



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 16, 2018, 7:00 p.m.

The Meeting of the Hayward City Council was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Boy Scout Troop 168.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

Assistant City Attorney Brick announced the City Council convened in closed session at 5:30 p.m., concerning three items: 1) conference with legal counsel pursuant to Government Code 54956.9, regarding one anticipated litigation; 2) conference with property negotiators pursuant to Government Code 54956.8, concerning City owned properties located at 1026 C Street and 22696 Main Street with APNs: 428-0066-037-00, 428-0066-038-01, and 428-0066-038-02; and 3) public employment pursuant to Government Code 54957 (b) (1) regarding the City Manager's employment agreement; and noted there was no reportable action on Items 1 and 2. Mayor Halliday noted there was no reportable action related to Item 3. Council Member Márquez recused herself from participating on Item 2.

PRESENTATIONS

Council Member Lamnin read a Proclamation recognizing the month of October 2018 as National Domestic Violence Awareness Month in the City of Hayward and presented the proclamation to SAVE (Safe Alternatives to Violent Environments). Ms. Kate Hart, SAVE Director of Programs, accepted the Proclamation on behalf of SAVE. Ms. Danielle McCurry, Alameda County Commission on the Status of Women's representative, expressed appreciation for the work done by SAVE.

Council Member Márquez read a Proclamation recognizing the month of October 2018 as National Domestic Violence Awareness Month in the City of Hayward and presented the proclamation to Ruby's Place. Ms. Shopora Acheson, Ruby's Place Executive Director, accepted the proclamation on behalf of Ruby's Place.

Dr. Jennifer Ong, Alameda County Workforce Development Board (ACWDB) Chairperson, presented a Distinguished Workforce Partnership Award to the City of Hayward for its exemplary commitment to Youth Leadership Development and Building Careers in the public sector. Ms. Pattie Castro, ACWDB Executive Director, thanked the City Council for its leadership and support offered to participants enrolled in the Youth Enrichment Services

Program. Dr. Wayne, Hayward Unified School District (HUSD) Superintendent, thanked the City for its partnership. Ms. Davida Scott thanked the City for the support and introduced students who participated in the program. Human Resources Director Collins, Maintenance Services Administrative Supervisor DeLand and Human Resources Analyst II Philips, accepted the award on behalf of the City of Hayward.

PUBLIC COMMENTS

Mr. Jerry Turney, Hayward Hangar Group representative, provided his remarks by showing a video about the Hayward Airport Plaza.

Ms. Wynn Grcich, Hayward resident, spoke about various items: a wireless telecommunications facilities bill, PG&E wildfire relief bill, PG&E's power shut off, vaccines, and health effects of chlorine and chloramine.

Mr. Charlie Peters, Clean Air Performance Professionals representative, referred to an article in the World Street Journal entitled "Trump Gives Farmers a Jolt of Fuel" regarding a waiver on ethanol, and asked the Council to consider supporting a waiver.

Mr. Joe Ramos, Hayward resident, expressed concern about housing affordability, the City's budget, and General Fund expenditures.

Ms. Kari McAllister, Hayward resident, expressed concern about blight on Uncle Roy's building and suggested that its façade be improved before the opening of the new library.

CONSENT

1. Minutes of the City Council Meeting on September 18, 2018 MIN 18-132

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the City Council Meeting on September 18, 2018.

2. Minutes of the Special City Council Work Session Meeting on September 25, 2018 MIN 18-133

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the Special City Council Work Session Meeting on September 25, 2018.

3. Minutes of the City Council Meeting on September 25, 2018 MIN 18-134

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the City Council Meeting on September 25, 2018.

4. Minutes of the Special Joint City Council/Hayward Housing Authority Meeting on October 2, 2018 MIN 18-135



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It was moved by Council/HHA Member Márquez, seconded by Council/HHA Member Zermeño, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Housing Authority Meeting on October 2, 2018, with an amendment.

5. Authorization to Execute an Amendment to the Advanced Metering Infrastructure (AMI) System Material Supply Contract to Purchase and Install Additional Water Meter Materials **CONS 18-677**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated October 16, 2018, was filed.

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

Resolution 18-215, "Resolution Authorizing the City Manager to Amend the Contract with Delta Engineering Sales, LLC, to Increase the Contract Amount by \$210,000 to a Not to Exceed Amount of \$10,458,182, for Purchase and Installation of Additional Water Meter Materials"

Resolution 18-216, "Resolution Appropriating \$333,923 from the Capital Improvement Program Water Replacement Fund for the Advanced Metering Infrastructure Project, Project No. 07025"

6. Resolution Authorizing the City Manager to Negotiate and Execute a First Amendment to the Existing Ground Leases with Ramesta Hospitality, LLC and Mahabal Hospitality, LLC **CONS 18-682**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated October 16, 2018, was filed.

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

Resolution 18-217, "Resolution Authorizing the City Manager to Negotiate and Execute a First Amendment to the Ground Leases with Ramesta Hospitality, LLC and Mahabal Hospitality, LLC"

7. Installation of Trash Reduction Infrastructure in the Storm Drain System – Resolution Authorizing the City Manager to Sign a Letter of Intent to Partner with Caltrans **CONS 18-683**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated October 16, 2018, was filed.

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

Resolution 18-218, “Resolution Authorizing the City Manager to Sign a Letter of Intent to Partner with Caltrans to Install Trash Reduction Infrastructure in the Storm Drain System”

8. Adoption of a Resolution Authorizing the City Manager to Execute the Summary Vacation of a Portion of Whitman Street **CONS 18-659**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated October 16, 2018, was filed.

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

Resolution 18-219, “Resolution of Summary Vacation of a Portion of Right-Of-Way of Whitman Street Pursuant to Streets and Highways Code Section 8334”

9. Adoption of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2019 **CONS 18-647**

Staff report submitted by Human Resources Director Collins, dated October 16, 2018, was filed.

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

Resolution 18-220, “Resolution Approving the Amended Fiscal Year 2019 Salary Plan Designating Positions of Employment in the City Government of the City of Hayward and Salary Range; and Superseding Resolution No. 18-184 and All Amendments Thereto”

10. Resolution Approving the Memorandum of Understanding between the City of Hayward and the International Federation of Professional and Technical Engineers - Local 21 (“Local 21”) and Authorizing Staff to Execute the Agreement **CONS 18-700**

Staff report submitted by Human Resources Director Collins, dated October 16, 2018, was filed.



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

Resolution 18-221, "Resolution Approving the Approval of the Successor Memorandum of Understanding between the City of Hayward and the International Federation of Professional and Technical Engineers, Local 21 and Authorizing Staff to Execute the Agreement"

11. Authorization for the City Council to Accept and Appropriate \$30,609 from the Department of Justice for Enforcement of Illegal Tobacco Sales **CONS 18-666**

Staff report submitted by Police Chief Koller, dated October 16, 2018, was filed.

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

Resolution 18-222, " Authorization for the City Manager to Appropriate \$10,203 per Fiscal Year for Three Consecutive Years (Total of \$30,609) from the California Department of Justice for Enforcement of Illegal Tobacco Sales"

12. Adoption of a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Dutchover & Associates for Landscape Architect Services **CONS 18-686**

Staff report submitted by Development Services Director Simpson, dated October 16, 2018, was filed.

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

Resolution 18-223, " Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Agreement with Dutchover & Associates, for Landscape Architect Services"

13. Authorization to Appropriate Asset Forfeiture Funds from the Asset Forfeiture Fund Balance for Narcotics Forensic Analysis Equipment and for Narcotics Detective Training **CONS 18-665**

Staff report submitted by Police Chief Koller, dated October 16, 2018, was filed.

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

Resolution 18-224, “ Resolution Authorizing the City Manager to Appropriate \$40,000 in Funding from the HPD Asset Forfeiture Fund Balance for the Purpose of Purchasing Narcotics Forensic Analysis Equipment and for Narcotics Detective Training”

14. Authorization for the City Manager to Accept and Appropriate up to \$30,000 Annually for the Next Five Years in Grant Funding from the County Office of Homeland Security for the Community Emergency Response Team Program **CONS 18-714**

Staff report submitted by Fire Chief Contreras, dated October 16, 2018, was filed.

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

Resolution 18-225, “ Resolution Authorizing the City Manager to Accept and Appropriate up to \$30,000 Annually for Five Years in Grant Funding from the Office of Homeland Security for the CERT Program”

15. Authorization for the City Manager to Accept and Appropriate \$670,000 from the Fairview Fire Protection District for the Purchase of Type III and Type VI Vehicles **CONS 18-715**

Staff report submitted by Police Chief Koller, dated October 16, 2018, was filed.

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

Resolution 18-226, “Resolution Authorizing the City Manager to Accept and Appropriate \$670,000 from the Fairview Fire Protection District for the Purchase of Type III and Type VI Vehicles”

16. Authorization for the City Manager to Accept and Appropriate \$100,000 from the Hayward Unified School District, \$11,500 from the Chabot-Las Positas Community College District, and up to \$80,000 from the California State Library for Hayward Library Education Services Programs **CONS 18-716**



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Staff report submitted by Interim Library Director Light, dated October 16, 2018, was filed.

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

Resolution 18-227, "Resolution Authorizing the City Manager to Accept and Appropriate \$100,000 from the Hayward Unified School District, \$11,500 from the Chabot-Las Positas Community College District, and Up to \$80,000 from the California State Library for Education Services"

PUBLIC HEARING

17. Proposal to Subdivide Two Existing Parcels Totaling 17.23-acres into 74 Parcels to Allow the Construction of 59 Townhome Residences with Common Open Space Areas and Related Site Improvements on a Site South of the New Tennyson Road Extension between Mission Boulevard and Vista Grande Drive (APNs 078C-0461-001-13 & 078C-0461-001-14) by Chris Conklin of The Grupe Company (Applicant) on behalf of Hayward Tennyson, LLC (Owner) Requiring Introduction of an Ordinance and Adoption of a Resolution to Approve a Vesting Tentative Tract Map, Planned Development (PD) Rezone, and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP) Application No. 201705848 (Report from Development Services Director Simpson) **PH 18-079**

Staff report submitted by Development Services Director Simpson, dated October 16, 2018, was filed.

Development Services Director Simpson announced the item and introduced Senior Planner Golubics who provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 7:55 p.m.

Mr. Kyle Masters, with The Grupe Company, highlighted the amenities of the proposed project including topography, open space solar opportunities, Accessory Dwelling Units (ADUs), guest parking, and retaining walls.

Mr. Zsombor Nagy, with Bassenian/Lagoni architects, highlighted architectural elements and view opportunities for the proposed project.

Council Members Mendall, Márquez, Lamnin and Zermeño and Mayor Halliday disclosed having individually had conversations with Mr. Kyle Masters and the applicant.

Discussion ensued among Council Members, City staff and project proponents about: tankless hot water heaters; ten additional guest parking spaces (seven on the north and three on the south); recreational use on the Caltrans properties and the opportunity to combine the open space portions of the property and the Caltrans property; an easement to allow for the connection of the two communities; Fairway Park Neighborhood Association's feedback regarding opportunities to add façade to windows and encourage owners to participate and become members of the swimming pool; Accessory Dwellings Units (ADUs) and restrictions that would need to be addressed in the Covenants, Conditions, and Restrictions (CC&Rs); bus/transit passes to emphasize public transit; construction phase and requirements such as having a geologist onsite; bathrooms for ADUs; suggestion of a crosswalk from the development to the park across the street and the design of front views of the proposed properties.

Mayor Halliday closed the public hearing at 8:30 p.m.

Council Member Mendall offered a motion per staff's recommendation with three amendments: 1) add a Condition of Approval requiring the use of tankless water heaters; 2) add a Condition of Approval increasing the number of guest parking stalls from 21 to 31 spaces; and 3) add a Condition of Approval requiring an easement at the end of Court "A" that will allow for future connection of the road to a potential future development of the adjacent Caltrans property.

Council Member Zermeño seconded the motion.

Council Member Mendall urged staff to ensure the City has the ability to combine the southern open space with the open space of the adjacent property to create a larger space to attract recreational use. When the property is transferred to the Geological Hazard Abatement District (GHAD) Board, the Board could consider the appropriate use for the land.

Council Member Zermeño seconded the motion and indicated that the proposal was the first project without gas lines which follows sustainability efforts.

Council Member Lamnin recommended to add a Condition of Approval that would require building a minimum of 12 "lock-out units" as part of the 59 townhome units. Council Members Mendall and Zermeño were amenable to the additional amendment to the motion. Furthermore, Council Member Lamnin suggested that consideration be given for carsharing parking stalls within the project site during the Precise Plan phase and as the partnership with Zipcar evolves. Council Member Lamnin also recommended that a transit pass program be considered.

Mayor Halliday reopened the public hearing to allow for a public comment at 8:38 p.m.

Mr. Chris Conklin, with The Grupe Company, expressed the applicant wanted to further explore the use of tankless water heaters during the Precise Plan phase because of potential technology changes.



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City Manager McAdoo noted that the Council could entertain a condition requiring the use of tankless water heaters or an equivalent feature capable of achieving the same level of sustainability.

Mayor Halliday closed the public hearing at 8:40 p.m.

Council Member Mendall, Council Member Zermeño and Mr. Chris Conklin were amenable to the suggestion offered by City Manager McAdoo.

Council Member Lamnin recommended not to use the tree “Acer negundo” identified in Condition of Approval 149.

Council Members Mendall and Zermeño were amenable to the additional amendment to the motion.

Council Member Lamnin recommended using Tennyson Road for circulation of tracks during construction.

Council Members Salinas noted he would be supporting the motion primarily because of the amenities.

Mayor Halliday noted she would be supporting the motion and commended the applicant for working with local high school students because they have a great arts department.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried unanimously, to adopt the following with five amendments: 1) add a Condition of Approval requiring an easement at the end of Court “A” that will allow for future connection of the road to a potential future development of the adjacent Caltrans property; 2) add a Condition of Approval requiring the use of tankless water heaters or an equivalent green technology that achieves the same level of sustainability; 3) add a Condition of Approval increasing the number of guest parking stalls from 21 to 31 spaces; 4) do not use the tree “Acer negundo” identified in Condition of Approval 149; and 5) add a Condition of Approval requiring a minimum of 12 “lock-out units” as part of the 59 townhome units.

Resolution 18-228, “Resolution Adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and Approving the Planned Development Rezone with a Vesting Tentative Tract Map Pertaining to Construction of 59 New Townhome Residences at a Site South of the New Tennyson Road Extension between Mission Boulevard and Vista Grande Drive”

Introduction of Ordinance 18-, “An Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map Application No. 201705848 to Accommodate 59-Townhomes at a Site South of the New Tennyson Road Extension between Mission Boulevard and Vista Grande Drive”

CITY MANAGER’S COMMENTS

City Manager McAdoo made three announcements: 1) the opening of Hayward’s 21st Century Library and Community Learning Center on October 27, 2018; 2) Economic Development Manager Hinkle accepted a position of Deputy Director of Economic and Workforce Development with the City of Oakland; and 3) Manager Hinkle attended the International Economic Development Council conference in Atlanta where the City received the Bronze Excellence Award in Economic Development for the City’s economic development preliminary concept review, and congratulated Mr. Hinkle for his contributions.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Márquez announced October 22, 2018 was the last day to register to vote; reminded youth to pre-register at 16 years of age; and added that City Hall had a secure ballot drop-off box on B Street.

Council Member Lamnin spoke about the passage of Assembly Bill 1884 which bans full-service restaurants from offering single-use plastic straws unless requested by customers; and noted that more information was available on the StopWaste website.

Mayor Halliday announced that the City Council would reconvene its meetings on November 13, 2018, after the November 6 General Municipal Election.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:51 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward