



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 15, 2019, 7:00 p.m.

The meeting of the 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, Lamnin, Wahab, Salinas
MAYOR Halliday
Absent: None

PUBLIC COMMENTS

Library Director Jayanti Addleman introduced herself to the City Council and community as the new library director.

The following individuals spoke about the alleged shooting of Mr. Agustin “Augie” Gonzalez by two Hayward police officers; requested the police report, video footage and any and all evidence related to the tragic incident of November 15, 2018; asked for an independent and unbiased investigation of the incident; urged for the suspension and prosecution of the two police officers; demanded accountability and justice; requested that officers be trained on how to deal with individuals undergoing mental crisis; and requested that police officers undergo psychiatric evaluation after they use excessive force against individuals with mental challenges.

Mr. Al Osorio
Mr. Ralph Farias Jr., Hayward resident
Ms. Silvia Brandon Perez, Hayward resident
Ms. Diana Ponce
Mr. Hector Hernandez-Hernandez, Hayward resident
Mr. Gilbert Espinoza III, Hayward resident
Ms. Maria Juarez
Ms. Cynthia Nunes, cousin of Agustin Gonzalez
Ms. Lourdes Garcia, Hayward resident and aunt of Agustin Gonzalez
Ms. Beatriz Johnson, aunt of Oscar Grant
Mr. Cephus Johnson, uncle of Oscar Grant
Ms. Deana Abello
Mr. Gerald Smith, Oscar Grant Committee Against Police Brutality and State Repression
Ms. Desiree Montes, first cousin to Agustin Gonzalez
Mr. Frank Runninghorse, Oscar Grant Committee Against Police Brutality and State Repression
Ms. Denise Friday
Mr. Michael Kerr
Ms. Samantha Watts, cousin of Agustin Gonzalez

Ms. Lindsay Williams
Ms. Karla Gonzalez, mother of Agustin Gonzalez

Mr. Charlie Peters, Clean Air Performance Professionals representative, provided documents about the water supply and environment causing concerns.

City Manager McAdoo noted that Police Chief Koller was willing to convene a meeting with members of the Gonzalez family and stepped outside the Council Chambers to gather contact information for the Gonzalez family.

Mayor Halliday called for a brief recess and reconvened the meeting shortly thereafter.

Consent Items 4 and 6 were removed from the Consent Calendar for separate vote.

CONSENT

1. Minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency Meeting on December 18, 2018 **MIN 19-005**

It was moved by Council/HRSA Member Mendall, seconded by Council/HRSA Member Márquez, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency Meeting on December 18, 2018.

2. Adoption of an Ordinance of the City of Hayward Amending Chapter 7, Article 2 of the Hayward Municipal Code by Amending Sections 7-2.00, 7-2.10, and 7-2.15 and Adding Sections 7-2.46 and 7-2.47 to Establish a “Dig Once” Policy for Installing Underground Conduits **CONS 19-003**

Staff report submitted by City Clerk Lens, dated January 15, 2019, was filed.

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

Ordinance 19-01, “An Ordinance of the City of Hayward, California, Amending Chapter 7, Article 2 of the Hayward Municipal Code by Amending Sections 7-2.00, 7-2.10, and 7-2.15 and adding Sections 7-2.46 and 7-2.47 to Establish a “Dig Once” Policy for Installing Underground Conduits”

3. Adoption of an Ordinance of the City of Hayward Amending Chapter 7 of the Hayward Municipal Code by Adding Article 4 to Establish Regulations for Wireless Communication Facilities in the Public Right of Way **CONS 19-004**

Staff report submitted by City Clerk Lens, dated January 15, 2019, was filed.



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

Ordinance 19-02, "An Ordinance of the City of Hayward Amending Chapter 7 of the Hayward Municipal Code by adding Article 4 to Establish Regulations for Wireless Communication Facilities in the Public Right of Way"

4. Resignation of Jocimara Alejandre, Jorge Mazariegos Jr., and Myles McGee from the Hayward Youth Commission and Appointment of Joshua Linares, Lizbeth Martinez and Ellette Mendall to Fulfill the Unexpired Terms **CONS 19-009**

Staff report submitted by City Clerk Lens, dated January 15, 2019, was filed.

Council Member Mendall noted he was going to recuse himself from voting on the item because a family member, Ellette Mendall, was nominated to be appointed to fulfill one unexpired term.

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

AYE:	COUNCIL MEMBERS Zermeño, Márquez, Lamnin, Wahab, Salinas
	MAYOR Halliday
NOES:	None
RECUSE:	COUNCIL MEMBERS Mendall
ABSENT:	None

Resolution 19-006, "Resolution Accepting the Resignation of Jocimara Alejandre, Jorge Mazariegos Jr., and Myles McGee from the Hayward Youth Commission and Appointment of Joshua Linares, Lizbeth Martinez and Ellette Mendall to Fulfill the Unexpired Terms"

5. Resignation of Ms. Iris J. Murillo from the Library Commission and Ms. Lynne Clifton from the Keep Hayward Clean and Green Task Force Effective Immediately **CONS 19-010**

Staff report submitted by City Clerk Lens, dated January 15, 2019, was filed.

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

Resolution 19-005, “Resolution Accepting the Resignations of Iris J. Murillo from the Library Commission and Lynne Clifton from the Keep Hayward Clean and Green Task Force”

6. Declaration of a Climate Emergency **CONS 19-015**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated January 15, 2019, was filed.

Mayor Halliday announced there was a request to speak on the item.

Mayor Halliday opened the public comments section at 8:01 p.m.

Mr. Glenn Kirby, Sierra Club representative, voiced his support for a declaration of a climate emergency.

Ms. Silvia Brandon Perez, Hayward resident, noted the demolition of the former library was not environmentally sound and expressed the need for a shelter for homeless individuals.

Mr. Frank Burton, Hayward resident, spoke in support of the resolution endorsing the declaration of a climate emergency.

Mr. Paul W. Rea, Hayward resident, expressed support for the proposed resolution and suggested that more trees be planted in the city, greenway along the BART line and local solar panels.

Council Member Mendall offered a motion per staff recommendation with a minor correction to a typographical error on page two, seventh Whereas, to read “2040” instead of “20430”

Council Member Zermeño seconded the motion.

Council Member Wahab expressed support for the motion and urged staff to reach citywide zero greenhouse gas emissions earlier than 2030.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried unanimously, to approve the following with a minor correction to a typographical error on page two, seventh Whereas to read “2040” instead of “20430”:

Resolution 19-007, “Resolution Endorsing the Declaration of a Climate Emergency and Requesting Regional Collaboration on an Immediate Just Transition and Emergency Mobilization Effort to Restore a Safe Climate”

WORK SESSION

7. Downtown Specific Plan Project Update (Report from Development Services Director Simpson) **WS 19-002**



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Staff report submitted by Development Services Director Simpson, dated January 15, 2019, was filed.

Development Services Director Simpson announced the report and introduced Senior Planner Golubics who provided a synopsis of the staff report. Ms. Lisa Wise, Lisa Wise Consulting President, and Ms. Kathryn Slama, Senior Associate with Lisa Wise Consulting, Inc., provided a project overview of the Downtown Specific Plan project.

Mayor Halliday opened the public comments section at 8:38 p.m.

Mr. Didacus Ramos, Hayward resident, urged the Council to address the vacancy rate in downtown and changes to two-way streets, and recommended that the Plan be accomplished within the proposed timeline.

Ms. Allison Lasser, Hayward resident and Sprinkler Fitters Local 483 member, urged the City for a Plan that enables projects being built by local construction workforce and encourages the use of apprenticeship opportunities in its construction.

Mayor Halliday closed the public comments section at 8:44 p.m.

Council Members commended City staff, Lisa Wise Consulting and the Downtown Specific Plan Task Force for the community outreach regarding the Downtown Specific Plan. Council Members were in general agreement with the overall vision for the downtown and offered the following suggestions: make A Street's two-way street change a higher priority and make B Street's change a lower priority; consider turning a section of C Street into a two-way street; consider fixing the Loop a priority; continue the outreach to vacant property owners to fill vacancies; identify opportunities to add more parks and open space in the downtown; consider having Greyhound and Amtrak stations; work on the East Bay Greenway project; have project labor agreements to ensure that local residents are employed; collaborate with Waze App to diminish speeding in neighborhoods; make sure the soil instability on Russell Street is addressed; preserve longtime residents and merchants in the downtown; encourage and incentivize opportunities to work with the building trades; be inclusive to different types of mobilities and physical limitations; place emphasis on lighting and signage; consider adding parking on both sides of Mission Boulevard; hold BART accountable for improvements and hold a meeting with BART representatives; be mindful of the type of advertisement on billboards on Foothill and Mission Boulevards; collect data of the neighborhoods that are represented in the meetings related to the Plan; ensure that social media postings about the Plan have a link to the Plan; focus on road treatments to slow traffic; preserve ground level commercial space; ensure downtown streets, sidewalk and retails are zoned appropriately for families and children; be cognizant of the unbundled parking intent to reduce parking and not impact renters with parking cost; accomplish the Plan within the timeline; be mindful of impact of higher density on services; consider dedicated bike lanes with parking on Mission and Foothill Boulevards; make the corner of B Street and Mission Boulevard safer to cross; and consider a staggered junction light at Jackson Street and Mission Boulevard.

PUBLIC HEARING

8. Hayward Executive Airport Hangar Rental Rates – Amendment to FY 2019 Master Fee Schedule (Report from Interim Public Works Director Ameri) PH 19-004

Staff report submitted by Interim Public Works Director Ameri, dated January 15, 2019, was filed.

Interim Public Works Director Ameri provided a synopsis of the staff report.

City staff clarified questions from Council Members related to the proposed rental rates 2019-2022; the Airport Rent Study report; the Federal Aviation Administration (FAA) investigation and determination; and the ongoing maintenance fees and deferrals.

Mayor Halliday opened the public hearing at 9:43 p.m.

Ms. Kate Turney, Hayward Hangar Group representative, submitted a written statement and spoke in opposition to the 51% proposed hangar rent increase.

Mr. Jerry Turney, Hayward Hangar Group representative, submitted a written statement and spoke about competitive and comparable airport data.

Mr. Bob Burnett spoke about the findings of the hangar rate study and urged the Council to review it before voting on the rent increase.

Mayor Halliday closed the public hearing at 9:53 p.m.

The City Council thanked the Hayward Hangar Group and City staff for the ongoing conversations related to hangar rental rates.

Council Member Zermeño recommended that airport tenants continue to collaborate with City staff ensuring the interest of general improvements and safety of the airport.

Council Member Zermeño offered a motion per staff's recommendation.

Council Member Mendall seconded the motion.

Council Member Lamnin noted she preferred having the airport rents increased using the consumer price index (CPI) for the next two-year cycle and base subsequent rent increases on the facility study.

Council Member Mendall clarified there was no secret plan to demolish any City owned hangars and he would not vote to reduce the number of airport owned T-hangars. Council Member Mendall noted the proposed increase was reasonable and appropriate to maintain the airport.



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Council Member Salinas noted that airport tenants and City staff had negotiated fairly and looked forward to seeing the benefits for the airport in the coming years.

Mayor Halliday noted the airport was an enterprise fund, revenues covered the airport expenses, and a rent increase was necessary.

Council Member Wahab noted her support for the motion recognizing the increase was reasonable.

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

AYE:	COUNCIL MEMBERS Zermeño, Márquez, Wahab, Salinas
	MAYOR Halliday
NOES:	COUNCIL MEMBER Lamnin
ABSENT:	NONE
ABSTAIN:	NONE

Resolution 19-008, "Resolution Amending the Master Fee Schedule and Approving Airport Rates and Charges"

LEGISLATIVE BUSINESS

9. Update on Commercial Cannabis Permit Process and Future Rounds and Appropriation of Funds for Commercial Cannabis Permit Program Second Tier Review (Report from City Manager McAdoo) **LB 19-003**

Staff report submitted by Deputy City Manager Ott and Development Services Director Simpson, dated January 15, 2019, was filed.

City Manager McAdoo announced the report and introduced Management Analyst II Stefanski and Principal Planner Lochirco who provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding options for required over-concentration buffer for retail dispensaries and options for second round of commercial cannabis permits; over-concentration buffer from land uses; and commercial cannabis land use locations.

Mayor Halliday opened the public hearing at 10:57 p.m.

Ms. Gina Vanderhorst submitted a card but did not speak.

Mr. Shane Gill, Manifest LLC President, urged the Council to prioritize the first round of applications and get them completed before bringing new applicants and start the Request for Proposals (RFP) process for new applicants as soon as possible.

Mr. Stephen Cassidy submitted a written statement requesting that applications for microbusiness licenses from all previous applicants for commercial cannabis licenses be accepted and not limit the review to the five applicants for microbusinesses that received below threshold scores.

Ms. Denise Martellacci, Hayward resident, supported reducing or eliminating the over-concentration buffer and make sure that public safety is not compromised by lowering the score.

Ms. Melissa Shuen-Mallory, Union City resident, expressed support for expanding interview thresholds for commercial cannabis.

Ms. Cecily Brewster, General Counsel for BAS Research, expressed support for expanding interview thresholds for commercial cannabis.

Mr. Bao Le, manufacturing use operator, expressed support for expanding interview thresholds for commercial cannabis and recommended a face to face interview process.

Mr. Sean Kali-Rai, cannabis lobbyist, urged support for expanding interview score thresholds and removing interview thresholds for delivery businesses.

Mr. Douglas Chloupek, Jiva Life representative and manufacturing use licensee, urged support for expanding interview score thresholds

Mr. Richard Fierro, Hayward resident, recommended against the elimination of interview thresholds for cannabis delivery businesses.

Mr. David Benett, CBRA Inc., representative, urged support for expanding interview score thresholds.

Ms. Vanessa Loera, Aunty Honey's representative, spoke in favor of reducing or eliminating the over-concentration buffer for retail dispensaries.

Mr. Esther Lopez, Aunty Honey's representative, spoke about the measurement for the buffer and noted there were forty locations that were identified for her business.

Mr. Keith Freeman, Organic Demeter representative, requested that the City reconsider the applications that were received during the first round of applications and were not selected.



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Mr. Pat Doherty, Hayward Station Inc., representative, spoke in favor of reducing or eliminating the over-concentration buffer for retail dispensaries and urged the City to complete the process with the licensed businesses.

Mr. Hector Villasenor, Jiva Life representative, supported maintaining the over concentrated buffer and opening the process to the first round of applicants.

Mayor Halliday closed the public hearing at 11:34 p.m.

Council Member Mendall noted support for either Option 1 (reducing the over-concentration buffer to 500 feet) or Option 2 (adding flexibility to the over-concentration buffer); and he was amenable to considering businesses with current cannabis licenses that had applied for other categories and had scores above the threshold, and was also open to granting licenses to existing non-cannabis businesses that had submitted applications for cannabis products.

Council Member Zermeño offered a motion to eliminate the 1,000-feet requirement from the zoning ordinance by way of a zoning text amendment (Option 1), expand interview thresholds for commercial cannabis (Round 1, Tier2), and have the second round of RFP for six or twelve months and appropriate \$70,000 for consultant services.

Council Member Mendall seconded the motion with a friendly amendment to reduce the over-concentrated buffer to 500 feet and reduce the interview score threshold to 500 points for all categories.

Council Member Zermeño was amenable to the friendly amendment.

Council Member Wahab expressed support for the motion and suggested that second tier of cannabis businesses be allowed to submit addendums to improve scores, move forward with the second RFP sooner, request stronger community benefits and requirements for local hire, earmark revenue for City reserves or development of affordable housing, and have the land use requirement ahead of time during the application process.

Council Member Salinas noted that while there were medical benefits to cannabis, he had heard concerns from downtown businesses about overcrowding of existing businesses. Council Member Salinas thought it made more sense to favor maintaining the over-concentrated buffer and place a six to twelve-month moratorium on new cannabis uses.

Council Member Márquez noted she could not support the motion on the floor and her preference was for the motion to be separated into three parts or table the item to a work session to allow further discussion.

Discussion ensued among Council Members and City staff about the motion on the floor.

It was moved by Council Member Zermeño, seconded by Council Member Mendall, and carried with the following vote, to reduce the over-concentrated buffer for retail dispensaries to 500 feet:

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

It was moved by Council Member Zermeño, seconded by Council Member Mendall, and carried with the following vote, to reduce the score threshold to 500 for all categories for a second round of interviews and approve the resolution:

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

Resolution 19-009, “Resolution Appropriating \$70,000 from the General Fund (Fund 100) to fund Consultant Services Related to the Review and Interviewing of Second Tier Applications from the First Round of Commercial Cannabis Permits”

It was moved by Council Member Zermeño, seconded by Council Member Mendall, and carried with the following vote, to conduct a second round of Requests for Proposals (RFP) in six to twelve months;

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

10. Approval of City of Hayward Response to CASA Compact: A 15-Year Emergency Policy Package to Confront the Housing Crisis in the San Francisco Bay Area (Report from City Manager McAdoo) **LB 19-008**

Staff report submitted by Deputy City Manager Ott, dated January 15, 2019, was filed.

City Manager McAdoo provided a synopsis of the staff report.



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Council Member Márquez asked for the Regional Housing Needs Assessment (RHNA) number of housing units. Deputy City Manager indicated the information would be included in the February 19, 2019 work session.

Mayor Halliday opened the public hearing at 12:12 p.m.

Ms. Sylvia Brandon Perez, Hayward resident, expressed the need to do more beyond a moratorium on rent stabilization to address the homelessness crisis.

Mr. Sean Kali-Rai, cannabis lobbyist, spoke about homelessness and externalities that are created by companies that create super profits.

Mayor Halliday closed the public hearing at 12:18 p.m.

Council Member Lamnin offered a motion per staff's recommendation with two modifications for the letter: 1) decrease the cost of housing production; and 2) incentivize participation in apprenticeship programs to attract individuals who are facing housing instability and are vulnerable to displacement and/or eviction.

Council Member Márquez seconded the motion.

Council Member Mendall noted there was a typographical error in the letter that needed to be corrected.

It was moved by Council Member Lamnin, seconded by Council Member Márquez, and carried unanimously, to approve the letter with two modifications: 1) decrease the cost of housing production; and 2) incentivize participation in apprenticeship programs to attract individuals who are facing housing instability and are vulnerable to displacement and/or eviction.

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Márquez announced the annual Martin Luther King Jr. birthday celebration at Chabot College Buffington Visual & Performing Arts Center on January 19, 2019.

Council Member Wahab recommended that City staff bring forward options for Fire and Police personnel to receive in-depth mental health and de-escalation training. Council members were amenable to the recommendation.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 12:32 a.m., in memory of Dr. Grant Peterson and Reverend Dr. Jesse L. Davis, Sr.

Dr. Grant Peterson served as an Associate Superintendent of New Haven Unified School District; was a pioneer on curriculum/instructional/staff development for LGBT (Lesbian, Gay, Bisexual, and Transgender) issues; served on the Hayward Unified School District Board of Trustees; mentored students and provided faculty/professional training around issues of equity and inclusion; and was known for his integrity and leadership.

Reverend Dr. Jesse L. Davis, Sr., was the pastor of Shiloh Baptist Church where he pastored for 50 years and was a strong contributor to Hayward and helped improve the church area.

Mayor Halliday asked City staff to work with both families to plant trees in memory of Dr. Grant Peterson and Reverend Dr. Jesse L. Davis, Sr.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward