



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

Action Minutes City Council

Tuesday, October 17, 2017

7:00 PM

Council Chambers

CITY COUNCIL MEETING

CALL TO ORDER Pledge of Allegiance: Council Member Mendall

ROLL CALL

Present: 7 - Council Member Francisco Zermeno, Council Member Al Mendall, Council Member Marvin Peixoto, Council Member Sara Lamnin, Council Member Elisa Marquez, Mayor Barbara Halliday, and Council Member Mark Salinas

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced the City Council convened in closed session regarding three items: 1) conference with labor negotiators pursuant to Government Code 54957.6; 2) 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; 3) conference with legal counsel pursuant to Government Code 54956.9 regarding City of Hayward, et al v. Board of Trustees, California State University, California, Court of Appeal, No. A132423; and noted there was no reportable action.

PUBLIC COMMENTS

Mr. Jim Drake
Mr. Monzella Curtis
Mr. Samuel Fuenzalida
Mr. Willard Hout
Mr. Eduardo Mauricio Jr.
Mr. Kouros Dinyari
Mayor Halliday

At the request of City staff, the City Council agreed to move Public Hearing Item No. 11 before Item No. 9.

CONSENT

Approval of the Consent Calendar

A motion was made by Council Member Peixoto, seconded by Council Member Lamnin, to approve the Consent Calendar. The motion carried by the following vote:

Aye: 7 - Council Member Zermeno, Council Member Mendall, Council Member Peixoto, Council Member Lamnin, Council Member Marquez, Mayor Halliday, and Council Member Salinas

1. [Minutes of the City Council Meeting on September 26, 2017](#)

Consent Item approved.

2. [Minutes of the City Council Meeting on October 3, 2017](#)

Consent Item approved.

3. [Minutes of the Special City Council Work Session Meeting on October 3, 2017](#)

Consent Item approved.

4. [Approval of Final Map Tract 8302 \(Olympic Station\), associated with the previously approved Vesting Tentative Tract Map and proposed development of 23 detached single-family homes on a 2.5-acre site located at 645 Olympic Avenue, \(APN 465-0055-012-03\); Huntwood Avenue, Hayward, Inc. \(Applicant/Owner\)](#)

Consent Item approved.

5. [Filing Nuisance/Abatement/Municipal Code Liens with the County Recorder's Office for Non-Abatable Code Violations](#)

Consent Item approved.

6. [Consideration of California Municipal Finance Authority \(CMFA\) Open Property Assessed Clean Energy \(PACE\)](#)

Consent Item approved.

WORK SESSION

7. [Status Updates and Provide Direction on Prioritization of FY 2018 Schedule of Activities Related to Housing Affordability and Anti-Displacement Strategies \(Report from City Manager McAdoo\)](#)

Information Only.

8. [Discussion of the Residential Nexus and Financial Feasibility Study Findings and Draft Recommendations for Potential Amendments to the Affordable Housing Ordinance \(AHO\) and AHO Fees \(Report from City Manager McAdoo\)](#)

Information Only.

PUBLIC HEARING

9. [Adoption of a Resolution and Introduction of Ordinances Related to Cannabis:](#)
1. [Zoning Text Amendment \(Application No. 201705042\) to Chapter 10 \(Planning, Zoning, and Subdivisions\) of the Hayward Municipal Code.](#)
 2. [Land Use Regulations pertaining to Medical and Adult Use Cannabis within the City of Hayward.](#)
 3. [Ordinance adding Article 14 to Chapter 6 of the Hayward Municipal Code regarding Commercial Cannabis Businesses.](#)
 4. [Ordinance amending Article 6 of Chapter 5 of the Hayward Municipal Code regarding Smoking Pollution Control.](#)
 5. [Revisions in the City's 2018 Master Fee Schedule to include Commercial Cannabis Licensing and Inspection program. \(Report from City Attorney Lawson and Interim Development Services Director Bristow\)](#)

A motion was made by Council Member Zermeño, seconded by Council Member Mendall, to approve the staff recommendation with friendly amendments: 1) amend the ordinance to remove hours of operation and have it specified in the Conditional Use Permit process, and align delivery hours with alcohol regulations; 2) modify the ordinance by removing the word "armed" from the security guard language; 3) include language about workers' compensation and labor agreement in the Request for Proposal (RFP) scoring process; 4) amend the ordinance to limit the number of retail dispensaries to three; 5) evaluate modifying the language in the ordinance to remove all cannabis related uses from the Form- Based Code and Neighborhood Commercial-Residential districts; 6) review language to allow a business application to move forward absent a permanent/temporary State license but not allow to open until it has a provisional/permanent State license; and 7) add an education component for the youth in the RFP process. The motion carried by the following vote:

Aye: 7 - Council Member Zermeno, Council Member Mendall, Council Member Peixoto, Council Member Lamnin, Council Member Marquez, Mayor Halliday, and Council Member Salinas

10. [Zoning Text Amendment to Update Regulations Related to Accessory Dwelling Units and Establish a New Fee Associated with Amendment to Chapter 10, Planning, Zoning, and Subdivisions of the Hayward Municipal Code \(Zoning Text Amendment Application No. 201701087\); City of Hayward \(Applicant\) \(Report from Interim Development Services Director Bristow\)](#)

A motion was made by Council Member Mendall, seconded by Council Member Zermeño, to continue the item to Monday, October 30, 2017. The motion carried by the following vote:

Aye: 7 - Council Member Zermeno, Council Member Mendall, Council Member Peixoto, Council Member Lamnin, Council Member Marquez, Mayor Halliday, and Council Member Salinas

11. [Tax Equity and Fiscal Responsibility Act \(TEFRA\) Hearing for Financing of Airport Development Improvements by APP Properties, Inc. \(Report from Public Works Director Fakhrai\)](#)

A motion was made by Council Member Mendall, seconded by Council Member Zermeño, to approve the staff recommendation. The motion carried by the following vote:

Aye: 7 - Council Member Zermeno, Council Member Mendall, Council Member Peixoto, Council Member Lamnin, Council Member Marquez, Mayor Halliday, and Council Member Salinas

ADJOURNMENT

Mayor Halliday adjourned the meeting at 12:12 a.m.

NEXT SPECIAL MEETING, Monday, October 30, 2017