



**MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, July 5, 2016, 7:00 p.m.**

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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 Jones.

**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 suggested that discussion of trails be added to a future agenda of the Hayward Local Agencies Committee.

Council Member Márquez recommended that the next Hayward Police Department's quarterly report capture information about the Fourth of July celebration.

**CLOSED SESSION ANNOUNCEMENT**

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

**PUBLIC COMMENTS**

Ms. Ellen Corbett, former member of the California State Senate and Student Leadership Laboratory teacher at Chabot College, acknowledged Chabot College students who attended the meeting to learn about Robert's Rules of Order and the practical application of conducting public meetings.

Ms. Quincy Taylor, Chabot College student, announced an "Empower a Better Future Global Brigades Gala" fundraiser at Chabot College on July 7, 2016.

Mr. David Truelove, Chabot College/Las Positas student trustee member, advocated for a shuttle service from Chabot College to the Hayward BART Station.

Mr. Kim Huggett, president of the Hayward Chamber of Commerce, thanked Council Member Jones for his contributions to the Chamber. Mr. Huggett also announced the Downtown Hayward Street Party on July 21, 2016.

Mr. Jim Drake, Hayward resident, spoke about Robert's Rules of Order.

Council Member Márquez acknowledged summer interns through the District Attorney's Justice Academy who were in attendance at the meeting.

## **CONSENT**

Consent Item Nos. 2, 4, and 5 were removed for public comment.

1. Minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority Meeting on June 21, 2016 **MIN 16-060**  
It was moved by Council/HRSA/HHA Member Márquez, seconded by Council/HRSA/HHA Member Mendall, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority Meeting on June 21, 2016.
2. Adoption of a resolution authorizing the City Manager to execute Agreements with West Coast Consultants (WC3); 4Leaf, Inc.; Shums Coda Associates; TRB & Associates; Kutzmann & Associates; and CSG, Consultants to provide plan check, inspection services, and permit technician services, for an amount not to exceed the total budget appropriation of \$340,000 **CONS 16-370**

Staff report submitted by Management Analyst I Kim, dated July 5, 2016, was filed.

Mr. Jim Drake, Hayward resident, spoke about competitive bidding.

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

Resolution 16-129, "Adoption of a Resolution Authorizing the City Manager to Execute Agreements with West Coast Consultants (WC3); 4Leaf, Inc.; Shums Coda Associates; TRB & Associates; Kutzmann & Associates; and CSG, Consultants to Provide Plan Check, Inspection, and Permit Technician Services for Fiscal Year 2017, for a Combined Amount Not to Exceed the Total Budget Appropriation of \$340,000"

3. Adoption of Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change Application No. 201505867 to Establish California Crosspoint Middle and High School at 25500 Industrial Boulevard **CONS 16-375**

Staff report submitted by City Clerk Lens, dated July 5, 2016, was filed.



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

Ordinance 16-16, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change Application No. 201505867 to Establish California Crosspoint Middle and High School at 25500 Industrial Boulevard"

4. Authorization for the City Manager to Negotiate and Sign Agreement for Construction Special Inspections **CONS 16-386**

Staff report submitted by Assistant City Engineer Owusu, dated July 5, 2016, was filed.

Mr. Jim Drake, Hayward resident, spoke about competitive bidding.

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

Resolution 16-130, "Resolution Authorizing the City Manager to Negotiate and Execute Agreements for Construction Special Inspections"

5. Authorization for the City Manager to Negotiate and Sign Agreement for Traffic Signal and Streetlight Maintenance Services **CONS 16-387**

Staff report submitted by Transportation Manager Kelley, dated July 5, 2016, was filed.

Mr. Jim Drake, Hayward resident, spoke about competitive bidding.

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

Resolution 16-131, "Resolution Authorizing the City Manager to Negotiate and Sign Agreement for Traffic Signal and Street Light Maintenance Services"

## **WORK SESSION**

6. FY 2016 Employee Engagement Survey Results (Report from Assistant City Manager McAdoo) **WS 16-046**

Staff report submitted by Management Fellow James, dated July 5, 2016, was filed.

City Manager David announced the report and introduced Assistant City Manager McAdoo who provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding: the employee engagement survey results and suggestions related to improving communication, recognizing employees, organizing activities to come together as an organization, fostering open and honest communication, creating a work-life balance environment, providing work flexibility such as telecommuting, nurturing active listening methods, and efforts to engage with employees by visiting worksites, and using lean innovation methods.

## **PUBLIC HEARING**

7. Recommended Approval and Necessary Actions of Proposed Project at 25906 Gading Road for Twenty Detached Single-Family Homes on a 1.75-acre site, including for a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; Tony Dutra, Gading Ventures, LLC (Applicant/Owner) (Report from Director of Development Services Rizk) **PH 16-061**

Staff report submitted by Senior Planner Ajello, dated July 5, 2016, was filed.

Development Services Director Rizk announced the report and introduced Senior Planner Ajello who provided a synopsis of the report. Ms. Ajello noted that there was an amendment to Exhibit B of the Resolution consisting of eliminating the language “as well as the expanded retail scenario” under Mitigation Measure AIR-1.

Senior Planner Ajello responded to questions from Council Members related to the project site and private open space.

Mayor Halliday opened the public hearing at 8:42 p.m.

Mr. Toni Dutra, project applicant, noted the project site was small for the tot lot and there were parks in close proximity to the development. Mr. Dutra also noted that the homeowners association (HOA) would be managed and maintained by a professional property management company.

Mr. Mark Falgout, with Ruggeri-Jensen-Azar & Associates, noted the storm drain would be maintained by the HOA for the property.



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Mayor Halliday closed the public hearing at 8:48 p.m.

Council member Zermeño offered a motion per staff recommendation and Council Member Peixoto seconded the motion.

Council Member Lamnin encouraged staff and the developer to monitor for accessibility issues and training opportunities for devices such as rain catchment and “laundry to landscape” plumbing.

Council Member Márquez supported the motion and suggested having the HOA maintain the front yard landscape for smaller projects.

It was moved by Council Member Zermeño, seconded by Council Member Peixoto, and carried unanimously, to adopt the following with a minor revision to Exhibit B of the Resolution, by eliminating the language “as well as the expanded retail scenario” under Air Quality Mitigation Measure AIR-1.

Resolution 16-132, “Resolution Adopting an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approving Vesting Tentative Tract Map and Zone Change Application 201600059 Pertaining to the Subdivision and Construction of Twenty Detached Single-Family Homes at 25906 Gading Road”

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. 201600059 Relating to the Construction of Twenty Detached Single-Family Homes at 25906 Gading Road”

8. Recommended Approval and Necessary Actions of Proposed Zone Change from Single-Family Residential to Medium Density Residential at 619 Shepherd Avenue to Allow the Potential for Up to Two Additional Dwelling Units on a 0.21 acre site; Think Duc Nguyen (Owner/Applicant) (Report from Development Services Director Rizk) **PH 16-067**

Staff report submitted by Associate Planner Hamilton, dated July 5, 2016, was filed.

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

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:56 p.m.

Council Member Lamnin offered a motion per the staff recommendation and Council Member Mendall seconded the motion.

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

Resolution 16-133, "Resolution Approving the Re-Use of the Environmental Impact Report Prepared for the Hayward 2040 General Plan and Approving the Zone Change Application 201601906 Pertaining to the Lot Located at 619 Shepherd Avenue"

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. 201601906 Relating to a Parcel of Land Located at 619 Shepherd Avenue"

## **LEGISLATIVE BUSINESS**

9. Introduction of Ordinance Amending Section 2(l)(2) of the Residential Rent Stabilization Ordinance (Report from City Attorney Lawson) **LB 16-079**

Staff report submitted by Assistant City Attorney Alvarado, dated July 5, 2016, was filed.

City Attorney Lawson announced the report and introduced Assistant City Attorney Alvarado who provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding: the housing database, maintained by the United States Department of Housing and Urban Development (HUD), of units that were formally financed and insured; housing units built after 1979; having the proposed section of the City of Hayward Residential Rent Stabilization Ordinance available in Spanish; and Section 8 rent subsidy and having a mechanism to track Section 8 units.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:16 p.m.

Council Member Márquez offered a motion per staff recommendation and it was seconded by Council Member Zermeno.

Council Member Lamnin offered a friendly amendment that staff contact the Rental Housing Owners Association (RHOA) prior to the adoption of the Ordinance because the local group



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would be affected by the proposed Ordinance. Ms. Lamnin also suggested that staff could contact RHOA about mechanisms that would allow tracking of Section 8 units.

Council Member Márquez and Council Member Zermeño were amenable to the amendment.

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

Introduction of Ordinance 16-\_, “An Ordinance Amending 2(l)(2) of the City of Hayward Residential Rent Stabilization Ordinance Clarifying the Exemption Applicable to Units Financed or Insured by a Federal, State or Local Agency”

**CITY MANAGER COMMENTS**

City Manager David announced the City was accepting applications for service on the City’s boards/committees/commissions and noted the deadline to apply was July 15, 2016.

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Mayor Halliday announced that City Manager David would be retiring from the City and thanked her for her service.

City Attorney Lawson announced that Assistant City Attorney Alvarado would be separating from the City to serve as the City Attorney in East Palo Alto starting July 22, 2016.

Council Member Lamnin reported on her attendance at workshops sponsored by the League of California Cities.

Mayor Halliday announced the installation of re-elected and elected Council Members and the farewell of Council Member Jones was scheduled for the July 12, 2016 Council meeting.

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 9:27 p.m.

**APPROVED:**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward