospect Hill Neighborhood Association president
Mr. Sid Hamadeh, eko Coffee Bar & Tea House business owner
Ms. David White, Sprinkler Fitters Local 483 member
Mr. Anthony Stuchlik, Hayward resident and Sprinkler Fitters Local 483 member
Mr. Nicholas Lues, Hayward resident and Sprinkler Fitters Local 483 apprentice
Mr. Jason Gumataotao, International Brotherhood of Electrical Workers Local 595 representative
Mr. Javier Manzanares, Hayward resident and Sprinkler Fitters Local 483 member
Mr. Ben Mullen, Hayward resident
Mr. Jeff Dixon, Sprinkler Fitters Local 483 representative
Ms. Mary Lavelle, Hayward resident,
Mr. Obray Van Buren, Plumber & Steamfitters Local Union 342 special representative
Mr. Daniel Casini, Hayward resident and Sheet Metal Worker Local 104 member
Mr. Kim Huggett, Hayward Chamber of Commerce president
Mr. Allison Lasser, Hayward resident
Mr. Marc Lopez, Plumber & Steamfitters Local Union 342 organizer
Mr. Chris Zaballos, Plaza Center owner
Ms. Kelly Greene, Hayward resident

Ms. Amber Collins, Hayward Area Planning Association representative, advocated for an intermodal transit center, Transportation Demand Management options, and a café along the Creek Walk.

Mr. Otis Ogata, Hayward Area Planning Association representative, spoke in favor of unbundling parking from rents.

Mr. Kent DeSpain, Retail West partner working with Dollinger Properties, urged the Council not to hamstring the developer with types of retailers or restrictions that might limit its ability to lease the retail.



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Mr. Scott Athearn, on behalf of Dollinger Properties, urged the Council approval of the project noting he had immersed in the community and brought a project proposal based on the feedback received from the community.

Mr. Sean Marciniak, Miller Starr Regalia partner, submitted a letter for the record rebutting the appellant's arguments regarding urban decay.

Discussion ensued among Council Members, Mr. Scott Athearn, and City staff regarding unbundled parking; the Hazel Avenue frontage; the idea of a coffee cart or breakfast burrito service at the Creek Walk; a market study for housing and price point; the United Food & Commercial Workers Union and need for continued discussion; liquor and tobacco retailers; crosswalk along Foothill Boulevard; and the Downtown Specific Plan.

Mr. Scott Athearn was amenable to the following: amend Condition of Approval No. 22 by adding language to state that the developer would commission a local artist to install public art along the northern elevation (along Hazel Avenue); offer one parking space per unit and any additional parking would be unbundled from the unit lease rate; support parking on Foothill Boulevard and the crosswalk within the Downtown Specific Plan and offer \$5,000 towards a future crosswalk; and explore the idea of engaging local businesses to bring a coffee cart or breakfast burrito service to the Creek Walk in lieu of having a café or coffee shop.

Mayor Halliday closed the public hearing at 11:00 p.m.

Council Member Peixoto offered a motion per staff's recommendation to deny the appeal and approve the project subject to the findings and conditions of approval with two amendments: 1) amend Condition of Approval No. 22 by adding to the condition that the developer will install public art along the northern elevation (along Hazel Avenue); and 2) add a condition to reflect that one parking space will be offered per unit and any additional parking will be unbundled from the unit lease rate.

Council Member Zermeño seconded the motion.

Mayor Halliday and Council Members thanked the developer and its team, City staff, and community members for the contributions to the project.

Council Members expressed support for the motion noting that the project went through a vetted public review; the developer was receptive to Council's suggestions and had reached out to the community; the developer had reduced the project density; the developer was supported by neighboring residents, the unions, the business community, and environmentalists; the project would increase critical mass in downtown and would revitalize it; the Creek Walk improvements were positive; the project responded to issues

raised regarding small businesses, crime, blight, and resources used at the current site; and the project had overall positive elements.

Council Members offered the following suggestions: consider murals that reflect Hayward's history; consider the San Pedro Square Market concept in downtown San Jose; continue to have dialogue with the United Food & Commercial Works Union; the Transportation Demand Management Plan needs to be reviewed carefully and perhaps discussed during a work session; and pay closer attention to the City's Affordable Housing Ordinance.

It was moved by Council Member Peixoto, seconded by Council Member Zermeño, and carried unanimously, to adopt the following subject to the findings and conditions of approval with two amendments: 1) amend Condition of Approval No. 22 by adding to the condition that the developer will install public art along the northern elevation (along Hazel Avenue); and 2) add a condition to reflect that one parking space will be offered per unit and any additional parking will be unbundled from the unit lease rate.

Resolution 17-048, "Resolution Approving the Lincoln Landing Mixed Use Development Consisting of 476 Multi-Family Residential Units and 80,500 Square Feet of Commercial Development and Related Site Improvements at 22301 Foothill Boulevard and 1155 Hazel Avenue in Downtown Hayward; and Certifying the Related Environmental Impact Report, Related Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program; Dollinger Properties/DP Ventures (Applicant/Owner)"

The City Council took a recess at 11:34 p.m., and reconvened the meeting at 11:40 p.m.

LEGISLATIVE BUSINESS

9. Introduction of an Ordinance Amending Chapter 5, Article 10 of the Hayward Municipal Code Relating to Construction and Demolition Debris Recycling Requirements (Report from Utilities & Environmental Services Director Ameri) **LB 17-017**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated April 25, 2017, was filed.

Utilities and Environmental Services Director Ameri announced the report and introduced Environmental Services Manager Pearson who provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 11:44 p.m.

Council Member Mendall noted that the staff's recommendation was presented to the Council Sustainability Committee and it was unanimously approved.



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

Intro Ordinance 17-_, “An Ordinance of the City of Hayward Amending Chapter 5, Article 10, of the Hayward Municipal Code Regarding Construction and Demolition Debris Waste Reduction and Recycling Requirements”

CITY MANAGER’S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Mayor Halliday commented on three items and praised staff and Council for their participation: 1) Hayward’s Book-to-Action discussion of the book “Unstoppable: Harnessing Science to Change the World” by Bill Nye; 2) Earth Day March for Science at the Hayward Shoreline on April 22, 2017; and 3) the grand opening of Alta Mira, Eden Housing’s affordable housing project, on April 21, 2017.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 11:50 p.m.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward