



MINUTES OF THE SPECIAL CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 9, 2019, 7:00 p.m.

The special meeting of the City Council was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Zermeño.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lamnin, Wahab, Salinas
MAYOR Halliday
Absent: NONE

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:00 p.m., regarding five items: 1) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding Olvera v. City of Hayward, et al., Alameda County Superior Court, No. RG19016776 and Nelson v. City of Hayward, et al., U.S. District Court, N.D. CA., No. 3:16-cv-7222-SK; 2) conference with legal counsel pursuant to Government Code 54956.9(d)(2) regarding one anticipated case; 3) conference with real property negotiators pursuant to Government Code 54956.8 regarding Hayward Area Historical Society, 22398-22380 Foothill Boulevard, Hayward, APN: 415-0240-001-02; 4) conference with real property negotiators pursuant to Government Code 54956.8 regarding Caltrans Parcel Group 2: Mission Boulevard and Tennyson Road, APNs: 078C-0461-010-00, 078C-0461-011-00, 078C-0461-012-00, 078C-0461-013-00, Caltrans Parcel Group 3, adjacent to Tennyson Road, East 16th Street and Calhoun Street, APNs: 078C-0626-003-16, 078C-0626-003-09, 078C-0626-001-07; and 5) conference with real property negotiators pursuant to Government Code 54956.8 regarding Caltrans Parcel Group 6: Carlos Bee Boulevard and Overlook Avenue, APN: 455-0180-001-00. City Attorney Lawson announced there was no reportable action related to Items 1 through 4. Item 5 was not discussed and would be agendized at another time.

Mayor Halliday indicated that City staff had requested to move Public Hearing Item 13 to July 16, 2019, and with Council's consensus, the item was moved to July 16, 2019.

PUBLIC COMMENTS

Bishop Macklin, spoke in support of the South Hayward Youth and Family Center Project and introduced his son, Reverend Erin Macklin, associate pastor at Glide Tidings Church.

Ms. Barbara Sacks, Hayward resident, complimented the work done with the medians on Mission Boulevard and the loop.

Mr. Chris Cagurangan, Hayward resident, expressed concern about illegal fireworks and asked staff to enforce the prohibition against fireworks.

Mr. Jim Drake, Hayward resident, spoke about the 4th of July fireworks, price of gas in Hayward, and Conditions of Approval for the Taqueria El Mezcal and removal of project trees.

Mr. George Vogt, attorney for Collins Electrical Inc., thanked the Council for continuing Public Hearing Item 13 to July 16, 2019, and reassured the Council that Collins Electrical was committed to getting the project completed within the given timeline.

The following speakers submitted speaker cards for Public Hearing Item 13 but did not speak due to the item being continued.

Mr. Kevin Gini

Mr. Rick Henry

Mr. Temple Marcee

CONSENT

Mayor Halliday noted that staff had requested to continue Consent Item 5 to July 16, 2019. Consent Item 11 was removed from the Consent Calendar for separate vote.

1. Minutes of the City Council Meeting on June 25, 2019 **MIN 19-092**

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 June 25, 2019.

2. Adoption of an Ordinance Amending the City's Downtown Specific Plan and Code Related to the Parking Provisions in the Adopted Plan and Code Documents **CONS 19-509**

Staff report submitted by City Clerk Lens, dated July 9, 2019, was filed.

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

Ordinance 19-15, "An Ordinance of the Council of the City of Hayward Amending the City's Downtown Specific Plan and Code Related to the Parking Provisions in the Adopted Plan and Code Documents"

3. Adopt a Resolution to Terminate the Green Hayward PAYS Pilot Program **CONS 19-471**

Staff report submitted by Public Works Director Ameri, dated July 9, 2019, was filed.

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



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Resolution 19-154, "Resolution Terminating the Green Hayward Pays Pilot Program"

4. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to Professional Services Agreement with Pavement Engineering, Inc., to Provide Engineering Services for the FY 20 Pavement Rehabilitation and Maintenance and the Winton Avenue Pavement Rehabilitation Projects **CONS 19-487**

Staff report submitted by Public Works Director Ameri, dated July 9, 2019, was filed.

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

Resolution 19-155, "Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Pavement Engineering, Inc., for the FY 20 Pavement Rehabilitation and Preventive Maintenance Project and the West Winton Avenue (Hesperian Boulevard to Santa Clara Street) Pavement Rehabilitation Project"

5. Adopt a Resolution Approving the Green Infrastructure Plan **CONS 19-493**

The item was continued to July 16, 2019.

6. Adopt a Resolution Authorizing Delinquent Charges for Delinquent Garbage Bills Incurred by Property Owners of Single-Family Residence Households **CONS 19-494**

Staff report submitted by Public Works Director Ameri, dated July 9, 2019, was filed.

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

Resolution 19-156, "Resolution Confirming the Report and Special Assessment List Associated with Delinquent Garbage Bills Incurred by Residential Property Owners with CART Service"

7. Adopt a Resolution Confirming the Report and Special Assessment for Delinquent Sewer Bills and Water Bills Incurred by Property Owners and Authorizing the Delinquent Charges to Become a Special Assessment Against the Properties if Not Paid by August 1, 2019 **CONS 19-495**

Staff report submitted by Public Works Director Ameri, dated July 9, 2019, was filed.

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

Resolution 19-157, "Resolution Confirming the Report and Special Assessment List Associated with Delinquent Water and Sewer Bills and Authorizing the Delinquent Charges to become a Special Assessment Against the Properties if not paid by August 1, 2019"

8. Adopt a Resolution Approving Addendum Nos. 1 and 2, Awarding a Contract with Los Loza Landscaping in the amount of \$198,569, and Authorizing Expenditures of up to \$282,426 for the Fire Stations 2 – 5 Landscape Improvements Project **CONS 19-513**

Staff report submitted by Public Works Director Ameri, dated July 9, 2019, was filed.

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

Resolution 19-158, "Resolution Approving Addendum No. 1 and No. 2 for the Fire Stations 2-5 Landscape Improvements Project, Project Nos. 07476, 07477, 07478, and 07480 and Awarding the Contract to Los Loza Landscaping"

9. Adopt a Resolution Authorizing the City Manager to Increase the Appropriation of Funds and Contract Amount for Elite Landscape Construction by \$55,603 for the Industrial Parkway West Median Landscape Improvement Project for a Not-to-Exceed Amount of \$593,603 and Increase Budget Appropriation by \$21,553 **CONS 19-524**

Staff report submitted by Public Works Director Ameri, dated July 9, 2019, was filed.

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

Resolution 19-159, "Resolution Authorizing the City Manager to Increase the Appropriation of Funds and the Elite Landscape Construction Contract Amount for the Industrial Parkway West



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Median Landscape Improvement Project”

10. Adopt a Resolution Authorizing the Mayor to Sign Letters of Support for Recycling Bills SB 54 and AB 1080 **CONS 19-515**

Staff report submitted by Public Works Director Ameri, dated July 9, 2019, was filed.

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

Resolution 19-160, “Resolution Authorizing the Mayor to Sign Letters of Support for Assembly Bill 1080 and Senate Bill 54, both known as the California Circular Economy and Plastic Pollution Reduction Act”

11. Authorize the City Manager to Negotiate and Execute a Contract Between Cole Pro Media, LLC and the Hayward Police Department to Provide Media Consulting Services in an Amount Not to Exceed \$127,500 **CONS 19-501**

Staff report submitted by Interim Police Chief Matthews, dated July 9, 2019, was filed.

Council Member Márquez requested that information shared by the Police Department also be provided in Spanish, at a minimum.

Council Member Márquez offered a motion per staff’s recommendation and Council Member Zermeño seconded the item.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried by the following vote, to approve the resolution:

AYES: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lamnin, Salinas
MAYOR Halliday
NOES: COUNCIL MEMBER Wahab
ABSENT: NONE

Resolution 19-161, “Resolution Authorizing the City Manager to Negotiate and Execute a Contract Between Cole Pro Media, LLC and the Hayward Police Department to Provide Media Consulting Services, in an Amount Not to Exceed \$127,500”

WORK SESSION

12. Update on the South Hayward Youth and Family Center Project (Report from Fire Chief Contreras) WS 19-044

Staff report submitted by Fire Chief Contreras, dated July 9, 2019, was filed.

City Manager McAdoo and Management Analyst Thomas provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public comments section at 7:51 p.m.

Council members agreed with the project goals and highlighted the desire to hold special Council meetings at the center. Council members also offered the following suggestions: evaluate partnering with developers for potential housing above the proposed South Hayward Youth and Family Center and also consider lofts or studios for residential use; consider partnering with the Hayward Adult School for the Café and Lounge use; consider a gymnasium similar to the YMCA model; consider an art gallery; consider a Cesar Chavez mural; evaluate leasing the commercial kitchen at the Matt Jimenez Community Center to a catering business; consider moving the Police substation into the complex and evaluate a floating desk/21st century kiosk as a satellite for City services such as building/license permits; broaden the vision for the proposed Center to include the larger community and create a place where businesses and nonprofit agencies collaborate; consider a craft market; consider services for seniors and job development for adults; focus on programming/use for kids; ensure the space is inviting and the entrance has an open space with benches and trees; ensure retailers are relevant, unified and harmonious with the park; ensure furniture and assets for the center are new; and ensure the use space is HIPAA (Health Insurance Portability and Accountability) compliant to ensure privacy standards. In addition, coordinate with HARD to explore an adult-size soccer field in South Hayward and consider a memorial at the Tennyson Park for “Hearts of Hayward” who were instrumental in the social services community.

Some Council members were in agreement with naming the campus “South Hayward Center” and renaming the Youth and Family Center “The Stack” and others suggested “South Hayward Connect Center”, “South Hayward Engage Center” or “The Campus”; and naming the center “El Centro” or “Family Resource Center”. There was also a suggestion to have one name for both the campus and the center.

Council members asked staff to conduct further research regarding parking options: support of a lease with HARD and against any property acquisition; explore the possibility of sharing parking with the retailers along Tennyson Road and removing the fencing between the park and the retailers to increase visibility and park access; evaluate building the center with less parking spots as long as there was a plan to correct it if needed; plan for meeting the 46 spots gap; and share parking with Tennyson Park through a parking variance.



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Council members offered the following recommendations for funding opportunities to explore: use of a portion of proceeds from Caltrans properties to fund the center; allocate HUD funds through Opportunity Zones; expand the request for proposal and make it broader to also expand the funding mechanism; and create a cohesive plan and design to attract donors willing to fund the remaining project gap.

Council members agreed with the recommended route for the Tennyson Complete Streets Study.

Council members were amenable to the HARD/City land swap and the one-year contract between the City and the Matt Jimenez Community Center.

PUBLIC HEARING

13. 21st Century Library and Community Learning Center and Heritage Plaza: Public Contract Code § 4107 Hearing Regarding Removal and Substitution of the Electrical Subcontractor, Collins Electrical Company, Inc (Report from Public Works Director Ameri and City Attorney Lawson) **PH 19-070**

Mayor Halliday restated that the Public Hearing was continued to July 16, 2019.

14. Approval of a Resolution Certifying an Addendum to the 2014 General Plan Environmental Impact Report, Approval of Master Development Plan, and Authorization for the City Manager to Issue a Request for Proposals for the Disposition and Development of Parcel Group 5: Bunker Hill (Report from City Manager McAdoo) **PH 19-067**

Staff report submitted by Deputy City Manager Ott, dated July 9, 2019, was filed.

Deputy City Manager Ott and Management Analyst II Stefanski provided a synopsis of the staff report.

Discussion ensued among Council members and City staff regarding: the housing affordability crisis, rentals and moderate ownership and the 238 parcels; options to satisfy the City's affordable housing requirements; vehicle circulation improvements, alternative transportation mode and emergency response; Request for Proposal (RFP) for the disposition and development of Bunker Hill; Project Labor Agreement requirements in the RFP; and proposed rezone of Parcel Group 5.

Council Member Márquez suggested that future related staff reports capture the current Regional Housing Needs Allocation (RHNA) numbers and how developments in the pipeline

will help meet affordable housing needs and perhaps a joint work session of the City Council and the Planning Commission.

Mayor Halliday opened the public hearing at 9:27 p.m.

The following neighbors of Bunker Hill provided the following input: develop Bunker Hill while minimizing negative impacts to the neighborhood; maintain the rural character of the neighborhood; consider 15,000 square foot for the average lot size; keep the maximum lot coverage ratio at 30%; consider the development contingent to access to Carlos Bee Boulevard; have a higher gate at the intersection of Central Boulevard and Bunker Hill; opposed high-density housing due to the topography and anticipated traffic impact; be mindful of how the construction process will impact the neighborhood; consider lack of access to the proposal; address saving wildlife and endangered species; address concerns with road and traffic circulation; consider the minimum lot size at 7,000 square foot.

Mr. Matt Hodell, Central Boulevard resident
Ms. Colleen Cagurangan, Westview Way resident
Mr. Chris Cagurangan, Westview Way resident
Ms. Donna Fitzgerald, Westview Way resident
Mr. Eric Morkve, Westview Way resident
Mr. Kevin Ng, Maitland Drive resident
Ms. Peggy Guernsey, Delmar Avenue resident
Ms. Mary Ann Higgs, Westview Way resident
Ms. Debbie Frederick, Bunker Hill Boulevard resident
Mr. Thomas Birt, Bunker Hill Boulevard resident

Mr. Bruce King, Friends of San Lorenzo Creek representative, suggested to establish a creek setback (20 feet from the creek) for the houses; establish ownership, responsibilities and funding for the open space and creek, e.g., permanent conservation easement and endowment; add a trail through the open space and creek area; and conduct debris cleanup in creek areas and conduct limited restoration.

The following individuals provided the following input: amend the Master Development Plan to address the need for affordable housing; modify the RFP to include 24 homes as deed-restricted affordable housing units; offer right of first refusal to displaced tenants for the deed-restricted homes; consider the State Surplus Land Act to enable the city to first offer surplus lands to affordable housing developers or have a city policy to guide the disposition of public land; and consider increasing affordable housing across the 238 parcels.

Ms. Lacei Amodei, Hayward resident
Ms. Elisha Crader, Hayward resident
Ms. Alicia Lawrence, Hayward resident



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Mr. Jesus Reynoso, via a Spanish-English interpreter, noted housing was being constructed without a plan to preserve the rural nature of the neighborhood and suggested planting native trees and a forest.

Mayor Halliday closed the public hearing at 10:10 p.m.

Council Members disclosed they had attended the tour of Route 238 properties in August 2018 and had met with community members of Parcel Group 5, Bunker Hill.

Council members acknowledged they had been listening to concerns voiced by community members regarding the development of Parcel Group 5; noted that Council's action was to authorize the City Manager to issue the RFP for the development of Bunker Hill and there would be ample opportunity to provide additional input regarding the development; acknowledged that in response to the regional housing crisis, there was a need to create more housing while preserving the rural character of the neighborhood; had reservations that accessory dwelling units (ADUs) were the solution to address the need for affordable housing; favored having the Bunker Hill community members be a part of vetting the RFP process.

Council Member Mendall acknowledged the specific suggestions regarding trail access, sequencing of road construction, and Mr. King's recommendations, and suggested they be incorporated in the process.

Council Member Mendall offered a motion per staff's recommendation including but not limited to the 5,000 to 20,000 square foot lot size with a 10,000 average and 30% to 40% maximum lot coverage ratio.

Council Member Zermeño seconded the motion and asked for wide access through Carlos Bee Boulevard noting he would be voting against the development if there was no such access.

Council Member Lamnin concurred with the motion and offered a friendly amendment to accomplish the development of on-site affordable units by modifying language in the second option to include a preference to include on-site affordable housing units.

Council Member Mendall and Council Member Zermeño accepted the friendly amendment.

Council Member Lamnin recommended that staff ask the developer to work on addressing the need to construct new vehicular access to the development and consider putting all the responsibility for the riparian and other protected areas on the new set of homes.

Council Member Márquez expressed support for the motion on the floor, encouraged staff to include in the RFP weblinks to the pertinent City Council and Planning Commission meetings and require applicants to watch the meetings, and recommended staff consider language that offers right of first refusal to displaced tenants. Council Member Márquez noted the developer would need to use creativity to exceed the City's Affordable Housing Ordinance and build moderate on-site affordable housing to gain her vote.

Council Member Wahab recommended a portion of homes be more consolidated in one area that allows more open space; use trees and natural landscaping in lieu of fences; spoke against 7,000 square foot and above lot sizes in today's housing crisis and shortage of housing; favored development supportive of multigenerational housing; noted the need for multiple transportation paths, more parking, and sidewalks; and disagreed with the proposed 74 maximum number of units.

In response to Council Member Wahab's inquiry about the possibility of designating a portion of the parcel to be higher density, staff noted it would require a General Plan – Environmental Impact Report amendment which would cause a delay on the proposed development.

In an effort to achieve development of on-site affordable units and flexibility, Council Member Salinas suggested the language of the first option be amended by removing "preferred" from the first option to construct deed restricted rental accessory dwelling units (ADUs) and asked staff to draft appropriate language for the RFP.

Council Member Mendall and Zermeño accepted the amendment to the motion.

Council Member Márquez noted it would be important to provide an access point for safety and traffic and added the developer would need to propose two to three options to achieve on-site affordable housing.

Mayor Halliday noted the Council had listened to the community and evaluated the parcel carefully, was looking for creativity and offering flexibility, and was compromising in the development of the RFP.

Mayor Halliday offered an amendment to the motion to indicate a preference for a 30% lot coverage ratio and allowable up to 40% in order to accomplish a denser lot configuration.

Council Member Mendall did not accept the friendly amendment.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried with the following vote, to approve the resolution, including all friendly amendments:



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AYES: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lamnin, Salinas
MAYOR Halliday
NOES: COUNCIL MEMBER Wahab
ABSENT: NONE

Resolution 19-162, "Resolution Adopting and Certifying an Addendum to the Previously Certified 2014 Hayward General Plan Environmental Impact Report and Mitigation Monitoring and Reporting Program Pertaining to the Route 238 Corridor Lands Development Parcel Group 5: Bunker Hill Master Development Plan"

Resolution 19-163, "Resolution Approving Master Development Plan and Authorizing the City Manager to Issue a Request for Proposals for the Sale of Route 238 Corridor Lands Parcel Group 5: Bunker Hill"

LEGISLATIVE BUSINESS

15. Designation of Voting Delegates and Alternates for the League of California Cities 2019 Annual Conference (Report from City Clerk Lens) **LB 19-038**

Staff report submitted by City Clerk Lens, dated July 9, 2019, was filed.

City Clerk Lens provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 11:02 p.m.

Council Member Salinas nominated Mayor Halliday to be Hayward's voting delegate and Council Member Lamnin the alternate to the League of California Cities 2019 Annual Conference. Council Member Márquez seconded the motion.

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

Resolution 19-164, "A Resolution Designating a Voting Delegate and an Alternate Voting Delegate as Hayward's Representatives to the League of California Cities 2019 Annual Conference"

INFORMATION ITEM

16. Informational Report on the Hayward Housing Navigation Center and Policy Approach for Prioritizing Future Navigation Center Residents RPT 19-319

Staff report submitted by Deputy City Manager Ott, dated July 9, 2019, was filed.

City staff noted there would be regular updates to the Council on the status of the Hayward Housing Navigation Center.

Council Member Lamnin noted the community was encouraged to participate in the funding process and information was available on the City's website.

Council Member Márquez respectfully requested, on the proposed and other projects, that any dedications in honor of community members who have passed be vetted by family members before proceeding in order to honor the family's preference.

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Márquez received confirmation from staff that the Community Services Commission will address an item regarding the 2020 census at its meeting in the fall.

COUNCIL REFERRALS

None submitted.

ADJOURNMENT

Mayor Halliday adjourned the special meeting at 11:12 p.m., in memory of Mr. Lester Van Buren. Council Member Mendall noted that Mr. Lester Van Buren was a Hayward resident for 69 years, the last living elder at one of the first African American churches in Hayward, active in the Hayward Unified School District helping pass various funding measures, a mentor to teens, the father of Mr. Obray Van Buren, and had served the community.



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APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward