



MINUTES OF THE MEETING OF THE CITY COUNCIL
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 27, 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 Council Member Zermeño.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that on March 20, 2018 the City Council reconvened to closed session after the regular meeting to continue discussion related to conference with labor negotiators pursuant to Government Code Section 54957.6; and noted there was no reportable action. City Attorney Lawson added that the City Council convened in closed session today at 5:30 p.m., to discuss conference with labor negotiators pursuant to Government Code Section 54957.6 concerning all groups; and noted there was no reportable action.

Mayor Halliday announced that Public Hearing Item No. 9 was moved to April 3, 2018, and any comments were welcomed under Public Comments.

PUBLIC COMMENTS

Mr. Martin Genera, Hayward resident and President of La Alianza de Hayward, noted that he would send correspondence to the Council about the initiatives that La Alianza is putting forward.

Ms. Theresa Rezenates, Hayward resident, expressed concern about the road construction on Mission Boulevard which impacts the traffic during commute hours.

Ms. Sheila Burks, Hayward resident and member of the Community Taskforce, expressed concern that the implementation of the Commitment for an Inclusive, Equitable, and Compassionate Community (CIECC) Action Plan has not started yet.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about self-driving cars and submitted related documents.

Ms. Deborah Curtis, reported that motor homes are towed from private properties where homeless individuals stay.

Consent Items 3, 4, and 5 were removed from the Consent Calendar for separate vote.

CONSENT

1. Authorization to Negotiate and Execute an Agreement with LDV Custom Specialty Vehicles for the Purchase of a new Mobile Command Center and to Appropriate Asset Forfeiture Funds and Bay Area Urban Area Security Initiative Grant Funds **CONS 18-184**

Staff report submitted by Police Chief Koller, dated March 27, 2018, was filed.

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

Resolution 18-042, "Resolution Authorizing the City Manager to Execute a contract with LCD Customs Specialty Vehicles to Purchase New Mobile Command Center"

Resolution 18-043, "Resolution Authorizing the City Manager to Accept and Appropriate \$85,138 of Funding from Bay Area Urban Areas Security Initiative Grant Funds, and to Appropriate \$340,332.02 in Funding from the HPD Asset Forfeiture Fund for the Purpose of Purchasing a Mobile Command Center"

2. Amendment No. 1 to Professional Services Agreement with St. Francis Electric, Inc., for On-Call Streetlight and Traffic Signal Maintenance Support Services - Approval to Increase and Appropriate Funds **CONS 18-196**

Staff report submitted by Interim Public Works Director Ameri, dated March 27, 2018, was filed.

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

Resolution 18-044, "Resolution Authorizing the City Manager to Amend the Professional Services Agreement with St. Francis Electric, INC., for On-Call Streetlight and Traffic Signal Maintenance to Increase Contract Amount by \$100,000 for a Total Not-To-Exceed Amount of \$275,000"

Resolution 18-045, "Resolution Amending Resolution 17-088, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2018, Relating to an Appropriation of Funds from Fund 210- Gas Tax"



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3. Authorization for the City Manager to Execute a Facility Operator Agreement with La Familia Counseling Services and Eden Youth and Family Center for Operations and Administration of the Planned South Hayward Youth and Family Center Community Multiservice Facility **CONS 18-207**

Staff report submitted by Library and Community Services
Director Reinhart, dated March 27, 2018, was filed.

Mayor Halliday allowed for a public comment.

Ms. Claudia Del Rio, La Familia Community Outreach Director, spoke on behalf of La Familia Executive Director Ortis thanking the Council and all stakeholders for their support and partnership.

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

Resolution 18-047, "Resolution Authorizing the City Manager to Negotiate and Execute a Facility Operator Agreement with La Familia Counseling Services and Eden Youth and Family Center for Operations and Administration of the Planned South Hayward Youth and Family Center Community Multiservice Facility"

4. Adoption of a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with HdL Companies for Commercial Cannabis Program Application Review Services **CONS 18-201**

Staff report submitted by Management Analyst II Stefanski,
dated March 27, 2018, was filed.

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

AYES:	COUNCIL MEMBERS Zermeño, Márquez, Mendall, Peixoto, Lamnin MAYOR Halliday
NOES:	COUNCIL MEMBERS Salinas
ABSENT:	None
ABSTAIN:	None

Resolution 18-048, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with HDL Companies for Commercial Cannabis Program Application Review Series in an Amount Not to exceed \$180,750, in a Form Approved by the City Attorney”

5. Adoption of a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with ICF Incorporated for Commercial Cannabis Program Application Review Services **CONS 18-202**

Staff report submitted by Management Analyst II Stefanski, dated March 27, 2018, was filed.

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

AYES: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Peixoto, Lamnin
MAYOR Halliday
NOES: COUNCIL MEMBERS Salinas
ABSENT: None
ABSTAIN: None

Resolution 18-049, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with ICF Incorporated for Commercial Cannabis Program Applications Review Services in an Amount Not to Exceed \$180,838, in a Form Approved by the City Attorney”

6. Approval of a Resolution in Support of Proposition 68, Park and Water Bond of 2018 **CONS 18-180**

Staff report submitted by Management Analyst II Stefanski, dated March 27, 2018, was filed.

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

Resolution 18-046, “Resolution in Support of Proposition 68, Park and Water Bond”

WORK SESSION

7. Follow-up Discussion of Rental Housing Affordability Strategies and Community Proposed Tenant Protections (Report from City Manager McAdoo) **WS 18-011**



MINUTES OF THE MEETING OF THE CITY COUNCIL
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Tuesday, March 27, 2018, 7:00 p.m.

Staff report submitted by Assistant City Manager Hurtado, dated March 27, 2018, was filed.

Assistant City Manager Hurtado, Housing Manager Morales, and City Manager McAdoo provided an overview of the staff report. It was noted that extending noticing periods of a rent increase was no longer an option based on further research of state law. It was also noted that the PowerPoint presentation had an updated timeline.

Mayor Halliday opened the public comments section at 7:41 p.m.

The following individuals favored removing “vacancy decontrol” from the Hayward’s Residential Rent Ordinance; enacting an emergency moratorium on rent increases; amending the “just cause for eviction” section of the Ordinance; helping individuals who are at risk of being displaced and becoming homeless; abolishing no cause evictions; extending noticing periods for tenants; adjusting rent control to include more units; monitoring evictions by City staff; having retaliation protections; making housing and tenant protections a priority; and auditing programs to avoid further displacement.

Ms. Alicia Lawrence, Hayward resident and The Hayward Collective member, submitted a Just Cause and Rent Control Fact Sheet

Mr. Richard Mendoza submitted a card but did not speak

Ms. Michelle Nazar

Ms. Nancy Mendoza, Hayward resident

Mr. Monzella Curtis, Hayward tenant

Ms. Leslie Montes-Guillen, Hayward resident

Ms. Sheila Burks, Hayward resident

Ms. Maria Montes, Hayward resident

Ms. Veronica Solorio, Hayward resident, The Hayward Collective member and Community Taskforce member

Mr. Ramon Rios Pareda, Hayward resident and The Hayward Collective member

Ms. Annette Sanders, Hayward resident

Mr. Sonny Alvarado, Hayward resident, also invited the Council to a Town Hall event at Chabot College on April 7, 2018.

Ms. Lacei Amodei, Hayward resident and The Hayward Collective member

Ms. Maria Oseguera, Hayward tenant

Ms. Araceli Orozco, Hayward resident

Claribel Camal Amodei, Hayward resident

Ms. Corina Vasare, Hayward resident

Ms. Sarah Winfield, Hayward tenant and Centro Legal’s staff attorney

Ms. Rosaura Figueroa Mendoza, The Hayward Collective member and Community Taskforce member

Ms. Navpreet Knabra, Hayward resident

Ms. Nancy Tejada, Hayward resident

Mr. Bill Mulgrew, Rental Housing Association representative, expressed support for a mandatory mediation program with non-binding decisions and expanding the contract with ECHO Housing; and spoke against amending the “just cause for eviction” and extending noticing periods for no cause evictions.

Ms. Pamela Glassoff, Eden I&R’s Housing Coordinator, favored extending noticing periods for rent increase, all tenant protections, and binding arbitration.

Mr. David Stark, Public Affairs Director for the Bay East Association of Realtors, favored increasing the communication to all tenants about their housing rights and reducing barriers to the construction of more housing.

Mr. Bill Espinola, Hayward property owner, spoke about the need for a housing policy that is fair for everyone and noted that strict rent control would inhibit property improvements.

Mr. Ed Kellar, Hayward property owner, noted that amendment to the Residential Rent Ordinance could negatively impact the community and favored staying in line with other communities.

Mayor Halliday closed the public comments section at 8:54 p.m.

The City Council thanked all members of the community for their input.

Discussion ensued among Council Members and City staff about the three requests submitted by The Hayward Collective; mediation vs. arbitrations and decisions that are binding vs. unbinding; service provided by Eden Council for Hope and Opportunity (ECHO Housing); noticing periods for rent increases and evictions; and an emergency moratorium on rent increases.

Council Members offered their preference for undertaking rental housing affordability strategies and tenant protections: consider the three asks offered by The Hayward Collective; explore the arbitration process; explore a mechanism that protects the 1,000 units that continue to be rent controlled and the 49% of rental units in Hayward; reduce barriers to affordable housing development; continue to explore tiny homes and granny units where parking is available; continue to provide information to all stakeholders; explore retaliation protection for tenants; preserve good landlords and tenants; consider a moratorium on rent increases for one year; encourage extending noticing periods; consider mandatory mediation that applies broadly to tenants and landlords with neutral third party mediators; clarify the “just cause eviction” language and apply it to all units; implement policies to penalize landlords who violate tenants’ rights such that they would not get to impose rent increases on any renters for a number of years or would be banned from decontrolling units for a number of years; consider non-binding mediation with a progression to binding arbitration; gather information about a mediation program that includes rent increase, change in services and lease terms; consider rent control similar to



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the Mobilehome Space Rent Stabilization Ordinance; consider a moratorium as a means to strengthen the Ordinance; explore increasing the improvement value threshold to the appropriate consumer price index (CPI); consider incentivizing contributing to the Inclusionary Housing Ordinance by allowing the decontrol of units; gather input from all stakeholders and bring back an analysis of findings.

There was Council's general consensus to direct staff to bring back a policy around a mandatory mediation program to protect the 1,000 units that continue to be rent controlled under the City's Rent Stabilization Ordinance; a policy for no cause eviction protection; a policy to punish unruly landlords; continue to improve the City's role in providing information; a policy to reduce barriers to development; and an assessment of a moratorium on rent increases. It was noted that a report would come back to the Council in May 2018.

PUBLIC HEARING

8. FY 2019 Master Fee Schedule/Fine and Bail Schedule (Report from Finance Director Claussen) **PH 18-025**

Staff report submitted by Finance Director Claussen, dated March 27, 2018, was filed.

Finance Director Claussen provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding overtime rate for plan check or inspection services; alternate materials and methods requests fees; new fee for Landscape Lighting Assessment District Benefit Zone Annexation & Formation; parking permit fees; and new fees for cannabis business employee applicants.

There being no public comments, Mayor Halliday opened and closed the public hearing at 10:42 p.m.

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

Council Member Lamnin supported the staff recommendation and asked that library policies including meeting room fees come back before the Council as a part of upcoming items related to the new library.

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

Resolution 18-050, "Resolution Adopting the FY 2018 Master Fee Schedule that Reflects Updated Fees and Charges for Departments in the City of Hayward and the Fine and Bail Schedule without Modifications and Rescinding Resolutions No. 17-053 and All Amendments Thereto"

9. Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Approving the Issuance of the California Municipal Finance Authority Multifamily Housing Revenue Bonds for the Purpose of Financing or Refinancing the Acquisition, Rehabilitation, Improvement and Equipping of Park Manor Apartments (Hearing Continued to April 3, 2018) **PH 18-027**

CITY MANAGER'S COMMENTS

City Manager McAdoo made two announcements: 1) the City will recognize Autism Awareness Day by lighting City Hall in blue light on April 2, 2018; and 2) the City will be replacing the decorative lights on B Street from Watkins Street to Foothill Boulevard.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño invited all to celebrate Cesar E. Chávez Day on April 1, 2018 at the Hayward City Hall Plaza, and noted that students from Chabot College will be cleaning B Street.

Council Member Lamnin, also the City's representative to StopWaste, shared a StopWaste Topic Brief on how to recycle package labeling.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:54 p.m., in memory of Ms. Lillian Litzsey.

It was noted that Ms. Lillian Litzsey was a former Hayward resident; served on the Citizens Advisory Commission (1989-1992); served on the Economic Development Committee (1992-2000); was president of the Hayward/South County Black Women Organized for Political Action (BWOPA) Chapter and received the Ella Hutch Award; and was the originator of the Hayward Youth Commission. Mayor Halliday asked City staff to work with the Litzsey family to plant a tree in memory of Lillian Litzsey.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward