



**MINUTES OF THE SPECIAL JOINT MEETING OF THE CITY COUNCIL/HAYWARD
REDEVELOPMENT SUCCESSOR AGENCY/HAYWARD HOUSING AUTHORITY**
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 22, 2018, 7:00 p.m.

The Meeting of Special Joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council/HRSA/HHA Member Mendall.

ROLL CALL

Present: COUNCIL/HRSA/HHA MEMBERS Zermeño, Márquez, Mendall, Peixoto,
Lamnín, Salinas
MAYOR/CHAIR Halliday
Absent: None

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced the City Council convened in closed session at 4:30 p.m., to discuss three items: (1) conference with property negotiators pursuant to Government Code 54956.8 regarding State owned parcels along the Route 238 bypass alignment; (2) conference with legal counsel pursuant to Government Code 54956.9 regarding anticipated litigation; and (3) public employment pursuant to Government Code 54957 regarding the City Manager's annual performance evaluation. City Attorney Lawson noted there was no reportable action related to Items 1 and 2, and Mayor Halliday added that there was no reportable action related to Item 3.

PRESENTATIONS

Mayor Halliday read a Certificate of Recognition and presented a certificate to six Mt. Eden High School students in honor of student participant achievements in the 2018 National Honor Band and National Honor Orchestra of America. Mr. Kevin Cato, Instrumental Music Director of Mt. Eden High School, also accepted the recognition.

Management Analyst Thomas spoke about the collaboration between the City and the Chabot College Student Initiative Center around outreach for the City's Tennyson Corridor Vision Plan. Ms. Thomas noted that the Community Art Exhibit was the culmination of interviews with South Hayward community members and 50 community-based organizations.

PUBLIC COMMENTS

Ms. Jeannette Johnigan, Hayward resident, spoke about rent increases and provided related documents; noted the ramp in the Council Chambers was not wheelchair accessible; and asked that the City consider mobile device accessibility on sidewalks when considering street improvements.

Mr. Kim Huggett, Hayward Chamber of Commerce President, announced the upcoming 2018 Downtown Hayward Street Parties celebration in downtown on June 21, July 19, and August 16, 2018.

Mr. R J Johnson, Hayward resident, expressed concern about building housing on the earthquake fault; and spoke about the lack of affordable rental and ownership housing in Hayward.

Mr. Jim Drake, Hayward resident, spoke about the need for more police officers in Hayward.

Ms. Alicia Lawrence, Hayward resident and The Hayward Community Collective member, spoke about the Collective's proposed tenant protections; and submitted a letter in solidarity with Parcel 5 Route 238 tenants.

Ms. Brenda Gomez, Chabot College representative, spoke favorably of the partnership between the City and Chabot College for the Needles in the HayStack project, and invited all to visit the Art Exhibit.

Ms. Norma De Leon, Hayward resident, reported there was an increase in the cost of rent and water service at his apartment complex.

Ms. Lisa Baskett, Hayward resident, spoke about the lack of affordable housing in Hayward; and added that there were not enough schools to compensate for individuals moving to Hayward.

Consent Items 4 and 7 were removed for separate vote. Item 3 was removed from the Consent Calendar and moved to a date uncertain.

CONSENT

1. Minutes of the City Council Meeting on May 1, 2018 **MIN 18-071**

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 1, 2018.

2. An Ordinance Adding Section 15 to Chapter 2, Article 13 of the Hayward Municipal Code Relating to Electronic and Paperless Filing of the Fair Political Practices Commission Campaign Disclosure Statements **CONS 18-335**

Staff report submitted by City Clerk Lens, dated May 22, 2018, was filed.

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



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Ordinance 18-05, "An Ordinance Adding Section 15 to Chapter 2, Article 13 of the Hayward Municipal Code Relating to Electronic and Paperless Filing of the Fair Political Practices Commission Campaign Disclosure Statement"

3. Sustainable Groundwater Management: Authorization for the City Manager to Negotiate and Execute a Cooperating Agreement with the East Bay Municipal Utility District for Preparation of a Groundwater Sustainability Plan for the East Bay Plain Subbasin **CONS 18-177**

The Item was removed from the Consent Calendar and moved to a date uncertain.

4. Adoption of a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Lisa Wise Consulting, Inc. for Review and Update of Two-Form Based Codes **CONS 18-319**

Staff report submitted by Interim Development Services Director Bristow, dated May 22, 2018, was filed.

The Item was removed from the Consent Calendar for discussion but the request was withdrawn.

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

Resolution 18-085, "Resolution Authorizing the City Manager to Execute an Agreement with Lisa Wise Consulting, Inc. For Preparation of a Comprehensive Update Two Existing Form-Based Codes; 1) South Hayward Bart/Mission Boulevard and; 2) The mission Boulevard Corridor Area for an Amount Not to Exceed \$160,000"

5. FY 2019 Pavement Rehabilitation and Preventative Maintenance Project - Authorization for City Manager to Execute a Professional Service Agreement with Pavement Engineering, Inc., for Pavement Evaluation **CONS 18-326**

Staff report submitted by Interim Public Works Director Ameri, dated May 22, 2018, was filed.

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

Resolution 18-083, “Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Pavement Engineering, Inc., for Professional Services for the FY 2019 Pavement Rehabilitation and Preventative Maintenance Project”

6. Amendment No. 2 to Professional Services Agreement with CSG Consultants, Inc. (CSG) for Private Development Plan Check Review and Related Services **CONS 18-327**

Staff report submitted by Interim Public Works Director Ameri, dated May 22, 2018, was filed.

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

Resolution 18-084, “Resolution Authorizing the City Manager to Execute Amendment 02 to the Agreement with CSG Consultant, Inc. for Additional Services Associated with the City of Hayward Development Review”

7. Approval of Route 238 Tenant Transfer Assistance Program, Approval of Agreement with Overland, Pacific & Cutler for Tenant Assistance, and Appropriation of Program Funding **CONS 18-359**

Staff report submitted by Management Analyst Stefanski and Patrick O’Keeffe with Management Partners, dated May 22, 2018, was filed.

City Manager McAdoo provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding the contract with Overland Pacific & Cutler (OPC); the confidentiality of the interviews and the flexibility scheduling the interview appointments; and reverting the properties back to Caltrans.

Council Member Márquez requested that there be flexibility with the interview appointments with OPC and that there be a mechanism for notifying current tenants about future housing opportunities and updating the contact for tenants with additional contact information.

Mayor Halliday opened the public comments section at 7:59 p.m.

Ms. Tracy Asturias, Bunker Hill resident, requested that Route 238 tenants be allowed to stay as long as possible before the properties are sold to allow them to seek legal advice.

Mr. Richard Asturias, Pleasanton resident, thanked the City for the proposed Tenant Transfer Assistance Program (TTAP) and requested that the timeline be reviewed; requested more information about the relocation to other properties owned by Caltrans;



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asked the City to reconsider the rent-free assistance; and for the tenants to be allowed to leave furniture and other items.

Ms. Samantha Minor submitted a card but did not speak.

Mr. Kirk De Young, Hayward resident, asked that the City reconsider suspending the rent cost for a period for those committing to move out.

Mr. Richard Reynaga, Hayward resident, asked that the item be delayed because Caltrans tenants were not notified; and alternatively, to vote against staff's recommendation.

Ms. Debbie Frederick, Hayward resident, advocated for the tenants and the suspension of rent during the move-out period.

Mayor Halliday closed the public comments section at 8:15 p.m.

Mayor Halliday offered a motion per staff's recommendation including the financial assistance as outlined in the report. Mayor Halliday noted that the City would be able to provide either the financial assistance to move out or the rent-free assistance; and noted that the financial assistance would be more beneficial to the tenants and more feasible to the City.

Council Member Salinas seconded the motion.

City Manager McAdoo noted that staff would be amenable to provide dumpsters for tenants who needed to leave furniture and other items.

Members of the Council acknowledged the needs expressed by the tenants and thanked staff for the reasonable accommodations.

It was moved by Mayor Halliday, seconded by Council Member Salinas, and carried with the following vote, to adopt the resolution:

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

Resolution 18-086, "Resolution Establishing June 1, 2018 as the Notice of Termination Date for Rental Agreements with Tenants in Route 238 Properties; Approving a Tenant Transfer Assistance

Program; Authorizing the City Manager to Execute an Agreement with Overland Pacific & Cutler for Tenant Assistance; And Appropriation for \$330,000 for the Fund 412-238 Property Management”

PUBLIC HEARING

8. Adoption of a Resolution Associated with a Proposed Planned Development Rezone, Vesting Tentative Tract Map, Site Plan Review, and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program to Allow 18 Detached Single-Family Residences with Related Site Improvements. Application No. 201706285; Tony Dutra (Applicant) on behalf of Dutra Enterprises (Owner) (Report from Interim Development Services Director Bristow) **PH 18-037**

Staff report submitted by Interim Development Services Director Bristow, dated May 22, 2018, was filed.

Principal Planner Lochirco announced the report and introduced Associate Planner Lee who provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding Covenants, Conditions and Restrictions (CC&Rs), units of affordable housing, and barriers such as trees along Lots 7-9 to preserve the views of the properties adjacent to the proposed project.

Mayor Halliday opened the public hearing at 8:47 p.m.

Mr. John Dutra, Dutra Enterprises representative, addressed questions regarding the status of the Gading I project and affordable housing units and in-lieu fees.

Mr. Bob Schmitz, Hayward resident, expressed the height of the proposal, particularly Lots 7, 8, and 9, would negatively impact his property and the two adjacent homes.

Mr. Zachariah Oquenda, Hayward resident, expressed the proposal was a lost opportunity to incorporate additional affordable and multifamily housing; and suggested having a conversation with developers about the needs for the community.

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

Council Member Mendall offered a motion per staff’s recommendation and Council Member Peixoto seconded the motion.

Members of the Council expressed the need to build more affordable housing, affordable by design, and variety of housing; be clear in communicating with the developers early in the process about the needs for the community; sympathized with the neighbors about the impact of the project on adjacent properties; and concurred that the project would improve the look of South Hayward.



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Council Member Lamnin indicated she would not be supporting the motion because of the missed opportunity to have additional affordable housing, to create a partnership with Habitat for Humanity; and added the park did not seem enough to offset the requests.

Mayor Halliday recommended a work session be scheduled to discuss housing, what has been built, what needs to be built, how to accomplish adding housing while protecting the character of the neighborhoods and self-guarding current residents, and what can developers/builders offer to minimize impacts.

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

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

Resolution 18-087, "Resolution Adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and Approving the Planned Development Rezone with Tentative Tract Map and Site Plan Review Pertaining to Construction of 18 New Single-family Residence at 25941 Gadding Road"

9. Gann Appropriations Limit for FY 2019 (Report from Director of Finance Claussen) PH 18-040

Staff report submitted by Finance Director Claussen, dated May 22, 2018, was filed.

Finance Director Claussen provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:22 p.m.

Council Member Peixoto received clarification about the difference between the maximum appropriation limit and City's actual appropriation.

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

Resolution 18-088, "Adoption of Appropriations Limit for Fiscal Year 2019 Pursuant to Article XIII B of the Constitution of the State of California"

10. Public Hearing for the Proposed FY 2019 Operating Budgets for the City of Hayward, Hayward Redevelopment Successor Agency, and Hayward Housing Authority; and FY 2019 Capital Improvement Program Budget; and Approval of the FY 2019 Operating Budgets and Appropriations for FY 2019; Approval of the FY 2019 Capital Improvement Program Budget and Appropriations for FY 2019; Approval of the Hayward Redevelopment Successor Agency Budget; and Approval of the Hayward Housing Authority Budget (Report from Director of Finance Claussen) **PH 18-038**

Staff report submitted by Finance Director Claussen, dated May 22, 2018, was filed.

Finance Director Claussen and Interim Public Works Director Ameri provided a synopsis of the staff report.

There being no public comments, Mayor/Chair Halliday opened and closed the public hearing at 9:36 p.m.

Council/RSA/HHA Member Mendall offered a motion per staff recommendation and Council/RSA/HHA Member Salinas seconded the motion.

In response to Council/RSA/HHA Member Lamnin's inquiry regarding any budget changes after the budget is adopted, City staff indicated that budget changes would be captured during the mid-year review.

The City Council acknowledged City staff for the work done around the budget over several meetings, acknowledged the labor groups and the concessions, and the support of the voters.

It was moved by Council/RSA/HHA Member Mendall, seconded by Council/RSA/HHA Member Salinas, and carried unanimously, to adopt the following:

Resolution 18-089, "Resolution Approving the Operating Budget of the City of Hayward for fiscal Year 2019; Adopting Appropriations for Fiscal Year 2019, Except for General Fund Community Agency Funding"

Resolution 18-090, "Resolution Approving and Appropriating the Community Agency Funding Recommendations for Fiscal Year 2019"

Resolution 18-091, "Resolution Approving Capital Improvement Projects for Fiscal Year 2019"



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Redevelopment Successor Agency Resolution RSA 18-02, "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 2019"

Hayward Housing Authority Resolution HA 18-02, "Resolution Approving Confirming the Proposed Hayward Housing Authority Budget for Fiscal Year 2019"

LEGISLATIVE BUSINESS

11. East Bay Community Energy - Resolution to Select Brilliant 100 as the Default Product for all Residential Customers in Hayward (Report from Interim Public Works Director Ameri) **LB 18-023**

Staff report submitted by Utilities and Environmental Services
Director Ameri, dated May 22, 2018, was filed.

Public Works Director Ameri announced the report and introduced Environmental Services Manager Pearson who provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:59 p.m.

Council Member Márquez, also serving as the alternate on the East Bay Community Energy (EBCE), offered a motion per staff's recommendation. Council Member Zermeño seconded the motion.

Council Member Mendall noted that the discount would get better over time and urged everyone to encourage residents to select Brilliant 100 to start seeing savings and cleaner energy in the future, and added that the outreach would be more visible by utilizing airtime and via electronic billboards.

Council Member Lamnin suggested to conduct outreach in multiple languages and via Channel 15 and the Downtown Street Parties.

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

Resolution 18-092, "Resolution Authorizing the City Manager to Request that East Bay Community Energy (EBCE) Set Brilliant 100 as the Default Product for all Hayward Residential Customers Served by EBCE"

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Zermeño invited all business owners to the Latino Business Roundtable meeting on May 25, 2018, at St. Rose Hospital, Balch Pavilion.

Council Member Salinas congratulated Chabot College students on another successful academic year.

Mayor Halliday announced the Lone Tree Cemetery would be hosting its 115th Memorial Day celebration on May 28, 2018. Mayor Halliday also noted that the City Council would be holding a special meeting on May 29, 2018.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:08 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward