



MINUTES OF THE CITY COUNCIL
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 4, 2020, 7:00 p.m.

The 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 Salinas.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:00 p.m., regarding two items: 1) performance evaluation of the City Clerk pursuant to Government Code 54957; and 2) conference with property negotiators pursuant to Government Code 54956.8 regarding former Route 238 Parcel Group 7, 24900 and 25000 Mission Boulevard; APNs 445-0200-009-00 and 445-0200-012-01 and 24744 – 24874 Mission Boulevard; APNs 445-0150-058-01, 445-0150-056-00, 445-0150-055-00, 445-0150-054-00, 445-0150-053-02 and 445-0150-052-01. Mayor Halliday announced there was no reportable action related to Item No. 1 and City Attorney Lawson reported there was no action taken related to Item No. 2.

City Attorney Lawson also reported that the Council reconvened to Closed Session after the regular meeting on January 28, 2020 to discuss three items under anticipated litigation and the AGG, et al. v. City of Hayward case, and took no reportable action related to the items.

PRESENTATION

Mayor Halliday read a proclamation declaring the month of February 2020 as Black History Month. The proclamation was presented to the Hayward South County National Association for the Advancement of Colored People (NAACP) in recognition of their outstanding commitment and service to Hayward residents. Ms. Freddye Davis, President of the NAACP Local Chapter, and other representatives accepted the proclamation.

PUBLIC COMMENTS

Ms. Peggy Guernsey, Hayward resident, spoke about a Code Enforcement case related to her property.

Mr. Peter Chudinov, California State University East Bay student, petitioned the City to build a safe pedestrian crosswalk near 25836 Hayward Boulevard.

Ms. Shareen Purcell, library tutor, noted that parking at the garage had become difficult.

Consent Items 2 and 3 were removed for separate vote.

CONSENT

1. Approve City Council Minutes of the City Council Meeting on January 21, 2020 **MIN 20-014**

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 January 21, 2020.

2. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Hayward Area Recreation and Park District in an Amount Not-to Exceed \$337,518 for Recreation, Volunteer Coordinator, Mobility, and Childcare Services **CONS 20-049**

Staff report submitted by Management Analyst Thomas, dated February 4, 2020, was filed.

Ms. Peggy Guernsey, Hayward resident, sought clarification about the proposed childcare service and the mobility program.

Council Member Márquez acknowledged City Clerk Lens for partnering with Hayward Area Recreation and Park District to provide childcare service.

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

Resolution 20-020, "Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with the Hayward Area Recreation and Park District in an amount Not-to-Exceed \$337,518 for Recreation, Volunteer Coordinator, Mobility, and Childcare Services"

3. Adopt Resolutions Authorizing the City Manager to Apply as Joint Applicants with EAH Inc for the California State Department of Housing and Community Development (HCD) Infill Infrastructure Grant Program to Support Mission Paradise and Pimentel Place in Amounts Not to-Exceed \$4 Million and \$6.5 Million Respectively **CONS 20-074**

Staff report submitted by Deputy City Manager Ott and Housing Division Manager Morales, dated February 4, 2020, was filed.

Council Member Wahab stated that Mission Paradise and Pimentel Place were currently vacant and there will be no tenant relocation issues.

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



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Resolution 20-021, "Resolution Authorizing the City Manager to: 1) Apply for an Award from the Infill Infrastructure Program from the California State Department of Housing and Community Development Infill Infrastructure Grant Program; 2) Enter into a Standard Agreement with the California State Department of Housing and Community Development Infill Infrastructure Grant Program; and 3) Accept an amount Not to Exceed \$4 Million to Support the Mission Paradise Infill Development for 76 Units of Senior Affordable Housing"

Resolution 20-022, "Resolution Authorizing the City Manager to: 1) Apply for an Award from the Infill Infrastructure Program from the California State Department of Housing and Community Development Infill Infrastructure Grant Program; 2) Enter into a Standard Agreement with the California State Department of Housing and Community Development Infill Infrastructure Grant Program; and 3) Accept an amount Not to Exceed \$6.5 Million to Support the Pimentel Place Infill Development for 57 Units of Affordable Housing"

Mayor Halliday disclosed she had to recuse herself from participating and voting on Public Hearing Item No. 4 because she lives near the proposed development and left the Council Chambers. Mayor Pro Tempore Salinas presided over the meeting.

PUBLIC HEARING

4. 25036-25096 Carlos Bee Blvd Housing Development: Approve Proposed Residential Development Consisting of Nine Detached Single-Family Homes and Six Accessory Dwelling Units on a Single Parcel Located at 25036-25096 Carlos Bee Boulevard (Assessor Parcel Number 445-0170-039-13) Requiring Approval of Zone Change to Planned Development and Vesting Tentative Map (8473) Application No. 201802159, and Related Initial Study and Mitigated Negative Declaration; Kodama Diseno Architects/Zalman Investments LLC (Applicant/Owner) (Report from Development Services Director Simpson) **PH 20-006**

Staff report submitted by Senior Planner Schmidt, dated February 4, 2020, was filed.

Senior Planner Schmidt provided a synopsis of the staff report.

Discussion ensued among Council members and City staff regarding: the proposed development; the Low Density Residential General Plan land use designation and diversity

of housing type; emergency access from Carlos Bee Boulevard; slope stability issue and environmental impact; housing in lieu fees; Geologic Hazard Abatement District; an deed restrictions on Accessory Dwelling Units (ADUs).

Mayor Pro Tempore Salinas opened the public hearing at 7:46 p.m.

Ms. Peggy Guernsey, Hayward resident, expressed concern about building on the Hayward fault and the endangered species in the area.

Ms. Daniel Fernandez, Hayward resident, disagreed with the number of daily trips the project would generate and noted that multiple projects in the area will affect Overlook and Palisade Streets

Mr. Steven Kodama, with Kodama Diseno Architects, noted the cost of the homes will be modest and the ADUs were providing additional units.

Mayor Pro Tempore Salinas closed the public hearing at 7:54 p.m.

Council Member Mendall received confirmation that staff was not proposing to build on top of fault traces.

Council Member Wahab offered a motion to reject the proposed residential development due to a concern with the environmental impact and lack of affordable housing.

As there was no second, the motion died.

Council Member Lamnin offered a motion per staff's recommendation with two strong recommendations: 1) explore deed restriction on ADUs; and 2) double check the benefit of having a Geologic Hazard Abatement District (GHAD).

Council Member Mendall seconded the motion and complimented the Planning Commission and City staff for encouraging improvements to the proposal.

While Council Member Zermeño supported the motion, he noted the proposal could have had student and faculty housing. Council Member Zermeño offered a friendly amendment to eliminate gas lines.

Council Member Lamnin and Council Member Mendall accepted the friendly amendment.

Council Member Wahab noted she would not be supporting the motion because she remained concerned about fault traces, the project had no affordable housing, and there were no housing opportunities for California State University East Bay students.

Council Member Márquez expressed support for the motion and noted that traffic impact issues might need to be mitigated in the future.



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Council Member Salinas indicated he would be supporting the motion and noted the project could have had higher density with student housing.

It was moved by Council Member Lamnin, seconded by Council Member Mendall, and carried with the following vote, to approve the ordinance with three amendments: 1) explore deed restriction for ADUs, 2) double check the benefit of having a GHAD, and 3) remove gas lines:

AYES: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lamnin
MAYOR PRO TEMPORE Salinas
NOES: COUNCIL MEMBER Wahab
ABSENT: MAYOR Halliday
ABSTAIN: None

Resolution 20-, "Resolution Approving Zone Change and Vesting Tentative Map (Tract 8473) for a Residential Development at 25036- 25096 Carlos Bee Boulevard and Approval of the Related Initial Study and Mitigated Negative Declaration; Joanne Wong, Kodama Diseno Architects/Zalman Investments LLC (Applicant/Owner)"

Introduction of Ordinance 20-, "An Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map (8473) Application No. 201802159 for 25036-25096 Carlos Bee Boulevard"

Mayor Halliday returned to the Council Chambers.

5. Local Minimum Wage Ordinance: Introduce an Ordinance to Add Article 15 to Chapter 6 of the Hayward Municipal Code Establishing a Local Minimum Wage for Employees Working for Any Employers within the City of Hayward (Report from City Manager McAdoo) **PH 20-007**

Staff report submitted by Deputy City Manager Ott and Economic Development Manager Nguyen, dated January 21, 2020, was filed.

City Manager McAdoo announced the report and introduced Economic Development Specialist Ralston who provided a synopsis of the report.

City staff clarified questions posed by Council members regarding staff's recommendation to

increase the minimum wage for employees working within the City of Hayward and the data and information provided in the staff report and its attachments.

Mayor Halliday opened the public hearing at 8:49 p.m.

Mr. Didacus Ramos, Hayward resident, noted the minimum wage increase did not address poverty in Hayward and livable wages needed to be addressed instead.

Mr. Guy Houston, Senior Manager at Mission Hope Day Program, requested that Mission Hope be exempt from the local minimum wage ordinance.

Mr. Jim Huggett, Hayward Chamber of Commerce President, expressed that businesses preferred to follow the State's schedule or have until January 1, 2021 to prepare and consider the definition of small business for 100 employees or less.

Ms. Shaleen Pursell, Hayward resident, favored the minimum wage increase.

Mr. Victor Arellano, Hayward resident, did not support the minimum wage ordinance, and if approved, suggested there be exemptions for small businesses.

Mr. Rich Fierro, Hayward resident, favored the minimum wage increase and advocated for workers to be a part of the conversation.

Mr. Felix Martinez, Hayward resident and Teamsters Local 70 member, favored the minimum wage increase.

Ms. Becky Rhodes, Alameda Labor Council Political Director, favored the minimum wage increase.

Ms. Elisha Crader, Hayward resident, favored increasing the minimum wage immediately and having subsequent increases based on the Consumer Price Index (CPI).

Mr. Johan Ocequeda, Hayward resident, favored raising the minimum wage.

Ms. Lacei Amodei, Hayward resident, favored raising the minimum wage immediately with annual CPI adjustments.

Ms. Yajaira Ortega, California State University East Bay student, spoke in favor of raising the minimum wage.

Ms. Danvy Le, California State University East Bay professor, spoke in support of raising the minimum wage.

Ms. Sara Prada, Hayward resident, spoke in favor of raising the minimum wage.

Ms. Araceli Orozco, Hayward resident, favored raising the minimum wage as soon as possible.



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Ms. Alicia Lawrence, Hayward Collective member, spoke in favor of a living wage analysis to make an informed decision.

Mr. Alexis Villalobos, Hayward resident, spoke in favor of the proposed ordinance.

Ms. Angela Andrews, Planning Commissioner, spoke in favor of the proposed ordinance and hoped for businesses to receive help during the transition.

Mr. Michael LeBlanc, Hayward business owner, noted he could support increasing the minimum wage with exemptions for non-profit agencies and with support for businesses.

Mayor Halliday closed the public hearing at 9:37 p.m.

Council members thanked City staff for the report and all speakers for the input provided.

Council Member Wahab offered a motion to approve staff's recommendation with an amendment as follows: beginning July 1, 2020, the minimum wage will be an hourly rate of \$15 for businesses with 26 or more employees and every July thereafter an increase based on the Consumer Price Index (CPI); beginning July 1, 2020, the minimum wage will be an hourly rate of \$14 for businesses with 25 or less employees and every July thereafter an increase based on the CPI.

Council Member Salinas seconded the motion.

Council Member Márquez stated she would be supporting the motion and noted the City would need to outreach to local businesses and consider supporting them by improving funding allocation to offset impacts.

Council Member Zermeño expressed the need to support small mom and pop businesses and asked staff to work with businesses to explore grants to offset impacts.

Council Member Salinas expressed he would be supporting the motion and stressed the importance of patronizing local businesses.

Council Member Lamnin noted she would be supporting the motion.

Council Member Mendall mentioned he had been advocating for the minimum wage increase in prior years and expressed support for the motion. Council Member Mendall added that if there was a loss of small businesses, the Council might need to reconsider its action.

Mayor Halliday noted she would be supporting the motion and hoped the action would not put businesses out of businesses. Mayor Halliday requested that staff reach out to the business community to help them during the transition.

Discussion ensued among Council members and City Manager McAdoo about the motion.

The motion, made by Council Member Wahab and seconded by Council Member Salinas, was clarified to include staff's recommendation with a modification as follows: beginning July 1, 2020, the minimum wage will be an hourly rate of \$15 for businesses with 26 or more employees and every July 1 thereafter an increase based on the Consumer Price Index (CPI); beginning July 1, 2020, the minimum wage will be an hourly rate of \$14 for businesses with 25 or less employees and every July 1 thereafter an increase based on the CPI until January 1, 2023 when the minimum wage will reach the State of California minimum wage of \$15 and future CPI adjustments will follow the State's schedule.

It was moved by Council Member Wahab, seconded by Council Member Salinas, and carried unanimously, to approve the revised ordinance:

Introduction of Ordinance 20-_, "Ordinance of the City of Hayward, California adding Article 15 to Chapter 6 of the Hayward Municipal Code Relating to Payment of Minimum Wages by Employers within the City of Hayward"

The City Council took a five-minute recess.

LEGISLATIVE BUSINESS

6. City of Hayward Homelessness Update: Accepting Information on the 2019 Homeless Population Point in Time Count; Adopting a Resolution Endorsing the EveryOne Home Strategic Plan; Receiving an Update on the Hayward Navigation Center; and Adopting a Resolution Authorizing the City Manager to Accept and Appropriate a Donation of \$83,000 from the Hayward Rotary Club (Report from City Manager McAdoo) **LB 20-003**

Staff report submitted by Deputy City Manager Ott, dated January 21, 2020, was filed.

City Manager McAdoo announced the report and introduced Management Analyst Lobedan who provided a synopsis of the staff report. Ms. Elaine De Coligny, EveryOne Home Executive Director, provided information about the EveryOne Home Plan to end homelessness.

Discussion ensued among Council members and City staff regarding: findings in the staff report; the increase in the number of homeless individuals in Hayward in comparison to Alameda County; joint efforts to address homelessness in Alameda County; donations from Hayward businesses; and strategies for best practices to engage the homeless population.



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Council Member Mendall requested staff bring back, as part of the budget discussion, an item related to the possible purchase of trailers and potential savings.

Council Member Márquez asked staff to consider naming the Navigation Center in honor of Ms. Kimberlee Burks or alternatively have the Point in Time Survey recognized in her honor for being a courageous individual and having firsthand experience advocating for homeless individuals. She also asked staff to explore including in the RFP process a financial component to prevent displacement.

There being no public comments, Mayor Halliday opened and closed the public hearing at 10:54 p.m.

Council Member Mendall recommended an amendment to the last clause of the resolution endorsing the EveryOne Home Plan by changing the word “possible” with “practical”.

Council Member Lamnin offered a motion per staff’s recommendation with the word change suggested by Council Member Mendall.

Council Member Wahab seconded the motion.

Council Member Lamnin recommended partnering with local Veteran’s organizations to address the increase in Veteran homeless population.

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

Resolution 20-024, “Resolution Endorsing the Everyone Home Plan to End Homelessness: 2018 Strategic Update”

Resolution 20-025, “Resolution Authorizing the City Manager to Accept and Appropriate \$83,000 from the Rotary Club of Hayward and to Negotiate and Execute the Agreement between the City and the Rotary Club of Hayward”

CITY MANAGER’S COMMENTS

City Manager McAdoo made three announcements: 1) a community meeting to discuss the development of Caltrans Parcel Group 6, Carlos Bee Quarry, at the Hayward Downtown Library on February 8, 2020; 2) deconstruction of the Bunker Hill properties scheduled to begin on February 10, 2020 and complete by end of April; and 3) City Center Tower was undergoing deconstruction and expected to be completed by September/October.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Wahab and Council Member Márquez acknowledged the work done with the grand opening celebration for Marley's Treats and Black and Gold Barber Shop; and announced the last day to register to vote on the Primary March 2020 election was February 18, 2020 and encouraged all to register to vote. Council Member Wahab wished everyone a happy Black History Month.

Council Member Zermeño announced he had joined the Sustainability Committee at Chabot College.

Council Member Salinas announced the 2020 Education Summit at California State University, East Bay on February 8, 2020 for students and families.

Mayor Halliday noted the Council would be holding its next meeting on February 25, 2020 and wished everyone a happy February month.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 11:06 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward