



**MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF THE CITY OF  
HAYWARD  
Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, March 14, 2017, 7:00 p.m.**

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The Special 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, Peixoto, Lamnin, Salinas  
MAYOR Halliday  
Absent: None

**CITY COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

City Manager McAdoo noted the Hayward Unified School District Superintendent Wayne asked if the Council would be interested in passing a resolution in support of a Hayward Unified School District's (HUSD) special parcel tax measure. There was Council's consensus to direct staff to prepare a resolution in support of a HUSD parcel tax measure and to present it at a future Council meeting.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson noted that the Council convened in closed session pursuant to Government Code 54956.8 regarding state owned parcels along the Route 238 Bypass Alignment. The session was separated into two items: 1) All state parcels owned in the Route 238 right-of-way; and 2) Parcels related to the William Lyon Homes proposal/exclusive negotiation's rights agreement. Mr. Lawson noted that Mayor Halliday recused herself from participating on Item No. 1; and added that the Council took no reportable action on the items.

**PRESENTATION**

Mayor Halliday read a proclamation declaring the month of March 2017 as American Red Cross Month; and presented it to Mr. Jay Pimentel, Chair of the American Red Cross Alameda County Leadership Council. Mr. Pimentel thanked the Council for the recognition, and introduced Ms. Karen Fuller, American Red Cross volunteer, who spoke about local activities.

**PUBLIC COMMENTS**

Mr. Charlie Peters, Clean Air Performance Professionals representative, provided documents for the record related to rules for driverless autonomous vehicles.

Ms. Renee Rettig, "Books on B" business owner, announced two fundraiser events whose proceeds would go to Books on B: 1) St. Patrick's Day event at Brews and Brats on March 17, 2017; and 2) fundraiser at Los Compadres Restaurant on March 22, 2017.

Mr. Jim Drake, Hayward resident, requested that: 1) the pine trees along Santa Clara Street be restored; and 2) water and sewer rates be decreased.

## CONSENT

Consent Item No. 2 was pulled for separate vote and to allow for a public comment.

### 1. Minutes of the City Council Meeting on February 28, 2017 **MIN 17-031**

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 February 28, 2017.

Mayor Halliday noted she had to recuse herself from participating and voting on Consent Item No. 2 because her property was on the list for proposed improvements. Council Member Márquez indicated she would be recusing herself from participating and voting on the item because she was helping her neighbors with items related to the proposed improvements.

Mayor Pro Tempore Lamnin presided over the meeting.

### 2. FY16 Sidewalk Rehabilitation and Wheelchair Ramps (Districts 2 and 3) - Award of Contract **CONS 17-094**

Staff report submitted by Public Works Director Fakhrai, dated March 14, 2017, was filed.

Mr. Jim Drake, Hayward resident, expressed concern for the yellow raised wheelchair ramps. Mayor Pro Tempore Lamnin noted that wheelchair ramps are developed according to state standards.

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

Resolution 17-023, "Resolution Awarding Contract for the Sidewalk Rehabilitation and Wheelchair Ramps FY16 Project, Project Nos. 5256, and 5211 to Sposeto Engineering Inc."

AYES: Council Members Zermeño, Mendall, Peixoto, Salinas

MAYOR PRO TEMPORE Lamnin

NOES: None

ABSENT: MAYOR Halliday  
Council Member Márquez

ABSTAINED: None

### 3. I-880/SR-92 Reliever Route: Phase 1 Project – Construction Agreement Amendment **CONS 17-095**



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Staff report submitted by Public Works Director Fakhrai, dated March 14, 2017, was filed.

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

Resolution 17-022, "Resolution Increasing the Authorized Funding for the Reliever Route Phase I Project to \$32,050,000; and Authorizing the City Manager to Increase the Construction Contract with O.C. Jones and Sons, Inc. for Construction Services of the I-880/SR-92 Reliever Route – Phase 1 Project, Project 05197"

4. Adoption of Ordinance Adding Article 13 to Chapter 6 of the Hayward Municipal Code Relating to Transportation Permits **CONS 17-123**

Staff report submitted by City Clerk Lens, dated March 14, 2017, was filed.

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

Ordinance 17-02, "Ordinance of the City of Hayward, California Adding Article 13 to Chapter 6 of the Hayward Municipal Code Relating to Transportation Permits"

Mayor Halliday resumed the proceedings of the meeting.

**WORK SESSION**

5. Discussion on State Law Regulating Accessory Dwelling Units within the City of Hayward (Report from Development Services Director Rizk) **WS 17-009**

Staff report submitted by Development Services Director Rizk, dated March 14, 2017, was filed.

Development Services Director Rizk announced the report and introduced Planning Manager Buizer who provided a synopsis of the report.

Mayor Halliday opened the public comments section at 7:48 p.m.

Mr. Bill Mulgrew, Rental Housing Association of Southern Alameda County representative, supported staff's recommendation, and asked staff to consider a lot size threshold that might accommodate more than one accessory dwelling unit (ADU).

Mayor Halliday closed the public comments section at 7:52 p.m.

Discussion ensued among Council Members and City staff regarding the new State regulations related to accessory dwelling units (ADUs) and the City's local ordinance.

Council Members offered the following recommendations: conduct further research to establish criteria for locations where ADUs may be permitted and consider any leverage that can restrict ADUs in neighborhoods that are negatively impacted with parking issues; require the owner of the property to occupy either the main residential unit or ADU; allow for replacement parking as covered, uncovered, or in a tandem parking configuration on the property, and be stringent about parking standards; preserve the integrity of older neighborhoods; facilitate bringing current ADUs into state compliance; create an informational reference sheet about ADU requirements for prospective rental homeowners; limit the number of bedrooms to two in areas that are not already impacted with parking issues; make sure that living units are habitable and meet minimum safety standards; limit ADUs to one per parcel; follow staff's recommendation related to the maximum unit sizes and height restrictions; research state law regulations for homeowners' associations and Covenants, Conditions and Restrictions (CC&Rs) as they relate to ADUs; ensure that ADUs are equally distributed across neighborhoods; research further the legal implications of public notification when requests for ADUs are processed; analyze data from Access Hayward regarding complaints related to neighborhoods impacted with parking issues and target those neighborhoods using the Hayward Empathy Action Response Team (HEART); consider the Americans with Disabilities Act (ADA) for ADUs to accommodate special needs; and review regulations around Airbnb and ADUs.

### **CITY MANAGER'S COMMENTS**

City Manager McAdoo reiterated the announcement about the Hayward Downtown Specific Plan Design Charrette from March 14 to 18, 2017, at the Masonic Lodge.

### **COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Mayor Halliday reported on her attendance at the second meeting of the Community Task Force on March 13, 2017.

### **ADJOURNMENT**

Mayor Halliday adjourned the meeting at 9:05 p.m., in memory of Ms. Betty DeForest and Mr. Richard Nield Sr.



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Mr. Richard Nield Sr., was hired by the City of Hayward in 1962 and worked in the Streets Department until his retirement in 2005. It was noted that he is survived by his wife and two children one of whom is Richard Nield Jr., the City's current Landscape Maintenance Manager. Mayor Halliday asked staff to work with the Nield family and find a suitable place to plant a tree in memory of Richard Nield Sr.

Ms. Betty DeForest was a long-time Hayward resident; former Hayward Unified School District Board Trustee; 2010 City of Hayward Lifetime Award recipient; former Human Relations Commission Chair; helped establish the John Pappas Humanitarian Award; served on the Harder-Tennyson Neighborhood Task Force; was involved with the LGBT (lesbian, gay, bisexual, and transgender) and helped launch the Hayward Gay Prom; was the former Eden Youth and Family Center Executive Director; was the South Hayward Parish Executive Director; organized the warming shelter at the Westminster Hills Presbyterian facility; was a Community Task Force Member; was a community activist; and was a champion for people of lower economic status.

Mayor Halliday asked staff to work with the DeForest family and find a suitable place to plant a tree in memory of Betty DeForest. Council Member Zermeño suggested that the City consider naming a park or a street in honor of Betty DeForest.

**APPROVED:**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward