



**MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF  
THE CITY OF HAYWARD  
Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, December 12, 2017, 7:00 p.m.**

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The Special Hayward 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

**CLOSED SESSION**

City Attorney Lawson announced the City Council convened in closed session regarding two items: 1) conference with legal counsel pursuant to Government Code 54956.9 regarding Nelson et al. v. City of Hayward (16-cv-07222-SK); and 2) conference with property negotiators pursuant to Government Code 54956.8 regarding 2595 Depot Road, Hayward; APN 441-0068-040-04. City Attorney Lawson noted there was no reportable action.

**PUBLIC COMMENTS**

Mr. Jim Drake, Hayward resident, spoke about cannabis clubs and potential for robberies.

Ms. Kara Blair, spoke about individuals who are homeless and the reasons why they cannot find housing.

Mr. Dwight Turner, Hayward resident, spoke about the traffic circle at Woodstock Road and Fairview Avenue and the request for stop signs to improve safety.

Mr. Johnny Pour, Hayward auto business owner, spoke about a situation with one of his cars that was impounded for having a dealer plate.

Mr. Marion Sanchez, Hayward resident, spoke about his involvement with Spectrum Community Services and meals for seniors.

**CONSENT**

1. Minutes of the City Council Meeting on November 28, 2017 **MIN 17-169**

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on November 28, 2017.

2. Transmittal of the Annual Mitigation Fee Act Report (AB 1600) **CONS 17-746**

Staff report submitted by Finance Director Claussen, dated December 12, 2017, was filed.

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

Resolution 17-186, "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 Negotiate and Execute an Agreement with Worley's Home Design Center for Carpet Installation in City Hall **CONS 17-755**

Staff report submitted by Maintenance Services Director Rullman, dated December 12, 2017, was filed.

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

Resolution 17-187, "Resolution Authorizing the City Manager to Execute a Contract with Worley's Home Design Center, Inc. for City Hall Carpet Tile Replacement"

4. Water Pollution Control Facility Digester Improvement Project: Approval of Contract Amendment to Include Administrative Change Order Budget in Total Contract Amount **CONS 17-757**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated December 12, 2017, was filed.

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

Resolution 17-188, "Resolution Amending the Contract for the Water Pollution Control Facility Digester Improvement Project, Project No. 07566, with Anderson Pacific Engineering Construction, Inc."

5. Recycled Water Storage and Distribution System Project, Project No. 07507: Approval of Plans and Specifications and Call for Bids for the 1) Storage Tank and Pump Station and 2) Distribution Pipelines System **CONS 17-758**



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Staff report submitted by Utilities and Environmental Services  
Director Ameri, dated December 12, 2017, was filed.

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

Resolution 17-189, "Resolution Approving Plans and Specifications for the (1) Recycled Water Pump Station and Storage Tank and (2) Recycled Water Distribution System, Project No. 07507, and Call for Bids"

6. Recycled Water Facility Treatment and Disinfection - Phase I: Authorization to Execute a Professional Services Agreement for Design of a Recycled Water Package Membrane Treatment System **CONS 17-759**

Staff report submitted by Utilities and Environmental Services  
Director Ameri, dated December 12, 2017, was filed.

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

Resolution 17-190, "Resolution Authorizing the City Manager to Execute an Agreement with Hydrosience Engineers, Inc., for Engineering Services Related to Design of a Recycled Water Package Membrane Treatment System, in an Amount Not to Exceed \$296,000"

7. West Winton Landfill Leachate Conveyance System Replacement Project: Approval of Addendum No. 1, Award of Contract, and Appropriation of Funds **CONS 17-761**

Staff report submitted by Utilities and Environmental Services  
Director Ameri, dated December 12, 2017, was filed.

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

Resolution 17-191, "Resolution Approving Addendum No. 1 and Awarding Contract to GSE Construction Co., Inc., for the West Winton Landfill Leachate Conveyance System Replacement Project"

Resolution 17-192, "Adoption of a Resolution Appropriating \$175,700 from the Sewer Operating Fund for the West Winton Landfill Leachate Conveyance System Replacement Project"

8. Adoption of Two Resolutions: 1) Authorizing the City Manager to Execute Agreements with West Coast Consultants (WC3); 4Leaf, Inc.; CEL Consulting, Inc.; and CSG, Consultants, to Provide Plan Check Services, Inspection Services, and Permit Technician Services; and 2) Increase the FY2018 Budget Appropriation for Consulting Services by an Additional \$450,000 **CONS 17-762**

Staff report submitted by Interim Development Services Director Bristow, dated December 12, 2017, was filed.

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

Resolution 17-193, "Resolution Authorizing the City Manager to Negotiate and Execute Amendments to the Agreements with West Coast Consultants (WC3), 4 Leaf Inc., CEL Consulting, Inc, and CSG, Consultants"

Resolution 17-194, "Adoption of a Resolution Appropriating Additional Funds for the Consulting Services Budget for Plan Check, Inspection, and Permit Technician Services for Fiscal Year 2017"

9. Adoption of Resolution Approving Multifamily Housing Bond Policies Pursuant to Section 5031(c) of the California Debt Limit Allocation Committee Regulations **CONS 17-783**

Staff report submitted by Assistant City Manager Hurtado, dated December 12, 2017, was filed.

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

Resolution 17-195, "Resolution of the City of Hayward Approving Bond Issuance and Post-Issuance Compliance Policies in Accordance with the Regulations of the California Debt Limit Allocation Committee"

## **WORK SESSION**

10. Review of Alameda County Measure A1 Affordable Housing Bond Timeline and Process (Report from Assistant City Manager Hurtado) **WS 17-055**



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Staff report submitted by Assistant City Manager Hurtado, dated December 12, 2017, was filed.

Assistant City Manager Hurtado provided a synopsis of the report.

Mayor Halliday opened the public comments section at 7:30 p.m.

Mr. Hamid Taeb, Director of Real Estate Development at Habitat for Humanity East Bay, spoke about the Sequoia Grove and West Harder Road development projects in the pipeline and the need of City funds for the West Harder Road project.

Mayor Halliday closed the public comments section at 7:38 p.m.

Discussion ensued among Council Members and City staff regarding A-1 funding and potential projects eligible for such funding. The City Council was in general agreement with the Notice of Funding Availability (NOFA) criteria and the funding priorities. Council Members offered the following recommendations: review housing needs based on data such as in the Housing Element and Homeless Counts and match development proposals with A-1 funds, Housing Authority funds, and State funds before applying for NOFA funds; affordable housing should not cost more to build than market rate products; housing should be built to be affordable by design and not by subsidy as much as possible; homeownership should be as important as rental; restrict housing affordability in perpetuity whenever possible; implement the CASA's initiative (The Committee to House the Bay Area) to increase housing production, preserve affordable housing and protect vulnerable populations; be innovative and consider a mechanism to allocate A-1 or in-lieu-fee funds toward prevention of homelessness; pay attention to low and very low income households; focus on maximizing funds and being able to build needed housing as soon as possible; conduct an analysis of potential funds that are expected from in-lieu housing fees, A-1 and State funding that can be applied to development projects; ensure that tiny home projects and Mr. Flemming's proposal are included in the list of NOFA projects; have cost comparativeness of a project in the RFP parameters; emphasize veterans as a population that could benefit from affordable housing developments; and prioritize housing and accompanying services for people who need it the most.

## **PUBLIC HEARING**

11. Mission Seniors Residential Development. Proposed Vesting Tentative Map No. 8394, Site Plan Review with Grading Permit, Warrants and an Exception of the South Hayward BART/Mission Boulevard Form Based Code, Environmental Review, and Zoning Text Map Amendment of the South Hayward BART/Mission Boulevard Form Based Code Application No. 201700782 to Allow 200 Market-Rate, Senior Condominium Units and

Three (3) Single-Family Detached Residences (Report from Interim Development Services Director Bristow) **PH 17-102**

Staff report submitted by Interim Development Services  
Director Bristow, dated December 12, 2017, was filed.

Principal Planner Lochirco provided a synopsis of the staff report. Mr. Lochirco noted that the Council was provided with a revised Attachment II which contained revised conditions of approval (No. 46, 53, 127) that would provide more flexibility in the improvement along Mission Boulevard, the bus shelters, and the hours of operation for the bike and pedestrian trail.

Discussion ensued among Council Members and City staff regarding: geological hazards; access to the development; Condition of Approval No. 46 and hours of operation for the trail; age criteria for senior residential developments; bike and pedestrian trail; and the three parcels on Mission Boulevard.

Council Members Mendall, Márquez, Salinas, Lamnin, Zermeño and Mayor Halliday disclosed having independently met with the project applicant.

Mayor Halliday opened the public hearing at 8:53 p.m.

Mr. Kim Huggett, Hayward Chamber of Commerce President, expressed support for the proposed project and urged Council's approval.

Ms. Chu Rao, project developer, addressed questions regarding age restriction, hours of operation for the trail, path for the trail, name of the project, hillside grading, trees onsite, solar amenities, fiber optic, and the pickle ball court.

Mr. Glen Simmons and Ms. Pantea Khoshnevis submitted speaker cards but did not speak.

Mayor Halliday closed the public hearing at 9:11 p.m.

Council Member Salinas noted the proposed site project would fit well within the Economic Development Strategic Plan and expressed support for the proposal.

Council Member Salinas offered a motion per staff's recommendation with amendments to Conditions of Approval No. 46, 53, and 127.

Council Member Mendall seconded the motion and offered a friendly amendment to further revise Condition of Approval No. 46 by changing the hours of operation for the trail from 8am to 5pm to dawn to dusk. Council Member Salinas was amenable to the friendly amendment.

Council Member Mendall noted the proposed project received support from the Fairway Park Neighborhood Association.



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Council Member Márquez expressed support for the motion and requested that, moving forward, staff carefully consider utilizing in-lieu housing fees in South Hayward.

Council Member Zermeño noted support for the motion and expressed reservation for the lack of affordable housing within the project, the lack of retail on Mission Boulevard, and a gated trail.

Mayor Halliday expressed support for the motion noting the proposed project was consistent with the goal of helping seniors age in place.

It was moved by Council Member Salinas, seconded by Council Member Mendall, and carried unanimously, to adopt revised Conditions of Approval No. 46, 53, and 127 and further revising Condition of Approval No. 46 by changing hours of operation from dawn to dusk.

Resolution 17-196, “Resolution Approving a Site Plan Review with Grading Permit; a Zoning Text Map Amendment, Two Warrants and One Exception from Provisions Under the South Hayward BART/Mission Boulevard Form-Based Code; and a Vesting Tentative Tract Map 8394, Application No. 201700782 for the Subdivision and Construction of 200 Condominium Units for a Senior Residential Development and Three Single-Family Dwellings on a 5.58-Acre Site Located at 29312 Mission Boulevard and 794 Overhill Drive”

Introduction of Ordinance 17-\_, “Resolution Approving a Site Plan Review with Grading Permit; a Zoning Text Map Amendment, Two Warrants and One Exception from Provisions Under the South Hayward BART/Mission Boulevard Form-Based Code; and a Vesting Tentative Tract Map 8394, Application No. 201700782 for the Subdivision and Construction of 200 Condominium Units for a Senior Residential Development and Three Single-Family Dwellings on a 5.58-Acre Site Located at 29312 Mission Boulevard and 794 Overhill Drive”

### **CITY MANAGER’S COMMENTS**

City Manager McAdoo highlighted Council Member Lamnin’s accomplishment of completing the Mayors’ and Council Members’ Leadership Academy Torch Program and being recognized in the Western City magazine.

City Manager McAdoo announced City Hall would be closed December 22, 2017 to January 1, 2018, and emergency services would continue to operate.

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

Council Member Zermeño wished everyone a Merry Christmas, Happy Hanukkah, and Happy Kwanzaa.

Mayor Halliday, on behalf of the Council, wished everyone a happy and safe holiday season.

Council Member Salinas announced the Kids' Breakfast Club Winter Session would provide breakfast and activities at Burbank Elementary School every day that school is not in session.

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 9:29 p.m., in memory of San Francisco Mayor Edwin "Ed" Lee who unexpectedly passed away on December 12, 2018.

**APPROVED:**

Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

Miriam Lens  
City Clerk, City of Hayward