



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 26, 2019, 7:00 p.m.

The meeting of the City Council 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, Lamnin, Wahab, Salinas
MAYOR Halliday
Absent: None

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson reported the City Council convened in closed session at 5:30 p.m., concerning three items: 1) public employment pursuant to Government Code 54957 regarding the City Clerk's annual performance evaluation; 2) conference with legal counsel pursuant to Government Code 54956.9 regarding AGG, et al. v. City of Hayward, et al. U.S. District Court, ND CA, No. #4: 4:19-civ-00697-DMR; and 3) conference with legal counsel pursuant to Government Code 54956.9 regarding one anticipated litigation case. Mayor Halliday noted there was no reportable action related to Item 1. City Attorney Lawson noted there was no reportable action related to Items 2 and 3.

PUBLIC COMMENTS

Mayor Halliday offered an apology to all for the behavior that was displayed during the March 19, 2019 Council meeting and referred to language from the "Rules, Decorum and Order" section in the Council Member Handbook that she would be enforcing moving forward.

Council Member Márquez noted she was coping with personal matters on March 19, 2019 and offered an apology to all for the political remarks made during the meeting.

Ms. Rowena Dupre shared a story of Rachel and her dog who became homeless and fundraiser efforts by a group of women to help them and asked for donations.

Mr. Jim Drake, Hayward resident, spoke about eucalyptus trees and Conditions of Approval for a restaurant on Harder Road.

Mr. Kim Huggett, Hayward Chamber of Commerce Executive Director, spoke about three events: grand opening of 808 A Street Apartments, Erik's DeliCafe on B Street, and the International Trade Luncheon with Consul General of Canada, Rana Sarkar.

Mr. Carlos Archuleta spoke about ongoing issues and asked for the renegotiation of the agreement with Chabot College for PEG broadcasting services.

Ms. Wynn Grcich, Hayward resident, spoke about California legislation that will allow the liquifying of body remains and referred to related literature.

Ms. Lisa Brunner, Hayward resident, noted she attended the Homelessness-Housing Task Force meeting and noted the meeting's homelessness discussion did not address mental health.

Ms. Hedy Rodriguez shared the assistance provided to Rachel and her dog and asked what the City was doing reaching out to individuals who are homeless.

Ms. Araceli Orozco spoke about the March 19, 2019 Council meeting and the political remarks made by members of the Council.

Mr. Jesus Reynoso, via a Spanish/English interpreter, shared there was illegal dumping on City streets and near downtown and offered his assistance helping clean the streets.

Consent Items 3 and 4 were removed from the Consent Calendar for separate vote.

CONSENT

1. Minutes of the City Council Meeting on February 26, 2019 MIN 19-033

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 26, 2019.

2. Minutes of the City Council Meeting on March 5, 2019 MIN 19-037

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 March 5, 2019.

Council Member Márquez noted she inadvertently had not recused herself from voting on Consent Items 3 and 4, during the introduction of both ordinances, but was advised there was no need to take corrective action. She noted she would be recusing herself from voting on Consent Items 3 and 4, due to the proximity of her family business to one of the entities proposed for zoning modification.

Council Member Salinas disclosed he was going to recuse himself from voting on Items 3 and 4, due to the proximity of one of the entities proposed for modification to the Kids' Breakfast Club where he serves as the Executive Director.

3. Adoption of an Ordinance of the Council of the City of Hayward Amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3603(b) Related to a Proposed Modification of the Required Setbacks for Commercial Cannabis Businesses from Certain Sensitive Land Uses CONS 19-186

Staff report submitted by City Clerk Lens, dated March 26, 2019, was filed.



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

AYES: COUNCIL MEMBERS Zermeño, Mendall, Lamnin, Wahab
MAYOR Halliday
NOES: NONE
ABSENT: COUNCIL MEMBER Márquez, Salinas

Ordinance 19-06, "An Ordinance of the Council of the City of Hayward Amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3603(b) Related to a Proposed Modification of the Required Setbacks for Commercial Cannabis Businesses from Certain Sensitive Land Uses"

4. Adoption of an Ordinance of the Council of the City of Hayward Amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3607(c) (1) Related to Reduction of Overconcentration Buffer from 1,000 Feet to 500 Feet for Commercial Cannabis Retail Dispensaries **CONS 19-200**

Staff report submitted by City Clerk Lens, dated March 26, 2019, was filed.

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

AYES: COUNCIL MEMBERS Zermeño, Mendall, Lamnin, Wahab
NOES: MAYOR Halliday
ABSENT: COUNCIL MEMBER Márquez, Salinas

Ordinance 19-07, "An Ordinance of the Council of the City of Hayward Amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3607(C)(1) Related to Reduction of Overconcentration Buffer from 1,000 Feet to 500 Feet for Commercial Cannabis Retail Dispensaries"

5. Resolution to Initiate the Formation and Annexation of the SoHay Properties to Benefit Zone No. 18 of the Consolidated Landscaping and Lighting District 96-1 **CONS 19-165**

Staff report submitted by Development Services Director Simpson, dated March 26, 2019, was filed.

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

Resolution 19-060, "Resolution of the City Council of the City of Hayward Initiating Proceedings for the Formation of Benefit Zone No. 18 of the City of Hayward Landscaping and Lighting Assessment District No. 96- 1 for the SoHay Properties"

6. Approval of Final Maps for Tracts 8445 and 8446 (SoHay), Associated with the Previously Approved Vesting Tentative Map for Tract 8428; William Lyon Homes, Inc. (Applicant/Owner) **CONS 19-166**

Staff report submitted by Development Services Director Simpson, dated March 26, 2019, was filed.

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

Resolution 19-053, "Resolution Approving the Final Maps for Tracts 8445 and 8446 (SoHay) and Authorizing the City Manager to Execute Subdivision Agreements"

7. La Vista Park Project: Award of Professional Services Agreement to SurfaceDesign, Inc., (SDI); Award of Professional Services Agreement to Langan; Appropriation of Funds; and Amendment of Resolution 18-081 **CONS 19-167**

Staff report submitted by Interim Public Works Director Ameri, dated March 26, 2019, was filed.

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

Resolution 19-054, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with SurfaceDesign, Inc. (SDI) for Preparation of Final Design Plans, Specifications and Engineer's Estimate for the La Vista Park Project"

Resolution 19-055, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Langan for Design-Level Geotechnical Investigation and Construction Support for the La Vista Park Project"

Resolution 19-056, "Resolution Amending Resolution 18-081, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2019, Relating to an Appropriation of Funds from Fund 256 – Park Fund"



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8. On-Call Public Works Construction Inspection Services - Authorization for the City Manager to Execute Professional Service Agreements with Park Engineering, CSG Consultants, and Willdan Engineering **CONS 19-191**

Staff report submitted by Interim Public Works Director Ameri, dated March 26, 2019, was filed.

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

Resolution 19-057, "Resolution Authorizing the City Manager to Negotiate and Execute Agreements with Park Engineering, CSG Consultants, and Willdan Engineers, for On-Call Construction Inspection Services"

9. Adoption of a Resolution Approving Annexation of the Ersted Property (Tract 8439) into the Hayward GHAD **CONS 19-183**

Staff report submitted by GHAD Manager Harrell and GHAD Attorney Morrison, dated March 26, 2019, was filed.

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

Resolution 19-058, "Resolution Approving the Annexation of the Ersted Property into the Hayward Geologic Hazard Abatement District"

WORK SESSION

10. Seismic Retrofit Standards for Multifamily Buildings Work Session (Report from Development Services Director Simpson) **WS 19-016**

Staff report submitted by Development Services Director Simpson, dated March 26, 2019, was filed.

Development Services Director Simpson announced the report and introduced Management Analyst James who provided a synopsis of the staff report.

Mayor Halliday opened public comments at 8:17 p.m.

Ms. Caryl Mahar, Rental Housing Association (RHA) Executive Director, expressed support for a voluntary retrofit program for wood frame, pre-1979 multifamily buildings, and requested that financial options be considered, and that a retrofit program be done in phases.

Ms. Alicia Lawrence, The Hayward Collective member, thanked staff for including reference to communities of color and noting that cities with mandatory retrofit programs have strong rent control ordinances.

Mayor Halliday closed the public comments at 8:21 p.m.

Discussion ensued among Council Members and City staff about the development of retrofit standards; soft retrofit financing, FEMA and earthquake insurance options; timeline for development and adoption of a soft story building retrofit ordinance; and the Uniform Building Code and buildings post-1979.

Council Member Zermeño expressed support for a screening and mandatory retrofit program for pre-1979 buildings with five or more units, and concurred with exemptions from future designations, parking requirements and noticing requirements.

Council Member Márquez expressed support for exploring ways the program can be financed, a screening program for pre-1979 buildings with as many units as possible, reduced risk retrofit standard, exemptions from future designations, parking requirements, and noticing requirements.

Council Member Mendall concurred with staff's recommendation for a screening program for pre-1979 buildings with five or more units, reduced risk retrofit standard, exemption from future designations, noticing requirements, and expressed preference for a balanced approach to preserve parking to the extent possible.

Council Member Lamnin expressed support for a screening program for pre-1979 buildings and a desire to have all size units addressed, reduced risk retrofit standard, have financing mechanism and tools to incentivize compliance and flexibility as much as possible, noticing requirements, and recommended working with city certified firms and Hayward Chamber of Commerce to support property owners.

Council Member Wahab expressed preference for having a mandatory retrofit program because Hayward is situated on earthquake and flood zones; a two-tier model, smaller units v. multifamily units; applying to all units with more flexibility for five units or less; having reduced risk and habitability retrofit standards; considering state and national funds for infrastructure changes; having noticing requirements and working with housing providers; having a 10-year exemption period; and did not favor reducing parking spaces.

Council Member Salinas expressed support for a screening program for pre-1979 buildings with five or more units and growing the industry for a retrofit program with local building trades and apprenticeship programs, having reduced risk retrofit standard; and concurred with exemption from future designations, parking requirements, and noticing requirements;



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and recommended that the program be presented to the Homelessness-Housing Task Force for discussion or as an informational item.

Mayor Halliday expressed preference for a screening program for pre-1979 buildings with five or more units, a reduced risk retrofit standard, exemption from future designations, noticing requirements, and parking requirements including unbundled parking.

LEGISLATIVE BUSINESS

11. Adoption of Emergency Ordinance Amending Just Cause for Tenant Evictions to Exempt Affordable Housing Conversion Projects (Report from City Manager McAdoo) LB 19-019

Staff report submitted by Deputy City Manager Ott, dated March 26, 2019, was filed.

City Manager McAdoo announced the staff report and introduced Housing Manager Morales who provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding the urgency for enacting the emergency ordinance and the impact to Section 24 low-income housing tax credit (LIHTC) financing of the Leisure Terrace Apartments and units of affordable housing throughout the Bay Area; affordable housing for the next 55 years; exemption during conversion of projects from market rate to affordable housing subject to regulatory controls; “just cause eviction” provisions going into effect once apartments are converted to affordable units; and decontrolled units.

Mayor Halliday opened the public hearing at 9:20 p.m.

Ms. Alicia Lawrence, The Hayward Collective member, spoke in opposition to the proposed emergency ordinance as outlined in the Collective’s letter and requested additional time to vet the proposed ordinance.

Ms. Araceli Orozco, Hayward resident, requested more input from stakeholders prior to enacting the emergency ordinance and asked if the Council’s decision would affect the funding of the proposed project.

Mr. Jason Snyder, with Reliant Group Management, addressed questions from Council Members regarding the Leisure Terrace Apartments and the financial impact if the project was not approved; the eight units under rent control; notices given to tenants of owner change; relocation options to Dublin, Antioch, Pittsburg and Napa for displaced tenants; long-term affordable housing benefits; and the apartment’s improvements related to seismic retrofit.

Mayor Halliday closed the public hearing at 9:36 p.m.

Council Member Salinas offered a motion per staff's recommendation.

Council Member Zermeño seconded the motion.

Council Member Márquez offered a friendly amendment to the motion directing staff to work with the applicant, Reliant Group Management, using available inclusionary housing in-lieu fees, for relocation assistance of displaced tenants.

Discussion ensued among Council Members and City staff regarding the motion on the floor and using inclusionary affordable housing in-lieu fees for relocation assistance.

Mayor Halliday restated the motion indicating it was per staff's recommendation with a friendly amendment directing staff to work with Reliant Group Management and the displaced tenants to craft a relocation program, using available funds from the Affordable Housing In-Lieu Fee, to serve displaced residents up to 120% of area medium income (AMI) level.

Council Member Salinas and Council Member Zermeño were amenable to the friendly amendment.

Council Member Zermeño asked that the last "Whereas" in the proposed Ordinance be modified by changing the word "citizens" with "residents" to ensure consistency.

It was moved by Council Member Salinas, seconded by Council Member Zermeño, and carried unanimously, to approve the Ordinance with a friendly amendment directing staff to work with Reliant Group Management and the displaced tenants to craft a relocation program, using available funds in the Affordable Housing In-Lieu Fee, to serve displaced residents up to 120% of area medium income (AMI) level; and modifying the last "Whereas" in the Ordinance by changing the word "citizens" with "residents":

Ordinance 19-08, "An Emergency Ordinance of the City Council of the City of Hayward Amending Ordinance 19-05 on Just Cause for Tenant Evictions to Exempt Affordable Housing Conversion Projects"

PUBLIC HEARING

12. FY 2020 Master Fee Schedule/Fine and Bail Schedule (Report from Director of Finance Claussen) **PH 19-017**

Staff report submitted by Finance Director Claussen, dated March 26, 2019, was filed.

Finance Director Claussen provided a synopsis of the report.



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There being no public comments, Mayor Halliday opened and closed the public hearing at 10:04 p.m.

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

Resolution 19-059, "Resolution Adopting the FY 2020 Master Fee Schedule that Reflects Updated Fees and Charges for Departments in the City of Hayward and the Fine and Bail Schedule without Modification and Rescinding Resolution No. 18-050 and All Amendments thereto"

CITY MANAGER'S COMMENTS

City Manager McAdoo made two announcements about: 1) network issues during the meeting were due to security measures; 2) anticipated library opening in June and library programming at Hayward's Farmers Market.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Salinas noted he would be attending the California Association for Local Economic Development conference from March 27 to 29, 2019 in Southern California.

Council Member Márquez thanked the Keep Hayward Clean and Green Task Force for cleaning the neighborhood near Mt. Eden on March 23, 2019; and invited all to attend the Cesar Chavez Day celebration, hosted by La Alianza, on March 30, 2019 at City Hall.

COUNCIL REFERRALS

There were none submitted.

ADJOURNMENT

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

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward