



MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 5, 2016, 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 Lamnin.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Mendall, Jones, Peixoto, Lamnin,
Márquez
MAYOR Halliday
Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced there will be a meeting of the Association of Bay Area Governments on April 21, 2016.

Mayor Halliday noted the Hayward Youth Commission was conducting interviews on May 18, 2016, and asked Council Members to let her know if they were interested in serving on the interview panel.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council convened in closed session concerning three items: 1) Conference with legal counsel pursuant to Government Code 54956.9 regarding McKinney v. City of Hayward, et al., U.S.D.C., ND CA, C-15-3121 THE; 2) Conference with legal counsel pursuant to Government Code 54956.9 regarding National Lawyers Guild, etc. v. Urban, et al., Alameda County Superior Court No. RG15785743; and 3) Conference with legal counsel pursuant to Government Code 54956.9 regarding S.E.I.U., Local 1021/City of Hayward, P.E.R.B., Case Nos. SF-CE-1075-M, SF-CE-1117-M, SF-CE-1118-M, SF-CE-1174-M, SF-CO-320-M, SF-CE-321-M; and noted there was no reportable action.

PRESENTATION

Mayor Halliday read a proclamation proclaiming the week April 10 to 16, 2016, as National Volunteer Week. Mayor Halliday presented the proclamation to Volunteer Coordinator, Zach Ebadi. The following groups were recognized: Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Personnel Commission, Planning Commission, Council Economic Development Committee, Downtown Business Improvement Area Advisory Board and Hayward Youth Commission; Hayward City Hall Volunteers and Interns; Hayward Fire Department (R.A.C.E.S.); Hayward Library (Homework Center, Literacy Plus, Friends of the Library, Seed Lending, Music & Memory, Spanish Reading Club); Hayward Police Department (Hayward Animal Shelter, Explorers, Reserve Officers, Neighborhood

Watch, HPD Volunteers); and Utilities and Environmental Services Department (Unite2 Green Leaders).

PUBLIC COMMENTS

Ms. Wynn Grcich, Hayward resident, spoke about an incident when she was hit by a drunk driver in 2011 and also spoke about the City's budget.

Mr. Edward Bogue, Hayward resident, invited everyone to a "Candidates Night" event for Hayward City Council candidates on April 6, 2016, at the Alameda County Flood Control Building.

Mr. Charlie Peters, Clean Air Performance Professionals representative, referred to a document, "The Most Despised Man in America."

Mr. Frank Burton, Hayward resident who also served on the Alameda County Community Choice Aggregation Steering Committee, spoke about the Community Choice Aggregation Program and its benefits.

Ms. Elva Duvac, Hayward resident, spoke about issues that the Hookah Lounge located at 25180 Mission Boulevard is causing her neighborhood.

Ms. Barbara Bernstein, Executive Director of Eden I&R, requested that the Council consider increasing the recommended grant amount from \$40,000 to \$50,000.

Ms. Marissa Seko, Family Violence Intervention Unit Coordinator for the Family Violence Law Center, thanked the City for the funding support recommendation for her agency and explained the services provided through her agency.

Ms. Gay McDaniel, Executive Director of the Family Emergency Shelter Coalition (FESCO), urged the Council to accept the staff and Commission's recommendations.

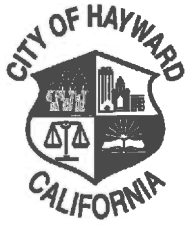
Mr. Chad Bojorquez, Hayward Project Director of Downtown Streets Team, thanked the Commission and staff's funding recommendation.

Ms. Julie Roche, Community Services Commissioner and chair of the Infrastructure Committee, explained the funding recommendation process.

Mr. Charlie Peters, Hayward resident, recommended that the establishment of a Community Choice Aggregation be fully examined before approving it.

Ms. Diane Fagalde, Community Services Commissioner, noted her efforts on the funding recommendations.

Ms. Linda Moore, chairperson of the Community Services Commission, encouraged Council's full and deliberate consideration for all the recommendations.



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CONSENT

1. Approval of the Minutes of the City Council Meeting on March 15, 2016 **MIN 16-025**

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the City Council Meeting on March 15, 2016.

2. Approval of the Minutes of the Special Joint City Council/Hayward Housing Authority Meeting on March 22, 2016 **MIN 16-026**

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Housing Authority Meeting on March 22, 2016

3. Advanced Metering Infrastructure: Authorization for the City Manager to Execute a Contract for the Purchase and Installation of an AMI System **CONS 16-154**

Staff report submitted by Senior Management Analyst Ferreyra, dated April 5, 2016, was filed.

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

Resolution 16-042 "Resolution Authorizing the City Manager To Execute a Contract With Aclara Technologies LLC for the Purchase and Installation of an Advanced Metering Infrastructure (AMI) System in an Amount Not To Exceed \$3,113,000, Project No. 07025"

Resolution 16-043 "Resolution Authorizing the City Manager to Execute a Contract with Delta Engineering for the Purchase of Project Materials for the Advanced Metering Infrastructure (AMI) Conversion Project in an Amount Not To Exceed \$9,500,000, Project No. 07025"

Resolution 16-044 "Adoption of a Resolution Modifying the Previously Approved \$10,000,000 Transfer from the Water Operating Fund to the Water Replacement Capital Fund for the Advanced Metering Infrastructure Conversion Project, Project No. 07025"

4. Annual Review of City of Hayward Issued Debt **CONS 16-161**

Staff report submitted by Finance Director Vesely and Finance Deputy Director Claussen, dated April 5, 2016, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously, to approve the staff recommendation.

5. Annual City Benefit Liabilities and Funding Plan Review **CONS 16-162**

Staff report submitted by Finance Director Vesely, dated April 5, 2016, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously, to approve the staff recommendation.

6. Resolution Accepting the Resignation of Mr. Jason Escareno from the Keep Hayward Clean and Green Task Force and Mr. Joseph Davis from the Downtown Hayward Business Improvement Area Advisory Board **CONS 16-163**

Staff report submitted by City Clerk Lens, dated April 5, 2016, was filed.

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

Resolution 16-045 “Resolution Accepting the Resignation of Jason Escareno from the Keep Hayward Clean and Green Task Force and Joseph Davis from the Downtown Hayward Business Improvement Area Advisory Board”

WORK SESSION

7. East Bay Community Energy **WS 16-024**

Staff report submitted by Environmental Services Manager Pearson, dated April 5, 2016, was filed.

Utilities and Environmental Services Director Ameri provided a synopsis of the report and introduced Mr. Bruce Jensen, Senior Planner with the Alameda County Planning Department and Mr. Seth Baruch, Carbonomics’ Consultant. Mr. Baruch delivered a presentation about the Community Choice Aggregation (CCA) program.

Discussion ensued among Council Members, City staff and Carbonomics Consultant Baruch regarding the possibility of establishing a CCA program also known as the Community Choice Energy (CCE) program; PG&E’s role in the program; renewable energy resources;



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potential job prospects; community outreach programs to educate the public; rate structure; and the benefits of the program for the community.

Council Member Jones disclosed he is leasing a space for his business from the Hayward Area Historical Society, which is applying for funding. Therefore, he recused himself from participation on Item #8 and left the Council Chambers at 9:15 p.m.

8. FY 2017 Community Agency Funding Recommendations including Community Development Block Grant (CDBG), Social Services, and Arts/Music; and Discussion of the CDBG Annual Action Plan and the CDBG Citizen Participation Plan **WS 16-025**

Staff report submitted by Community Services Manager Jaeger and Administrative Analyst McNamara, dated April 5, 2016, was filed.

Library and Community Services Director Reinhart acknowledged the members of the Community Services Commission in attendance, and provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding the proposed funding recommendations. Council Members offered the following suggestions for City staff: review the Community Development Block Grant (CDBG) funding process; identify monies to fund agencies that need additional funding; provide performance metrics for larger grantees; provide summary of agencies' performance metrics to Community Services Commission members; reduce funding for past grantees so that new programs can be funded; include grantees' performance at a higher level in the review process; and evaluate how Eden I&R's funding can be increased from \$40,000 to \$50,000.

Council Member Jones returned to the Council Chambers at 10:08 p.m.

PUBLIC HEARING

9. Proposed Subdivision and Construction of Fifty Townhome-Style Condominiums and Related Site Improvements at 31 West Jackson Street - east of Amador Street, Requiring Introduction of an Ordinance and Adoption of a Resolution Related to a Zone Change from Planned Development (PD) to High Density Residential (RH), Zoning Designation of a Vacated Right-of-Way to High Density Residential (RH), Approval of a Variance allowing a Fifteen Foot Front Yard Set Back and Approval of a Vesting Tentative Map (Tract 8240) for Harvest Park (Application No. 201400466). (Applicant: Blake Felson/Felson Companies Inc., Owners: Felson Partners, LP, and Diamond Crossing Associates LP) **PH 16-027**

Staff report submitted by Associate Planner Camire, dated April 5, 2016, was filed.

Development Services Director Rizk announced the report and introduced Associate Planner Camire who provided a synopsis of the report. Ms. Camire provided a revised Condition of Approval No. 56 and stated that Condition of Approval No. 120 and No. 125 were the same and that No. 125 would be deleted.

Discussion ensued among Council Members and City staff regarding: emergency vehicle access to the adjacent development; the entrance road to the development; and the affordable housing component being included in the Conditions of Approval.

Council Members Lamnin, Márquez, Mendall, and Mayor Halliday disclosed having met individually with the applicant.

Mayor Halliday opened the public hearing at 10:25 p.m.

Mr. Jeff Potts, Project Architect, delivered a presentation about the proposed project.

Mr. Joe Felson, applicant with Felson Companies, Inc., thanked the Council and asked for its approval of the proposed project.

Mayor Halliday closed the public hearing at 10:44 p.m.

Council Member Zermeño disclosed he had a telephone conversation with the applicant.

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

Mayor Halliday suggested that the open space be more contiguous.

It was moved by Council Member Zermeño, seconded by Council Member Peixoto, and carried unanimously, to adopt the following with revisions to Condition of Approval No. 56 and deletion of Condition of Approval No. 125:

Resolution 16-046, "A Resolution Adopting California Environmental Quality Act Categorical Exemption, Approving Zone Change Application 201400466 Pertaining to a Zone Change from Planned Development (PD) to High Density Residential (RH) for 73 West Jackson Street and a 11,326-Square-Foot Portion of Right-of-Way Adjacent to 31 and 73 West Jackson Street, Approving A Variance Allowing a Fifteen-Foot Front Yard Setback in Lieu of the Required Minimum Twenty-Foot Front Yard Setback and Approving Vesting Tentative Tract Map No. 8240 for Fifty Residential Units"



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Introduction of Ordinance 16-_, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201400466 Relating to Vesting Tentative Tract Map No. 8240; Harvest Park"

LEGISLATIVE BUSINESS

10. Increase Funding for Downtown Specific Plan LB 16-033

Staff report submitted by Senior Planner Golubics, dated April 5, 2016, was filed.

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

Discussion ensued among Council Members and City staff regarding the Form-Based Code element of the Downtown Specific Plan project and the source of revenue for the additional \$230,000.

There being no public comments Mayor Halliday opened and closed the public hearing at 11:09 p.m.

Council Member Mendall shared his concerns about the Form-Based Code element of the Downtown Specific Plan.

Council Member Zermeño suggested that monthly reports be provided to Council about the Consultant's recommendations.

Council Member Zermeño offered a motion per staff recommendation.

Council Member Márquez seconded the motion.

Council Member Lamnin suggested that the Downtown Specific Plan project be scaled back to the original funding and for staff to work with the consultant to come up with a proposal within the approved funds.

Council Member Jones supported the motion.

Council Member Mendall suggested that the land use component be incorporated into the Downtown Specific Plan and he did not favor the Form-Based Code element for this project.

It was recommended that the Council be provided with regular updates regarding the project.

Mayor Halliday supported the motion.

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

Resolution 16-047, "Resolution Authorizing Additional Funding for the Downtown Specific Plan Project"

CITY MANAGER'S COMMENTS

There were none.

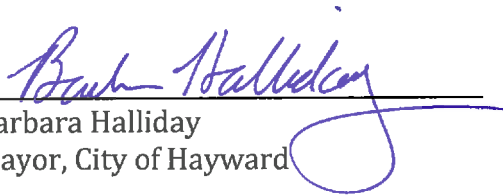
COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Mayor Halliday announced that the Oakland Ballet will be performing at Chabot College on April 23, 2016.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 11:36 p.m.

APPROVED:



Barbara Halliday
Mayor, City of Hayward

ATTEST:



Yolanda Cruz
Deputy City Clerk, City of Hayward