MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 6, 2017, 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 Mendall.

ROLL CALL

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

CITY COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

In response to Council Member Márquez's inquiry about an e-mail in opposition to the Trump administration's withdrawal from the Paris Agreement, the Council concurred for the Mayor to send a letter.

CLOSED SESSION ANNOUNCEMENT

Mayor Halliday announced the City Council convened in closed session regarding two items: 1) a conference with labor negotiators pursuant to Government Code 54957.6, regarding all groups; and 2) public employment pursuant to Government Code 54957 regarding performance evaluation for City Manager, City Attorney, and City Clerk. There was no reportable action.

PUBLIC COMMENTS

Mr. Jim Drake, Hayward resident, expressed concern about the City's budget deficit.

Mr. Luis Reynoso, Hayward Unified School District Board Vice President, was distraught about the inappropriate taco illustration in an official City tweet that announced a Council meeting to discuss the sanctuary city designation.

Mr. Charlie Peters, Clean Air Professionals representative, spoke about various items and submitted a document for the record.

Ms. Wynn Grcich, Hayward resident, announced the Children's March for Humanity on June 17, 2017 in Oakland, and spoke about an article regarding the atrazine herbicide.

Ms. Lyanne Mendez, Assembly Member Quirk's Senior District representative, distributed information about the 2017 legislative proposed package bills and summer mobile "Pop-Up" office hours.

Mr. S.J. Samiul (aka Citizen Sam), Hayward resident, spoke about a road rage incident and the solution to global warming.

LEGISLATIVE BUSINESS

1. Adoption of a Resolution Declaring the City of Hayward a Sanctuary City and Review of Proposed Administrative Rule 1.10 (Report from City Manager McAdoo) **LB 17-021**

    Staff report submitted by Assistant City Manager Hurtado, Assistant to the City Manager Korth, Management Analyst Davis and Management Analyst Thomas, dated June 6, 2017, was filed.

Mayor Halliday and City Manager McAdoo addressed the unintentional taco illustration posted in an official City tweet to announce a Council meeting to discuss a sanctuary city designation, and apologized for the inappropriate tweet. Council Member Márquez noted that the Council had spoken with the City Manager about holding an unconscious bias training.

City Manager McAdoo provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding: grants that could potentially be jeopardized by a sanctuary city designation such as the One Bay Area Grant (OBAG); federal rule 8 U.S.C. 1373; the term "Americans" in the first clause of the resolution; unincorporated areas of the county and how they would not be impacted by the sanctuary city designation; the Hayward Unified School District declaration of sanctuary district; and the recommendation proposed by The Hayward Collective and staff's analysis.

Mayor Halliday opened the public hearing at 7:52 p.m.

Alameda County Board Supervisor Richard Valle read a letter on behalf of Bishop Macklin, and announced there was about $1.5 million geared towards a 24/7 free hotline (510) 241-4011 for individuals facing deportation with no legal representation.

Mr. Frank Burton, Community Taskforce member, noted the Hayward Area Democratic Club passed a resolution in favor of declaring Hayward a sanctuary city; and clarified that the Taskforce recommended on April 19, 2017, that the Council declare Hayward a sanctuary city.

The following individuals spoke in firm support of the proposed resolution declaring Hayward a sanctuary city because it represented solidarity, it was a symbolic action, and it would protect a vulnerable population.

Mr. Matthew Stuart, Hayward resident
Ms. Grace Shannon, Women Organizing for Knowledge and Empowerment member
Rev. Dr. Maria Cristina Vlassidis, Starr King Unitarian Universalist Church minister

Mr. Rene Castle, Starr King Unitarian Universalist Church member and representative to the Eden Area Interfaith Council
Ms. Stephanie Spenser, Eden Area Interfaith Council president, submitted a letter
Ms. Felicia Sandoval, Hayward resident and City of Hayward employee
Ms. Irazema Guerrero, Hayward teacher
Ms. Denize Sanchez, The Hayward Collective member
Ms. Heather Reyes, Hayward resident
Mr. Alvin Rosales, Impact Academy teacher
Ms. Dina Ramos Padilla, Hayward resident
Mr. John Wickman, Hayward resident
Mr. Juztino Panella, Chabot College instructor/counselor
Ms. Aisha Wahab, Hayward resident and member of The Hayward Collective, Eden Area Interfaith Council, and Hayward Area Democratic Club
Mr. Ramon Rios Pareda, Hayward resident and La Familia Counseling social worker
Ms. Niki Nakamura, Hayward resident and Hayward Area Democratic Club member
Ms. Raisa Donato, Hayward resident
Ms. Ondrea Orea with Padres Unidos of Cherryland
Ms. Rosaura Mendoza, The Hayward Collective member and Community Taskforce member, requested that a subcommittee of the Community Taskforce be formed to monitor the sanctuary city designation.
Ms. Veronica Solorio, The Hayward Collective member and Community Taskforce member, echoed comments by Ms. Mendoza.
Mr. Luis Reynoso, Hayward Unified School District Vice President
Ms. Silvia Brandon Perez, East Bay Immigrant Interfaith Coalition member
Ms. Ysenia Sepulveda, Hayward resident and The Hayward Collective member
Ms. Corina Vasaure, Hayward resident
Ms. Malena Mayorga with Mujeres Unidas y Activas and Alameda County Immigration Legal and Education Partnership (ACILEP) Coalition
Mr. Francisco Navarro, Chabot College student
Ms. Vivian Phung, Hayward resident and Community Taskforce member
Ms. Amber Piatt, Public Health Justice Collective representative
Mr. Michael Baka, Public Health Justice Collective representative
Ms. Michelle Talamar, Public Health Justice Collective representative
Ms. Beth Ogilvie, Starr King Unitarian Universalist Church member
Ms. Lisa Brunner, Hayward resident and Hayward Unified School District Board President
Ms. Wynn Grcich, Hayward resident
Ms. Carolina Salazar Herrera, Assembly Member Bill Quirk representative
Mr. Miguel Pimentel, did not speak
Mr. Etienne Bowie, Hayward resident
Ms. Mika Valois, Hayward resident
Mr. Aaron Ortiz, La Familia Counseling Executive Director

Ms. Marlene Teel-Heim, Hayward resident, spoke in opposition to the sanctuary city designation.

Mayor Halliday closed the public hearing at 9:38 p.m.

The City Council thanked the public for their attendance and participation, the Community Taskforce and City staff for their work around the sanctuary city designation, and the Hayward Police Department for its current immigration policies and practices.

Council Member Márquez offered a motion per staff recommendation with the following amendments: (1) amend the fifth clause on page five of the resolution by inserting the word "in" before "jail"; (2) amend the resolution per the recommendations offered by The Hayward Collective that were approved by staff as follows: a) change "shall not actively" to "shall not" on page two of line one, b) remove line five on page three, and d) include the following language in the resolution where appropriate, "The City will mobilize local resources and utilize respective bodies to host and sponsor immigrant rights workshops, legal counseling for paths to citizenship and immigrant workers rights"; and (3) ask current Community Taskforce members if they want to continue serving on a subcommittee to monitor the sanctuary city designation and give new members (four) the opportunity to serve on the subcommittee.

Council Member Zermeño seconded the motion and offered a friendly amendment to change the first clause of the resolution by changing the term "Americans" with "people."

Council Member Salinas supported the motion, and asked that the Community Taskforce recommendations regarding the Anti-Discrimination Action Plan ensure that incidents such as the inappropriate tweet do not occur again.

Mayor Halliday, Council Member Mendall, Lamnin, and Peixoto supported the motion and the friendly amendments.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously, to adopt the resolution with amendments as follows: (1) amend the fifth clause on page five of the resolution by inserting the word "in" before "jail"; (2) amend the resolution per the recommendations offered by The Hayward Collective that were approved by staff as follows: a) change "shall not actively" to "shall not" on page two of line one, b) remove line five on page three, c) include the following language in the resolution where appropriate, "The City will mobilize local resources and utilize respective bodies to host and sponsor immigrant rights workshops, legal counseling for paths to citizenship and immigrant workers rights"; (3) change the term "Americans" with "people" on page one of the first clause; and (4) ask current Community Taskforce members if they want to continue serving on a subcommittee to monitor the sanctuary city designation and give new members (four) the opportunity to serve on the subcommittee.

Resolution 17-069, "Resolution Affirming the City's Commitment to the Values of Dignity, Inclusivity, and Respect for All Individuals, Regardless of National Origin, Gender, Gender Identity, Race, Religious Affiliation, Sexual Orientation, or Immigration Status, and Declaring Hayward a Sanctuary City"

The City Council took a recess at 10:20 p.m., and reconvened the meeting at 10:26 p.m.

CONSENT

Consent Item No. 9 was removed for separate vote.

2. Minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority Meeting on May 9, 2017 **MIN 17-085**
   It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority Meeting on May 9, 2017

3. Minutes of the City Council Meeting on May 16, 2017 **MIN 17-086**
   It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council meeting on May 16, 2017.

4. Minutes of the Special City Council Meeting on May 20, 2017 **MIN 17-088**
   It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special City Council meeting on May 20, 2017.

5. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Assessments for Fiscal Year 2018; and set June 27, 2017, as the Public Hearing Date for Such Actions for Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 16 **CONS 17-196**

   Staff report submitted by Maintenance Services Director Rullman, dated June 6, 2017, was filed.

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

   Resolution 17-070, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2018 for Consolidated Landscaping and Lighting District No. 96-1, Zone 1-16, and Setting June 27, 2017, as the Public Hearing Date"

6. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2018 for Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit Located at Pacheco Way, Stratford Road and Ruus Lane, and Set July 27, 2017, as the Public Hearing Date for Such Actions **CONS 17-197**

   Staff report submitted by Maintenance Services Director Rullman, dated June 6, 2017, was filed.

   It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to adopt the following with an amendment to Attachment III:

   Resolution 17-071, "Resolution of Intention Preliminarily Approving the Engineer's Report; Declaring Intention to Levy Assessments for Fiscal Year 2018; and Setting June 27, 2017, as The Public Hearing Date Concerning Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road and Ruus Lane"

7. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2018 for Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer, and Set June 27, 2017, as the Public Hearing Date for such Actions **CONS 17-198**

   Staff report submitted by Maintenance Services Director Rullman, dated June 6, 2017, was filed.

   It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to adopt the following with an amendment to Attachment III:

   Resolution 17-072, "Resolution of Intention Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2018; and Setting June 27, 2017, as The Public Hearing Date Concerning Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer"

8. Adoption of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2017 **CONS 17-295**

   Staff report submitted by Human Resources Director Collins, dated June 6, 2017, was filed.

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

Resolution 17-073, "Resolution Approving the Amended Fiscal Year 2017 Salary Plan Designating Positions of Employment in the City Government of the City of Hayward and Salary Range; and Superseding Resolution No. 17-027 and All Amendments Thereto"

9. Adoption of Ordinance Authorizing Execution of an Amendment to the Blue Rock Country Club Project Development Agreement by Extending its Term an Additional Five Years to February 23, 2023 **CONS 17-300**

Staff report submitted by City Clerk Lens, dated June 6, 2017, was filed.

It was moved by Council Member Zermeño, seconded by Council Member Peixoto, and carried with the following vote, to adopt the following:

AYES:	Council Members Zermeño, Márquez, Mendall, Peixoto, Lamnin MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAINED:	Council Member Salinas

Ordinance 17-08, "An Ordinance Authorizing Execution of an Amendment to the Blue Rock Country Club Project Development Agreement by Extending Its Term an Additional Five Years to February 23, 2023"

10. Adoption of Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change Application No. 201604872 to Construct a New Light Industrial/Flex Office Space Building at 2580-2582 Industrial Boulevard **CONS 17-301**

Staff report submitted by City Clerk Lens, dated June 6, 2017, was filed.

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

Ordinance 17-06, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change

Application No. 201604872 to Construct a New Light Industrial/Flex Office Space Building at 2580-2282 Industrial Boulevard"

11. Adoption of Ordinance Amending Chapter 11, Article 2, 11-2.00 and 11-2.47 of the Hayward Municipal Code Establishing Prohibitions on Wasteful Water Practices **CONS 17-322**

    Staff report submitted by City Clerk Lens, dated June 6, 2017, was filed.

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

    Ordinance 17-07, "An Ordinance Amending Chapter 11, Article 2, Sections 11-2.00 and 11-2.47 of the Hayward Municipal Code Establishing Prohibitions on Wasteful Water Practices"

12. Resignation of Mr. Alan Parso-York from the Planning Commission Effective Immediately **CONS 17-347**

    Staff report submitted by City Clerk Lens, dated June 6, 2017, was filed.

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

    Resolution 17-074, "Resolution Accepting the Resignation of Alan Parso-York from the Planning Commission"

WORK SESSION

13. Proposed FY 2018 Operating Budget - Work Session 2 (Report from Director of Finance Claussen) **WS 17-026**

    Staff report submitted by Finance Director Claussen, dated June 6, 2017, was filed.

Mayor Halliday announced that, due to the lateness of the meeting, discussion regarding the Library staffing, Passport Program, and Financial Policies would be continued to June 13, 2017. City Manager McAdoo noted that a brief staff presentation would follow public comments.

Mayor Halliday opened the public comments at 10:31 p.m.

The following individuals spoke in opposition to the recent Hayward airport hangar rent increase and questioned the study conducted by the Aviation Management Consulting Group.

Ms. Kate Turney, submitted a statement
Mr. Lloyd Emberland, Hayward resident, submitted a statement
Mr. Scott Turney, submitted a statement
Mr. Harry Shin
Mr. Andrew Detsat
Mr. Douglas Poulton, flight instructor
Ms. Maggie Cook, Hayward airport tenant and Bay Cities 99s International Organization of Women Pilots member
Mr. Fred Luowig, Hayward resident and Hayward airport hangar tenant
Mr. Ben Henderson, Hayward resident, spoke about the events sponsored at the airport and asked the Council to support the airport.

Mayor Halliday closed the public comments at 10:58 p.m.

City Manager McAdoo noted that questions posed about hangar rents were available via the agenda questions and answers which was distributed prior to the meeting.

City Manager McAdoo clarified that a ten percent rent increase had been approved for Fiscal Year 2018 and while future increases had been discussed in concept, they had not been approved by the Council. Ms. McAdoo noted that the City will be engaging another independent consultant to assess and evaluate the market study that was done.

Discussion ensued among Council Members and City staff about: CPI increases in 2013 and 2015, airport leases, tenant meetings to implement the hangar rent increase, second opinion of the market study, and the Hayward Executive Master Plan.

14. Capital Improvement Program FY 2018 - FY 2027 (Report from Director of Public Works Fakhrai) **WS 17-022**

    Staff report submitted by Public Works Director Fakhrai, dated June 6, 2017, was filed.

The item was continued to the City Council meeting on June 13, 2017.

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 11:12 p.m.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward