

**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT
SUCCESSOR AGENCY/HOUSING AUTHORITY MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 23, 2015, 7:00 p.m.**

The Special Joint City Council/Redevelopment Successor Agency/Housing Authority meeting was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council/RSA/HA Member Lamnin.

ROLL CALL

Present: COUNCIL/RSA/HA MEMBERS Zermefio, Mendall, Jones, Peixoto,
Lamnin, Márquez
MAYOR/CHAIR Halliday
Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

There were none.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council met in closed session regarding four items: 1) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; 2) conference with legal counsel pursuant to Government Code 54956.9 regarding anticipated litigation; 3) conference with legal counsel pursuant to Government Code 54956.9 regarding City of Hayward v. Rabani, et, al., Alameda County Superior Court No. HG13692337; and 4) performance evaluation for City Manager, City Attorney and City Clerk pursuant to Government Code 54957. City Attorney Lawson and Mayor Halliday noted there were no reportable items.

PUBLIC COMMENTS

Mr. Kim Huggett, President of the Chamber of Commerce, announced the State of the City and the 2015 Leadership Hayward graduation were scheduled for June 30, 2015 at Chabot College.

Mr. Charlie Peters, Clean Air Professionals, referred to documents he submitted for the record regarding ozone action alerts and the price of fuel.

Mr. Francisco Abrantes, Hayward resident, shared an incident where his wife and he were driving across City Hall and they were stopped by a police officer who wished them "Happy Father's Day."

Ms. Wynn Gricich, Hayward resident, referred to documents she submitted for the record regarding cell towers near schools and its health effects and geoeengineering and its health risks.

Mr. Jim Drake, Hayward resident, requested more police officers to patrol the city's crime hotspots.

Council Member Márquez asked her colleagues on the Council Economic Development Committee if they were agreeable to discuss how businesses are notified of projects. City Manager David noted that her office had implemented a mechanism for notifying property owners as well as businesses owners/operators.

HAYWARD YOUTH COMMISSION

1. Appointments and Reappointments to the Hayward Youth Commission

Staff report submitted by City Clerk Lens, dated June 23, 2015, was filed.

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

Resolution 15-103, "Resolution Appointing and Reappointing Members to the Hayward Youth Commission"

City Clerk Lens administered the oath of office to the newly appointed and reappointed members of the Hayward Youth Commission.

CONSENT

Consent Item Nos. 4, 5, and 7 were pulled for separate vote.

2. Approval of Minutes of the City Council Meeting on June 2, 2015

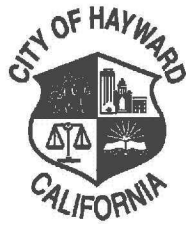
It was moved by Council Member Peixoto, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on June 2, 2015.

3. Adoption of Ordinance Adding New Section 10-1.2950 to Hayward Municipal Code Chapter 10, Article 1, Zoning Ordinance, Related to Establishment of Regulations Pertaining to Zoning Conformance Permits

Staff report submitted by City Clerk Lens, dated June 23, 2015, was filed.

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

Ordinance 15-15, "Ordinance Adding New Section 10-1.2950 to Hayward Municipal Code Chapter 10, Article 1, Zoning Ordinance, Related to Establishment of Regulations Pertaining to Zoning Conformance Permits"



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4. Adoption of a Resolution to Approve the Final Map (Tract 7620) and Authorize the City Manager to Execute a Subdivision Agreement, Associated with the La Vista Development, Located at 28816 Mission Boulevard in Eastern Hayward, Requiring Adoption of a Resolution; The DeSilva Group (Subdivider/Applicant); La Vista LP (Property Owner)

Staff report submitted by Senior Planner Golubics, dated June 23, 2015, was filed.

Discussion ensued among Council Members and Development Services Director Rizk regarding the proposed agreement associated with the La Vista Development. Mayor Halliday reluctantly supported the motion noting she had reservations about developments on the hills.

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

Resolution 15-107, "Resolution Approving Final Map for Tract 7620 for the La Vista Development and Authorizing the City Manager to Execute a Subdivision Agreement"

5. Approval of Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Granicus, Inc. for Automated Legislative and Meeting Management Services

Staff report submitted by Administrative Analyst Stefanski, dated June 23, 2015, was filed.

Mr. Jim Drake, Hayward resident inquired about the proposed contract with Granicus, Inc.

Assistant City Manager McAdoo responded that the proposed contract was to purchase software that would allow staff to produce Council agenda packets and broadcast the meetings. Ms. McAdoo, in response to Council Member Márquez, noted that the proposal included the iPad module.

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

Resolution 15-108, "Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Granicus, Inc. in an Amount not to Exceed \$129,540, for Automated Legislative and Meeting Management Services"

6. Adoption of a Resolution Approving Extensions to Employment Agreements with the City Manager, City Attorney and City Clerk and Authorizing the Mayor to Execute Those Agreements on Behalf of the Council

Staff report submitted by Director of Human Resources Collins, dated June 23, 2015, was filed.

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

Resolution 15-104, "Resolution Approving the Extension of the City Manager's Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council"

Resolution 15-105, "Resolution Approving the Extension of the City Attorney's Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council"

Resolution 15-106, "Resolution Approving the Extension of the City Clerk's Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council"

7. Adoption of a Resolution Authorizing the City Manager to Negotiate and Execute a Contract with Kiet Thai for MUNIS Consultation Services in an Amount of \$96,000

Staff report submitted by Revenue Manager Walter, dated June 23, 2015, was filed.

Mr. Jim Drake, Hayward resident, spoke about the importance of conducting a competitive bidding process.

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

Resolution 15-109, "Adoption of a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Kiet Thai for Munis Implementation Consultant Services in an Amount Not to Exceed \$96,000 for a Term Through June 30, 2016"



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PUBLIC HEARING

8. Update to Sign Regulations: Introduction of Ordinances and Adoption of Resolutions Related to Amendments to Chapter 10, Article 7 of the Hayward Municipal Code; Repeal of Sign Provisions in Hayward's Two Form-Based Codes; and Establishment of Proposed New Fees; the City has Prepared a Negative Declaration in Accordance with the California Environmental Quality Act, which Concludes that the Project Will Not Have a Significant Impact on the Environment; Applicant: City of Hayward

Staff report submitted by Senior Planner Ajello, dated June 23, 2015, was filed.

Development Services Director Rizk announced the report and introduced Senior Planner Ajello who provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding: illegal signs and enforcement on private and public properties; historical identification signs; temporary signs and timeframe allowed; human signs, inflatable signs, portable signs and restrictions and applicable permits; assessing expanding the use of portable signs to other areas of the city; political/election signs and their removal within fourteen days; prohibited signs such as cabinet and roof signs; window signs and season displays; signs attached to utility poles and enforcement; and amortization and the three years to make nonconforming signs conform to established standards.

There was general Council consensus with the proposed Sign Regulations with concerns about current enforcement mechanisms.

Council Member Jones expressed concern about the language in Section 10-7.200 General Regulations (B) "A Sign which contains foreign alphabet characters must also include English alphabet characters..." and requested that the language in the paragraph be clarified. While he understood the intent of the Ordinance was the desire to know what was being advertised, he wanted to make sure the proposed language did not discriminate against languages that have non-English alphabet characters.

There being no public comments Mayor Halliday opened and closed the public hearing at 8:34 p.m.

Council Member Zermeño offered a motion per the staff recommendation including clarification of the language in Section 10-7.200 General Regulations (B). Council Member Mendall seconded the motion.

Council Member Lamnin supported the motion and suggested that information about the approved Sign Regulations be shared with local businesses and that staff consider a style guide for the areas that the city wants to make uniform.

Council Member Mendall supported the motion noting the proposed ordinance was an improvement, but requested that staff consider a more effective enforcement mechanism moving forward.

In response to Council Member Jones, City Attorney Lawson noted that the language in Section 10-7.200 would be evaluated and staff would bring back a revised language for the adoption of the Ordinance. Council Member Jones supported the motion.

Mayor Halliday supported the motion and commended staff for their efforts with the Sign Regulations and for reaching out to stakeholders.

It was moved by Council Member Zermeño, seconded by Council Member Mendall, and carried unanimously, to adopt the following including a modification to Section 10-7.200 (B):

Introduction of Ordinance 15-_, “Ordinance Amending Chapter 10, Article 7 of the Hayward Municipal Code Relating to the City’s Sign Regulations”

Introduction of Ordinance 15-_, “Ordinance Amending Sign-Related Provisions in the South Hayward BART/Mission Boulevard Form-Based Code”

Introduction of Ordinance 15-_, “Ordinance Amending Sign-Related Provisions of the Mission Boulevard Corridor Form-Based Code”

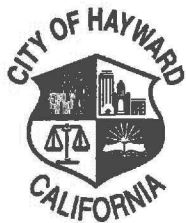
Resolution 15-110, “Resolution Approving Negative Declaration and Adopting Findings Supporting Amendments to the City of Hayward Municipal Code to Amend the Hayward Sign Regulations and Related Provisions of the South Hayward BART/Mission Boulevard and Mission Boulevard Corridor Form-Based Codes”

Resolution 15-111, “Resolution Amending the City of Hayward Fiscal Year 2016 Master Fee Schedule Associated with Amendments to the City of Hayward Municipal Code to Update the City’s Sign Regulations”

LEGISLATIVE BUSINESS

9. Green Hayward PAYS® (Pay-As-You-Save) On-Bill Conservation and Efficiency Financing Program – Request for Direction for City Participation in and Self-Funding of Program and Authorization for City Manager to Amend Current Agreements with Certification Agent, Contractors and Suppliers to Implement the Program

Staff report submitted by Environmental Services Manager Pearson, dated June 23, 2015, was filed.



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Utility and Environmental Services Director Ameri provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding the Green Hayward PAYS® program, the funding from the Bay Area Regional Energy Network (BayREN), and the usage of the Water Improvement Capital Fund and the anticipated rate of return.

Mayor Halliday opened the public hearing at 9:01 p.m.

Ms. Jenny Berg, Senior Program Manager with the Association of Bay Area Governments (ABAG), thanked the City for its interest in the PAYS® program. Ms. Berg noted that ABAG was looking for a more regional source of funding.

Ms. Lauren Casey, Regional Program Manager for PAYS® pilots deployed through the Bay Area Regional Network (BayREN), noted there were eleven models operating under the system in other states that set the precedence for the partners, one being Hayward, and noted the innovative model was proven to conserve water. Ms. Casey noted her agency was working on a regional model to pool finance authorities for bond capacity or conduit financing with the goal of being debt neutral for participating municipalities.

Mayor Halliday closed the public hearing at 9:08 p.m.

Council Member Mendall noted Hayward's older housing stock was in need of energy and water upgrades and Green Hayward PAYS® had the potential to be the program to achieve the City's goals, but the challenge was the upfront costs associated with installing conservation and efficiency measures during the first year. Mr. Mendall added there was a small risk associated with using the Water Improvement Capital Fund to help fund the upfront costs, but he was optimistic it would be paid back over ten years with a rate of return of seven percent.

Council Member Jones noted the City was committed to meeting aggressive goals in its Climate Action Plan and the Green Hayward PAYS® program would help make the infrastructure changes to save water usage. Mr. Jones noted that while there was some risk associated with the program, the city could benefit from the rate of return.

Council Member Zermeño noted that the participation in the Green Hayward PAYS® program would show that the City is serious about Climate Action Plan goals. Mr. Zermeño noted there was risk involved, but he trusted that the Water Improvement Capital Fund could support the expenditure.

Council Member Márquez noted she was reluctant to approve the proposed program, but the City needed to show leadership in achieving Climate Action Plan goals and was going to support the proposed program.

Council Member Mendall, also the Chair of the Council Sustainability Committee, offered a motion per staff recommendation. Council Member Zermeno seconded the motion.

Council Member Lamnin shared the same concerns with the risk that the use of the Water Improvement Capital Fund would lower the reserves and that the City might not be able to see the anticipated repayment. Ms. Lamnin supported the proposal for the needs that were articulated and urged staff to continue to protect the City's interests so that if a regional financial source was found then the reserves would be repaid.

Mayor Halliday noted the benefits and concerns of the Green Hayward PAYS[®] program were expressed and noted that other improvement efforts through different mechanisms were not effective. Mayor Halliday supported the motion.

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

Resolution 15-112, "Resolution Authorizing the City Manager to Negotiate and Execute an Extension to the Professional Services Agreement with Bevilacqua Knight, Inc. (BK_i) to Provide Certification Agent Services for the Green Hayward Pays[®] Program and Authorizing the City Manager to Negotiate and Execute Contract Amendments with Bottom Line Utility Solutions and Niagara Conservation"

10. Gann Appropriations Limit for FY 2016

Staff report submitted by Deputy Director of Finance Claussen, dated June 23, 2015, was filed.

Finance Director Vesely provided a synopsis of the report.

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

Council Member Peixoto offered a motion per the staff recommendation. Council Member Jones seconded the motion.

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

Resolution 15-113, "Adoption of Appropriations Limit for Fiscal Year 2016 Pursuant to Article XIII B of the Constitution of the State of California"



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11. Approval of the FY 2016 Operating Budget and Appropriations for FY 2016; Approval of the FY 2016 Capital Improvement Program Budget and Appropriations for FY 2016; Approval of the Hayward Redevelopment Successor Agency Budget; Approval of the Hayward Housing Authority Budget

Staff report submitted by Director of Finance Vesely, dated June 23, 2015, was filed.

Finance Director Vesely provided a synopsis of the report. Ms. Vesely underscored that the proposed budget did not include a position for disaster preparedness; however, staff would evaluate options for partnering with regional agencies and would come back with recommendations as part of the FY 2016 Mid-Year Budget review.

There being no public comments Mayor Halliday opened and closed the public hearing at 9:35 p.m.

It was noted that Council Member Lamnin needed to recuse from voting on Resolution 15-115 due to a conflict of interest.

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

Resolution 15-114, "Resolution Approving the Operating Budget of the City of Hayward for Fiscal Year 2016; Adopting Appropriations for Fiscal Year 2016, Except for General Fund Community Agency Funding"

It was moved by Council Member Jones, seconded by Council Member Mendall, and carried unanimously with Council Member Lamnin absent, to adopt the following:

Resolution 15-115, "Resolution Approving and Appropriating the Community Agency Funding Recommendations for Fiscal Year 2016"

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

Resolution 15-116, "Resolution Approving Capital Improvement Projects for Fiscal Year 2016"

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

Redevelopment Successor Agency Resolution 15-04, "Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Successor Agency for the Redevelopment Agency of the City of Hayward, Approving the Budget of the Redevelopment Successor Agency of the City of Hayward and Adopting Appropriations for Fiscal Year 2016"

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

Housing Authority Resolution 15-01, "Resolution Confirming the Proposed Hayward Housing Authority Budget for Fiscal Year 2016"

CITY MANAGER'S COMMENTS

There were no comments.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced two upcoming events: a Corinthian College Workshop on June 27, 2015 at the Hayward Adult School for students affected by the Corinthian College closures; and the Keep Hayward Clean and Green Task Force clean-up event on June 27, 2015 at the East Palma Ceia area. Mr. Zermeño noted the passing of Jose Duenas who was the President of the Hispanic Chamber of Commerce of Alameda County.


Council Member Márquez announced she was hosting a fundraiser to support Hayward Boy Scouts at El Taquito No. 2 on June 29, 2015.

Council Member Mendall announced the Hayward Area Historical Society was celebrating its 1st anniversary on June 27, 2015.

ADJOURNMENT

Mayor/Chair Halliday adjourned the meeting at 9:45 p.m.

APPROVED:


Barbara Halliday
Mayor, City of Hayward
Chair, Redevelopment Successor Agency
Chair, Housing Authority



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ATTEST:

Miriam Lens
City Clerk, City of Hayward
Secretary, Redevelopment Successor Agency
Secretary, Housing Authority