



MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD

Council Chambers

777 B Street, Hayward, CA 94541

Tuesday, February 7, 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 Council Member Mendall.

ROLL CALL

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

CITY COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

City Council Member Zermeño announced the Hayward Youth Commission (HYC) wanted to speak about the Hayward Unified School District community service requirement. It was noted that the HYC could make a presentation at the February 21, 2017 Council meeting.

City Manager McAdoo inquired about holding a special closed session for the City Manager evaluation on Thursday, April 27, 2017. The Council unanimously agreed. Ms. McAdoo also distributed information about the new Community Task Force.

CLOSED SESSION

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

City Attorney Lawson also announced the Council convened in closed session pursuant to Government Code 54956.9 regarding pending litigation of Maher/Goodfellow Top Grade Construction Company v. City of Hayward, et al., Alameda County Superior Court No. HG 14747979; and noted the Council had unanimously approved resolution of the case with the release of \$1.4 million in retention and the City's retention of \$1.5 million in contract funds which could be used for phases II and III of the Route 238 Corridor Improvement Project.

PUBLIC COMMENTS

Ms. Wynn Grcich, Hayward resident, spoke about security cameras at Hayward Unified School District (HUSD) schools not working; and provided a document for the record related to the Mobile Now Act.

Mr. Glenn Kirby, Hayward resident and former Planning Commission member, urged the Council to not entertain the proposed development of the property around South Hayward BART Station because of its low density.

Mr. Jim Drake, Hayward resident, inquired about the former Police Chief's resolution case. City Manager McAdoo asked Mr. Drake to contact her office.

CONSENT

Consent Item No. 3 was removed for separate action.

1. Minutes of the City Council Meeting on January 17, 2017 **MIN 17-018**

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 January 17, 2017.

2. Transmittal of the Annual Mitigation Fee Act Report (AB 1600) **CONS 17-039**

Staff report submitted by Acting Director of Finance Claussen, dated February 7, 2017, was filed.

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

Resolution 17-009, "Resolution Accepting the Report and Adopting Findings Related to Fees Collected for the Development Projects Subject to the Requirements of the Mitigation Fee Act"

3. Adoption of a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with CSG Consultants, Inc., for Development Review Services in the Planning Division for an Amount not to Exceed \$425,000 **CONS 17-054**

Staff report submitted by Development Services Director Rizk, dated February 7, 2017, was filed.

In response to Mr. Jim Drake's inquiry about the proposed agreement, City Manager McAdoo noted it was for the review of development applications and to be paid by the developers.

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

Resolution 17-012, "Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with CSG Consultants, Inc., for Development Review Services in the Planning Division for a Total Agreement Amount Not to Exceed \$425,000"

4. Trash Capture Device Installation on Patrick Avenue: Approval of Plans and Specifications, and Call for Bids **CONS 17-055**



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Staff report submitted by Utilities and Environmental Services Director Ameri, dated February 7, 2017, was filed.

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

Resolution 17-010, "Resolution Approving Plans and Specifications for the Trash Capture Device Installation Project on Patrick Avenue, Project No. 07675, and Call for Bids"

5. Revisions to the Council Member Handbook **CONS 17-061**

Staff report submitted by City Clerk Lens, dated February 7, 2017, was filed.

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

Resolution 17-011, "Resolution Accepting the Additions and Revisions to the Council Member Handbook"

PUBLIC HEARING

6. Appeal by the Hayward Area Planning Association of the Planning Commission's December 15, 2016 Approval of the Maple & Main Mixed-Use Project and Related Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The project includes 192 Market-Rate Apartments, 48 Apartments Affordable to Very Low Income Households, Rehabilitation of a 48,800 Square-Foot Medical Office Building, and Approximately 5,500 Square-Feet of Retail Space, Located Generally Within the Block Bounded by A Street, Main Street, McKeever Avenue, and Maple Court in Downtown Hayward; Bay Area Property Developers, LLC, and Klein Financial Corp (Applicants/Owners) (Report from Development Services Director Rizk) **PH 17-013**

Staff report submitted by Development Services Director Rizk, dated February 7, 2017, was filed.

Development Services Director Rizk and Transportation Manager Kelley provided a synopsis of the staff report.

Mr. Rizk noted there was a revision to the project which involved moving some of the retail space located on Main Street to Maple Court, and adding an addendum to the Mitigated Negative Declaration. Mr. Rizk also indicated that there was an added Condition of

Approval #54(e) which the project proponent had agreed to, and recommended it be included in the motion to read as follows, "The proposed project's pedestrian related impacts of the A Street and Main Street intersection can be ameliorated in conjunction with the Downtown Specific Plan process; the project proponent shall make a one-time contribution in the amount of \$10,000 to such improvements."

Mr. Rizk also acknowledged the City had received correspondence after the agenda packet was published from a Prospect Hill resident and Planning Commission Chair Heather Enders.

Discussion ensued among Council Members and City staff regarding: the proposed mixed-use project; proposed pedestrian improvements at A Street and Main Street intersection; concerns with traffic speed around the proposed project; relocation of some retail space from Main Street and Maple Court; unbundling parking and charging stations; the archaeological report prepared by the Northwest Information Center at Sonoma State and cultural resources; the economic benefits report from the Concord Group; the redwood tree in the center of the site; underground utilities in the neighborhood; solid waste and trash collection; property on Main Street that may have historic value; shuttle service from the development to BART; additional entrance/exit to the parking garage on Maple Court; open space courtyards and rooftop terrace; affordable housing units; and the proposed parking permit program.

Mayor Halliday opened the public hearing at 8:27 p.m.

Mr. Blake Peters, project proponent with Bay Area Property Developers, presented a PowerPoint about the proposed project and responded to questions posed by Council Members.

Ms. Amber Collins, representing Hayward Area Planning Association (HAPA) and Mr. Sherman Lewis, noted that HAPA was in favor of relocating some retail to Maple Court to create a pedestrian environment, having parking reserved for public cars, and having smart meters.

Mr. Otis Ogata, also representing HAPA, noted that HAPA's appeal was not to oppose the project, but to achieve improvements which the developer had already committed to. Mr. Ogata added that it was also the goal of the appeal to improve the pedestrian crossing at A Street and Main Street.

Mr. Al Parso-York, Prospect Hill resident, was in favor of Class A office space at the proposed property; and noted that if the proposed project was deemed approved as residential, he would like more housing.

Mr. Kim Huggett, Hayward Chamber of Commerce president, expressed support for the proposed project noting it would create a synergy and support economic development.



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Mr. Frank Goulart, Prospect Hill resident, advocated that an Environmental Impact Report (EIR) be prepared for the proposed project because of potential Native American remains at the site and significant impacts on cultural resources and shared some photographs.

Mr. Nathan Williams, Prospect Hill resident, noted the views from the Prospect Hill neighborhood of the hills would be negatively impacted by the proposed project and showed some photographs.

Mr. Benjamin Goulart, Prospect Hill resident, favored redesigning the project with more entrances and exists to ease traffic, creating towers to mitigate view loss similar to the Lincoln Landing development, and undergrounding the neighborhood's utilities.

Mr. Rick Hatcher, Hayward Area Recreation and Park District (HARD) Board Director, noted that HARD, the City of Hayward and others agencies were working on a South Alameda County Trail Master Plan, which would create a corridor within cities.

Mr. Blaine Ricketts, McKeever Avenue resident, expressed concern about noise and traffic impacts to the proposed area and into McKeever Avenue.

Mr. Allen Zargar, Prospect Hill resident, expressed support for the proposed development noting it would improve the current site.

Ms. Heather Enders, Planning Commission Chair, noted she was the only commissioner to oppose the project and had provided a document for the record outlining the reasons for her opposition. Ms. Enders favored a job center for the proposed project and urged the Council to disapprove the proposed project.

Mayor Halliday closed the public hearing at 9:50 p.m.

Council Members thanked all community members for their valuable input and expressed support for the proposed project and highlighted its benefits: protocols were in place about potential Native American remains at the proposed site; concerns expressed by HAPA were addressed and mitigated; opportunities for jobs; moving some of the retail space from Main Street to Maple Court would create a pedestrian connection; the \$10,000 contribution to A Street and Main Street intersection would benefit pedestrian-related impacts; the redwood tree would be preserved; green features; combination of housing and retail within the complex; inclusion of 48 affordable units in the project; renovation of two existing commercial buildings; rooftop terraces; unbundling and enforcing of parking; downtown shuttle for its residents; park in-lieu fees that would help complete the park in downtown; open space; residential six-level parking garage; catalyst and supported by business owners on B Street; activate the downtown area; and would enhance the urban environment of the area.

Council Member Zermeño offered a motion per staff recommendation including moving some retail from Main Street to Maple Court and adding Condition of Approval 54 (e) related to the one-time contribution in the amount of \$10,000 by the project proponent to the A Street and Main Street intersection for pedestrian-related impacts. Mr. Zermeño added a recommendation that the redwood tree be preserved onsite or relocated to another site in the area.

Council Member Mendall seconded the motion noting that the Council Economic Development Committee and Planning Commission recommendations were incorporated into the proposal, and improvements requested by the appellant were also addressed by the project proponent. Council Member Mendall offered an addition to the motion that the project proponent either move the redwood tree onsite and save it, or provide \$75,000 to the City for the Main Street and A Street sidewalk improvements.

Council Member Zermeño accepted the addition to the motion.

Discussion ensued among Council Members, City staff, and the project proponent about the motion and the amendments.

Mr. Blake Peters agreed to make an effort to spend \$75,000 moving the tree onsite, and if unable to move the tree, make a \$75,000 contribution toward the A Street and Main Street intersection improvements. It was also noted that the one-time contribution in the amount of \$10,000 toward the A Street and Main Street intersection in conjunction with the Downtown Specific Plan process was not part of the \$75,000 additional contribution.

Council Members supported the motion and the proposed amendments.

It was moved by Council Member Zermeño seconded by Council Member Mendall and carried unanimously, to adopt the following with amendments: 1) move some of the retail space from Main Street to Maple Court; 2) add a Condition of Approval No. 54(e) related to the project proponent's one-time contribution in the amount of \$10,000 for pedestrian-related impacts at the A Street and Main Street intersection; and 3) preserve the existing large redwood tree onsite or transplant it to another area; and if preservation proves infeasible, then a total \$75,000 contribution shall be made to the A Street and Main Street crossing improvements.

Resolution 17-013, "Resolution Approving the Maple & Main Mixed-Use Project that Includes 192 Market-Rate Apartments, 48 Apartments Affordable to Very Low Income Households, Rehabilitation of a 48,800 Square-Foot Medical Office Building, and Approximately 5,500 Square-Feet of Retail Space, Located Generally Within the Block Bounded by A Street, Main Street, McKeever Avenue and Maple Court in Downtown Hayward; and Adopting the Related Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and Associated Addendum; Bay Area Property Developers, LLC and Klein Financial Corp (Applicants/Owners)"



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The City Council took a recess at 10:38 p.m., and reconvened the meeting at 10:43 p.m.

7. Sustainable Groundwater Management Act (SGMA): Formation of a Groundwater Sustainability Agency under SGMA (Report from Director of Utilities & Environmental Services Ameri) **PH 17-011**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated February 7, 2017, was filed.

Utilities & Environmental Services Director Ameri announced the report and introduced Water Resources Manager Lee who provided a synopsis of the staff report and responded to questions posed by Council Members.

Council Member Márquez recommended that staff indicate in the staff report when items are vetted by the Council Standing Committee.

Council Member Lamnin recommended that Stonebrae be added to the list of stakeholders.

There being no public comments, Mayor Halliday opened and closed the public hearing at 11:00 p.m.

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

Resolution 17-014, "Resolution Electing to Become the Groundwater Sustainability Agency for the East Bay Plain Subbasin of the Santa Clara Valley Basin within the City of Hayward City Boundary"

CITY MANAGER COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Márquez thanked City Manager, City Clerk, City Attorney, and her colleagues for attending the Hayward Chamber of Commerce 73rd Annual Awards Gala at California State University East Bay on February 4, 2017, where the Firefighter of the Year, the Police Officer of the Year, the Educator of the Year, and the Business Person of the Year were recognized.

Council Member Salinas announced that Hayward High School and Stonebrae Elementary School will participate in the 2017 Chinese New Year Parade in San Francisco on February 11, 2017.

Mayor Halliday announced that Council Member Lamnin was appointed to the Alameda County Waste Management Authority as the City's delegate, and Council Member Zermeño would remain as the alternate.

ADJOURNMENT

Mayor Halliday adjourned the City Council meeting at 11:08 p.m., in memory of Melissa Fryer.

Council Member Salinas noted that Melissa "Missy" Fryer was a Hayward resident, attended Hayward schools, and was a Hayward High School Class of 1988 graduate. Mayor Halliday asked City staff to work with the Fryer family to plant a tree in memory of Melissa Fryer.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward