



**MINUTES OF THE MEETING OF THE CITY COUNCIL**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, May 15, 2018, 7:00 p.m.**

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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 Márquez.

**ROLL CALL**

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

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced the City Council convened in closed session at 5:00 p.m., to discuss two items: (1) conference with legal counsel pursuant to Government Code 54956.9 regarding Russell City Energy Company v. City of Hayward, California Court of Appeal, No. A144749; and (2) public employment pursuant to Government Code 54957 regarding the City Manager's annual performance evaluation. City Attorney Lawson noted there was no reportable action related to Item No. 1, and Mayor Halliday added that there was no reportable action related to Item No. 2.

**PRESENTATIONS**

Mayor Halliday read a proclamation recognizing the week of May 13, 2018, through May 19, 2018, as National Police Week and May 15, 2018, as Peace Officers' Memorial Day in the City of Hayward. Mayor Halliday presented the proclamation to Police Chief Koller.

Mayor Halliday announced the City of Hayward 2018 Environmental Sustainability Awards presentation acknowledging single-family residents, multi-family property managers, and businesses for their environmental initiatives. Council Member Mendall, the Chair of the Council Sustainability Committee, recognized single-family residents and managers of multi-family properties who participated in the City's residential recycling program and energy-efficiency programs. Mr. Kim Huggett, Hayward Chamber of Commerce President, recognized the businesses Cannery Café, World Mission Society Church of God, GARNET + grace Bridal Boutique, and SEW Eurodrive for demonstrating energy efficiency, renewable energy, water conservation, recycling and organic composting, and environmental education.

**PUBLIC COMMENTS**

Ms. Wynn Grcich, Hayward resident, spoke about videos related to Climate Action Plan and submitted related materials.

Mr. Jim Drake, Hayward resident, sought clarification about the new electricity provider, East Bay Community Energy (EBCE), and the opting out process.

Ms. Diane Fagalde, Hayward resident, recommended World Market for Hayward and suggested Starbucks for the Tennyson Road area.

Ms. Rosalinda Whitney, Spectrum Community Services site coordinator, urged the Council to reconsider increasing the funding allowance for the FY 2018-2019 Spectrum Senior Lunch Program.

Ms. Lacey Amodei, Hayward resident and Hayward Collective member, reiterated the Collective's request for tenant protections and submitted a document for the record.

Mr. Thomas Birt, Hayward resident, reported on a recent fire and requested that the grass at the former Caltrans properties in the hills be cut to prevent fire hazard.

Mr. Charlie Peters, Clean Air Performance Professionals representative, shared an article by The Times-Tribune entitled, "Clean air right use for VW cash."

Ms. Allyson Clark, Berkeley Farms' Environmental Health and Safety Manager, requested that the sidewalk on Clawiter Road be repaved and that the weeds be cut; and reported there was a homeless encampment by the railroad tracks and lack of response from Union Pacific Railroad.

Ms. Pam Russo, thanked the Council on behalf of the Hayward Area Recreation and Park District (HARD) and the HARD Foundation for approving the funding for Mia's Dream Playground.

Ms. Emelyn Lacayo, Mia's mother, thanked the Council for approving the Mia's Dream Playground and decreasing the stigma associated with disability; and showed the latest schematic of the playground.

Council Member Mendall addressed Mr. Drake's question about EBCE noting that residents would be getting a notice in the mail with three options: receive Brilliant 100 electricity, opt to receive Bright Choice electricity, or opt out of EBCE service and remain with PG&E.

Consent Items 2 and 6 were removed from the Consent Calendar for separate vote.

## **CONSENT**

### **1. Minutes of the Special City Council Meeting on April 28, 2018 MIN 18-069**

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried unanimously, to approve the minutes of the Special City Council Meeting on April 28, 2018.





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2. Adoption of Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) and Article 24 (South Hayward Form Based Code) of the Hayward Municipal Code Rezoning Certain Property to Planned Development District in Connection with General Plan Amendment, Zone Change and Vesting Tentative Map Application No. 201704129 for the SoHay Mixed Use Development **CONS 18-323**

Staff report submitted by Senior Planner Schmidt and City Clerk Lens, dated May 15, 2018, was filed.

Council Member Mendall offered a motion per staff's recommendation and as introduced on May 8, 2018.

It was moved by Council Member Mendall, seconded by Council Member Salinas, and carried with the following vote, to adopt the ordinance:

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

-- Ordinance 18-04, "An Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) and Article 24 (South Hayward Form Based Code) of the Hayward Municipal Code Rezoning Certain Property to Planned Development District in Connection with General Plan Amendment, Zone Change and Vesting Tentative Map Application No. 201704129 for the SOHAY Mixed Use Development"

3. Authorization to Extend Professional Services Contract with Maze & Associates for Annual Audit Services **CONS 18-279**

Staff report submitted by Finance Director Claussen, dated May 15, 2018, was filed.

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

Resolution 18-076, "Resolution Authorizing the City Manager to Execute a One-Year Extension to the Existing Professional Services Contract with Maze and Associates for Audit Services Through Fiscal Year Ending June 30, 2018"

4. Transportation Development Act, Article 3 Funds: FY 2019: Wheelchair Ramps Approval to File Application and Authorization for City Manager to Execute a Professional Services Agreement with Metropolitan Transportation Commission **CONS 18-293**

Staff report submitted by Interim Public Works Director Ameri, dated May 15, 2018, was filed.

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

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Resolution 18-077, "Resolution of the City Council of the City of Hayward Supporting Submission of Claim to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2019 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding for Installation of Wheelchair Ramps"

5. Road Repair and Accountability Act (RRAA) FY19 Pavement Rehabilitation Project - Approval of Project List **CONS 18-294**

Staff report submitted by Interim Public Works Director Ameri, dated May 15, 2018, was filed.

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

Resolution 18-078, "Resolution Approving Project List for FY 2019 Road Repair and Accountability Act (RRAA) Funding"

6. Approve Resolution in Support of Proposition 69 to Preserve Transportation Funding and Oppose Efforts to Repeal the Road Repair and Accountability Act (SB-1) **CONS 18-295**

Staff report submitted by Interim Public Works Director Ameri, dated May 15, 2018, was filed.

Mayor Halliday removed the item from the Consent Calendar to highlight the resolution in support of Proposition 69 on the June 5, 2018 ballot.

Council Member Peixoto, Alameda County Transportation Commission alternate member, noted that Hayward has projects in the pipeline that would be allocated from SB-1 funds.

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





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Resolution 18-079, "Resolution Supporting Proposition 69 and Opposing "The Road Repair and Accountability Act" (SB 1 - Beal) Repeal"

Council Member Márquez disclosed her family owns property within the boundaries of the proposed Downtown Hayward Community Benefit District and needed to recuse herself from participating and voting on Item No. 7.

Council Member Salinas disclosed he needed to recuse himself from participating and voting on Item No. 7 because of his employment at the Kid's Breakfast Club, located within the proposed zone.

Council Members Márquez and Salinas left the Council Chambers.

**LEGISLATIVE BUSINESS**

7. Resolution of Intention to Form the Downtown Hayward Community Benefit District (Report from City Manager McAdoo) **LB 18-021**

Staff report submitted by Management Analyst II Stefanski and New City America Consultant Mandri, dated May 15, 2018, was filed.

City Manager McAdoo noted that while her personal house abuts the boundary of the proposed district, she did not have a conflict of interest and did not have to recuse herself from participating on the item.

Discussion ensued among Council Members and City staff regarding: the proposed Downtown Hayward Community Benefit District (CBD); the governance structure and the District Management Corporation; the District Management Corporation's flexibility allocating funds within established categories and reducing assessments; the threshold and consistency forming and dissolving the Downtown Hayward CBD; the Downtown Hayward CBD's budget and assessment; the Downtown Hayward CBD's proposed cost in comparison with those from other jurisdictions; lighting and landscape districts vs. Downtown Hayward CBD; and the assessment methodology and different rates for Benefit Zones 1, 2, and 3.

Mayor Halliday opened the public hearing at 8:39 p.m.

Mr. Ray Baker, downtown property owner, noted the Downtown Hayward CBD would constitute a financial burden on business owners and suggested a public hearing be held before setting the assessments.

Mayor Halliday closed the public hearing at 8:43 p.m.

Council Member Mendall offered a motion per staff's recommendation. Council Member Peixoto seconded the motion.

Council Member Mendall noted the property owners would have a funding source and would be able to decide how to spend the funds via the District Management Corporation.

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Council Member Zermeño noted the downtown had lost redevelopment funding and the CBD was a mechanism to reactivate downtown and fill vacant lots, and business owners would have an opportunity to vote on July 10, 2018.

Council Member Lamnin asked for reassurance that the Management District Board would have the flexibility to lower assessments, particularly during the "ramp-up" period.

Council Member Mendall offered an amendment to the motion providing guidance to the City's representative on the District Management Corporation to be flexible in the "ramp-up" period particularly in lowering assessments, assuming consensus of the board members.

Council Member Peixoto was amenable to the amendment and noted that the former redevelopment funds were not enough for the services needed in the downtown.

Mayor Halliday noted she would be supporting the motion. Mayor Halliday indicated the downtown needed improvements, noted the City would also pay assessments for its properties, and there would be an opportunity for the Board to evaluate hardship and reduced rates for non-profit agencies and churches.

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

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

Resolution 18-080, "Resolution of Intention to Establish the Hayward Downtown Community Benefit District and to Levy and Collect Assessments Within Such District Pursuant to Article 20, Chapter 8, of the Hayward Municipal Code and California Streets and Highways Code Section 36600, Et Seq. and Appointing a Time and Place for Hearing Objections Thereto"





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Council Members Salinas and Márquez returned to the Council Chambers at approximately 9:03 p.m.

8. La Vista Park - Project Status & Funding Direction (Report from Interim Development Services Director Bristow) **LB 18-016**

Staff report submitted by Interim Public Works Director Bristow, dated May 15, 2018, was filed.

Interim Development Services Director Bristow announced the report and introduced Senior Planner Golubics who provided a synopsis of the staff report. Mr. James Lord, Principal from Surface Design Inc., presented the conceptual plan for La Vista Park.

Discussion ensued among Council Members and City staff regarding: opportunities for uses in the park such as a mini golf course and outdoor ice skating rink; groundbreaking; restrooms; community center; parking spaces for large events and handicap parking.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:27 p.m.

Council Member Mendall offered a motion to approve the staff's recommendation. Council Member Márquez seconded the motion.

Council Member Lamnin offered a friendly amendment that would give direction to staff for the community center to be a straight forward amount and not a loan, if possible. Council Member Lamnin urged caution about using funds from future park in-lieu fees and suggested considering fundraising opportunities and ambassadors for the park. Council Members Mendall and Márquez were amenable.

The City Council thanked staff and the participant agencies noting that La Vista Park project was the result of a great partnership that would create a destination park with amenities.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to adopt the following with the friendly amendment noted above:

Resolution 18-081, "Resolution Approving the Temporary Use of the \$1.5 Million Dollars Collected for a New La Vista Community Center to Be Used for Constructing La Vista Park"

9. Status Update of the Fiscal Year (FY) 2018 Approved Community Development Block Grant (CDBG) Biennial Fund Projects and Review of the FY 2019 Proposed Projects and Authorization to Reallocate \$1.9 Million of Unspent CDBG Funds to Eligible Projects in FY 2019 (Report from Assistant City Manager Hurtado) **LB 18-022**

Staff report submitted by Assistant City Manager Hurtado, dated May 15, 2018, was filed.

Assistant City Manager Hurtado announced the report and introduced Community Services Manager Bailey who provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding: the reallocation of unspent Community Development Block Grant (CDBG) funds; CDBG funds for the demolition of the Caltrans homes and a downtown property; CDBG funds allocated for St. Rose Hospital in past years; the contract with Hello Housing to perform housing rehabilitation loans; proceeds from Measure A allocated for St. Rose Hospital; and the Housing Rehabilitation Loan Program.

Council Member Zermeño disclosed he is member of the St. Rose Foundation and needed to recuse himself from discussing and voting on Item No. 9, and left the Council Chambers at 10:03 p.m.

Mayor Halliday opened the public hearing at 10:11 p.m.

Mr. Charlie Peters, Hayward resident, expressed support for senior meal programs and supported the programs provided by Spectrum Community Services.

Mayor Halliday closed the public hearing at 10:14 p.m.

Council Member Lamnin offered a motion per staff's recommendation. Council Member Márquez seconded the motion.

Council Member Lamnin encouraged staff to incorporate a community component in the process for future reallocation of unspent CDBG funds such as developing a list of projects in the pipeline that can be funded; outreach to funded agencies and non-profit partners; evaluate projects that might have been under funded; ensure the City is not an obstacle to funding allocation; and reallocate program income.

Council Member Mendall offered a friendly amendment to have, as a backup project, up to \$500,000 for the cost of the demolition of Caltrans properties if it appears that other projects are not going to meet the end of year deadline. The friendly amendment died due to lack of support.

Discussion ensued among Council Members and City staff about the reallocation of unspent CDBG funds and the allocation to St. Rose Hospital.





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Council Member Márquez requested that a work session be scheduled to discuss a list of projects that would benefit from unspent CDBG funds.

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

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

Resolution 18-082, "Resolution Authorizing the City Manager to Amend the Action Plan to Allocate \$1.9 Million in Unexpended Community Development Block Grant (CDBG) Funds Accumulated in the City's Line of Credit"

Council Member Zermeño returned to the Council Chambers at approximately 10:30 p.m.

10. Introduction of Ordinance Adding Section 15 to Chapter 2, Article 13 of the Hayward Municipal Code Relating to Electronic and Paperless Filing of the Fair Political Practices Commission Campaign Disclosure Statements (Report from City Clerk Lens) **LB 18-019**

Staff report submitted by City Clerk Lens, dated May 15, 2018, 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 10:37 p.m.

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

Introduction of Ordinance 18-\_, "An Ordinance Adding Section 15 to Chapter 2, Article 13 of the Hayward Municipal Code Relating to Electronic and Paperless Filing of the Fair Political Practices Commission Campaign Disclosure Statements"

## **WORK SESSION**

### **11. Proposed FY 2019 Operating Budget - Work Session #2 (Report from Finance Director Claussen) WS 18-023**

Staff report submitted by Finance Director Claussen, dated May 15, 2018, was filed.

Finance Director Claussen provided a synopsis of the staff report.

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

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Council Members were in agreement with staff's recommendations, and Mayor Halliday noted that the public hearing and adoption of the FY 2019 Operating and CIP budgets was scheduled for May 22, 2018.

## **CITY MANAGER'S COMMENTS**

City Manager McAdoo announced the Hayward Police Department was hosting a Tip-A-Cop for Special Olympics on May 17, 2018, at Applebee's in Southland.

## **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Márquez made two announcements: 1) the 5<sup>th</sup> Annual Tennyson All America Festival on June 30, 2018, at the Mt. Eden Mansion; and 2) the Hayward Youth Commission recruitment and deadline to apply was May 25, 2018.

Council Member Zermeño announced the Rowell Ranch Rodeo event, co-organized by the Hayward Rotary Club, on May 17-20, 2018.

Council Member Lamnin announced the Hayward Coalition for Healthy Youth was hosting a "vision for better future" event at Tennyson Park on May 19, 2018.

Mayor Halliday reported the Hayward Citywide Cleanup and Community event on May 12, 2018, at Weekes Community Center Park, was a success.

## **ADJOURNMENT**

Mayor Halliday adjourned the meeting at 10:49 p.m.

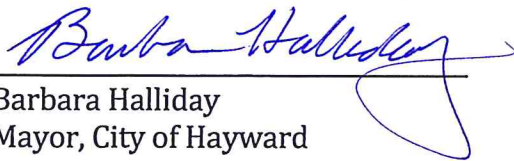





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**APPROVED**

  
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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

  
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Miriam Lens  
City Clerk, City of Hayward