



**MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF  
HAYWARD**

**City Council Chambers**

**777 B Street, Hayward, CA 94541**

**Tuesday, December 2, 2014, 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

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced that the Council met in closed session regarding five items: (1) City Manager's performance evaluation pursuant to Government Code 54957; (2) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; (3) conference with legal counsel pursuant to Government Code 54956.9 regarding one anticipated litigation; (4) conference with legal counsel pursuant to Government Code 54956.9 regarding two pending litigation items: (a) Sipple v. City of Alameda, et al., Los Angeles County Superior Court, No. BC462270 and (b) Net Connection Hayward, LLC v. City of Hayward, U.S. District Court, N.D., CA, No. C-13-1212 SC; and (5) conference with property negotiators pursuant to Government Code 54956.8 regarding APNs 443-005-0008-05, 443-005-0006-00, and 443-005-0012-00 located at 5, 31, and 73 West Jackson Street, Hayward. Mr. Lawson noted that the Council unanimously approved, with Council Member Zermeño moving and Council Member Lamnin seconding the item, to give direction to staff to sell the properties located at 5, 31, and 73 West Jackson Street, Hayward, to the interested buyer as recommended. There was no action regarding the rest of the items.

**PUBLIC COMMENTS**

The following individuals spoke in support of encouraging higher wages and health insurance benefits for Alameda County recycling workers and urged Council to support workers at Tri-CED through the contract with Alameda County Waste Management.

Alameda County Supervisor Valle, President/CEO of Tri-CED Community Recycling, submitted Alameda County Waste Management Authority documents for the record.

Ms. Ruth Abbe, Sierra Club and Alameda County Sustainable Recycling Campaign member

Mr. Felix Martinez, Hayward resident and Teamsters Local 70 member

Mr. Fred Pecker, with International Longshore and Warehouse Union Local 6

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, noted that allowing happy hours and music at full-service restaurants had a positive impact on businesses. Mr. Huggett

announced four upcoming events: the Downtown Hayward Light Up the Season, the Shop Local Hayward Campaign, Dine Hayward Restaurant Month, and the 71<sup>st</sup> Annual Awards Gala.

Ms. Anna May, representing the SantaCon Hayward Committee, announced the SantaCon Hayward event on December 6, 2014.

Mr. Charlie Peters, with Clean Air Performance Professionals, provided a document for the record regarding gasoline prices and ethanol mandates.

Mr. John Ruzic, Hayward resident, expressed the new parking restrictions caused hardship for Renaissance Walk residents and requested that three blocks: two streets on Atherton and one on Watkins be included in the Residential Parking Permit Program.

Mr. Jim Drake, Hayward resident, spoke about crime in Hayward and the need for more police officers to enforce crime areas.

The following individuals spoke on the preliminary review of the proposed project concept for the former Mervyn's headquarters site. They offered the following comments/suggestions: the proposed project needed more retail space and less rental units and needed a community/recreation center; there was interest for the Prospect Hill Neighborhood Association to meet with the developer; consider the site for a hotel/convention/business center; reuse the site for a high technology company that could generate employment opportunities; consider a use that would benefit Downtown and Hayward at large; consider a venue that would help small businesses thrive; and consider traffic mitigation measures for Downtown such as converting A Street to a two-way street.

Mr. Michael Urioste, Hayward resident

Mr. Benjamin Goulart, Hayward resident

Mr. Frank Goulart, Hayward resident and Hayward business owner

Mr. Elie Goldstein, Mr. Alfredo Rodriguez, and Ms. Renee Rettig, representing the United Merchants of Downtown Hayward

Ms. Carolyn Leandro, owner of St. Gabriel's Catholic Books and Gifts

Ms. Joanne Pepperell, owner of Funky Monkey, did not think the alcohol beverage regulations have been enacted as intended and she reported issues with Police Department citations and hearing process.

Ms. Tracy Cross, Hayward Coalition for Healthy Youth representative, noted the alcohol regulations were helpful for the youth and praised the Police Department for enforcing the regulations.

## **WORK SESSION**

Council Member Jones noted he had to recuse himself from deliberating on the former Mervyn's item due to a conflict of interest because of the proximity of his business to the proposed project and he left the Council Chambers at 7:52 p.m.



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1. Preliminary Review of Proposed Project Concept: Retail/Residential Mixed Use Project on the 11.3 acre former Mervyn's Headquarters Site at 22301 Foothill Boulevard, as presented by Dollinger Properties

Staff report submitted by Development Services Director Rizk, dated December 2, 2014, was filed.

City Manager David announced the report and introduced Director of Development Services Rizk who provided a synopsis of the report. Mr. Kent DeSpain of RetailWest provided a presentation on The Phoenix project concept for the proposed site.

Discussion ensued among Council members, City staff and Mr. DeSpain. Council members offered the following suggestions about the proposed project: evaluate housing opportunities for college students, faculty, Police/Fire employees; increase open space; maintain the historic value of the building; a major tenant would be key to approve the project; attract retailers such as Trader Joe's and Whole Foods Market, but be mindful not to duplicate or negatively impact existing retailers; consider a walking path along the San Lorenzo Creek that would direct people to Downtown; consider building high speed internet access to support telecommuters; build few small affordable units and also some larger units for growing families; consider upper income demographic to stimulate the Downtown economy; consider traffic mitigation measures; conduct intensive outreach to surrounding neighborhoods, merchants and the Hayward Chamber of Commerce; increase commercial footage and decrease housing density; improve the architectural appearance of the site and make efforts to include some aspects of the Downtown architecture; and consider a play area for tots.

It was noted that the perfect use for the site would be a commercial office/hotel or a use that would bring people in during the day to support existing retailers, restaurants, and other service providers.

Mr. DeSpain expressed that the Downtown did not have the type of business to support a hotel and a mix of retail and housing would be the energizer for the Downtown. He added that there was no tenant for office space.

Council Member Jones returned to the Council Chambers at 8:52 p.m.

2. Update on the First Year of Implementation of the New Alcohol Regulations, and Discussion of Alternatives Going Forward

Staff report submitted by Development Services Director Rizk and Police Chief Urban, dated December 2, 2014, was filed.

Director of Development Services Rizk and Lieutenant Nishimoto of the Special Investigations

Bureau Division at the Hayward Police Department provided a synopsis of the report.

Discussion ensued among Council Members and City staff. There was general agreement that, based on the annual review, the changes to alcohol regulations had been positive and restaurants had seen an increase in profit. Council Members offered the following suggestions: revise the regulation to prohibit “all you can drink” specials at any establishment; some members did not support allowing happy hours at bars; consider modifying the happy hours at full-service restaurants by extending the reduced price alcohol sales from 2pm to 9pm; conduct further analysis about dancing at restaurant establishments; consider reaching out to the Hayward Youth Commission and schools about alcohol use by the youth and consider additional alcohol prevention education; consider moving Level I businesses with repeat offenses to Level II and require them to be inspected four times a year; and evaluate scaling back fees. It was noted that staff would provide Council with a follow-up memo explaining the cost of the program and the fees collected.

Mayor Halliday noted that the Council was in receipt of a letter from Mr. Richard Ersted regarding the alcohol regulations.

## CONSENT

Consent Item No. 5 was removed for separate vote.

3. Authorization to Negotiate and Execute a Professional Services Agreement with Capitol Advocacy Partners to Assist in Securing Federal Funding, and Tracking and Affecting Federal Legislation of Concern to the City; and Appropriation of Funds

Staff report submitted by Assistant City Manager McAdoo, dated December 2, 2014, was filed.

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

Resolution 14-189, “Authorization to Negotiate and Execute a Professional Services Agreement with Capitol Advocacy Partners to Assist in Securing Federal Funding, and Tracking and Affecting Federal Legislation of Concern to the City; and Appropriation of Funds”

4. Authorization to Negotiate and Execute a Professional Services Agreement with Townsend Public Affairs to Assist in Securing State Funding, and Tracking and Affecting State Legislation of Concern to the City; and Appropriation of Funds

Staff report submitted by Management Fellow Stefanski, dated December 2, 2014, was filed.

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



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Resolution 14-190, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Townsend Public Affairs, Inc., to Assist in Securing State Funding, and Tracking and Affecting State Legislation of Concern to the City; Appropriation of Funds"

5. Authorization to Apply for Emergency Solutions Grants (ESG) Program Funding in Fiscal Year 2014-2015

Staff report submitted by Acting Administrative Analyst I McNamara, dated December 2, 2014, was filed.

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

Resolution 14-195, "Resolution Authorizing the City of Hayward to Apply For and Accept Emergency Solutions Grant (ESG) Program Funding in FY 2014-15"

6. Authorization to Negotiate and Execute an Agreement with Rolling Orange, Inc. for Primary Website Redesign; and Appropriation of Funds

Staff report submitted by Community & Media Relations Officer Holland, dated December 2, 2014, was filed.

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

Resolution 14-191, "Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Rolling Orange Inc. for Primary Website Redesign"

Resolution 14-192, "Resolution Approving Appropriation of Funds for the Purpose of Redesigning the City's Primary Website"

7. Authorization to Negotiate and Execute an Agreement with Vigilant Solutions for Automated License Plate Recognition System; and Appropriation of Funds

Staff report submitted by Technology Solutions Analyst Roush, dated December 2, 2014, was filed.

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

Resolution 14-193, “Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Vigilant Solutions for Purchase of an Automated License Plate Reader System”

Resolution 14-194, “Resolution Approving Appropriation of Funds for the Purpose of Purchasing an Automated License Plate Reader System from Vigilant Solutions”

## **PUBLIC HEARING**

### **8. Hayward General Plan 2015-2023 Housing Element**

Staff report submitted by Planning Manager Buizer, dated December 2, 2014, was filed.

Development Services Director Rizk announced the report and introduced Planning Manager Buizer who provided a synopsis of the report. Ms. Buizer noted there were two changes: staff will review the Housing Element to ensure that it is consistently referencing “people who are homeless” as opposed to referring to them as “the homeless”; and that for implementation programs, staff would include a statement that the City will partner with any agencies as deemed appropriate.

Discussion ensued among Council Members and City staff regarding Regional Housing Needs Allocation (RHNA) unit allocation, special needs populations, child care component, and additional language to identify partners.

Council Member Lamnin disclosed that she had voted on the Housing Element while a member of the Planning Commission and since there have been no significant changes, there were no conflicts with her participating and voting on the item.

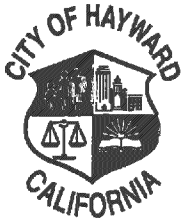
There being no public comments Mayor Halliday opened and closed the public hearing at 10:07 p.m.

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

Mayor Halliday commended staff for coming under the original approved budgeted amount for the General Plan.

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

Resolution 14-196, “Resolution Adopting an EIR Addendum to the Previously Certified Environmental Impact Report for the Hayward 2040 General Plan, and Adopting the Housing Element of the City of Hayward General Plan”



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**INFORMATION ITEMS**

There were none.

**CITY MANAGER'S COMMENTS**

City Manager David made three announcements: 1) the Police and Fire departments were hosting their annual Holiday Toy Drives; 2) drought conditions continued in Hayward and the public was encouraged to continue to conserve water and sandbags for flood protection were available at the Corporation Yard, 24505 Soto Road; and 3) Captain Bob Palermini's retirement and flag ceremony was scheduled for December 11, 2014, at City Hall.

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

Council Member Mendall announced the Black Bear Diner Restaurant on Hesperian Boulevard opened on December 1, 2014, and noted that ninety percent of its employees live in Hayward.


Council Member Márquez encouraged everyone to patronize the Black Bear Diner Restaurant. Ms. Márquez spoke positively about the Keep Hayward Clean and Green Task Force cleanup event on November 27, 2014, and invited all to attend another cleanup event on December 6, 2014.

Council Member Lamnin asked staff to contact Mr. John Ruzic about the parking changes in downtown and to also contact folks who had expressed interest for parking behind the Palace Club. Ms. Lamnin also asked staff to inform downtown businesses, the Prospect Hill neighborhood, and the community when the item on Catalyst and Opportunity Sites is ready to be presented to the Council.

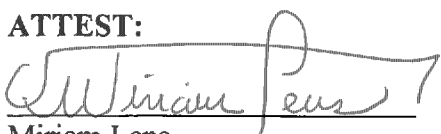
**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 10:15 p.m.

**APPROVED:**

  
Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

  
Miriam Lens  
City Clerk, City of Hayward