



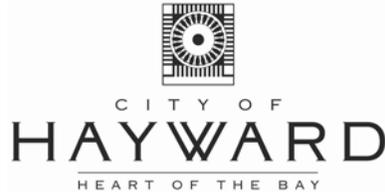
CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
DECEMBER 6, 2011

MAYOR MICHAEL SWEENEY
MAYOR PRO TEMPORE BARBARA HALLIDAY
COUNCIL MEMBER OLDEN HENSON
COUNCIL MEMBER MARVIN PEIXOTO
COUNCIL MEMBER BILL QUIRK
COUNCIL MEMBER MARK SALINAS
COUNCIL MEMBER FRANCISCO ZERMEÑO

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CITY COUNCIL MEETING FOR DECEMBER 6, 2011
777 B STREET, HAYWARD CA 94541
WWW.HAYWARD-CA.GOV

CLOSED SESSION
Closed Session Room 2B – 4:00 PM

1. PUBLIC COMMENTS

2. Conference with Legal Counsel

Pursuant to Government Code 54956.9

➤ **Anticipated Litigation**

Lead Negotiators: City Manager David, Assistant City Manager Morariu, Police Chief Urban, Police Captain Palermini, Police Captain McAllister, Police Lieutenant Keener, City Attorney Lawson, Assistant City Attorney Hom, Deputy City Attorney Alvarado, and Deputy City Attorney Vigilia

3. Conference with Real Property Negotiators

Pursuant to Government Code 54956.8

➤ **Lead Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager Morariu, Assistant City Attorney Conneely, and Redevelopment Agency Project Manager Ortega**

Under Negotiation: Residual Burbank Site

APN: 431-0110-007

4. Conference with Labor Negotiators

Pursuant to Government Code 54957.6

➤ **Lead Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager Morariu, Human Resources Director Robustelli, and Finance Director Vesely**

Under Negotiation: All Bargaining Units

5. Adjourn to Special Joint City Council/Redevelopment Agency/Housing Authority Meeting

**SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/
HOUSING AUTHORITY MEETING**
Council Chambers - 7:00 PM

CALL TO ORDER Pledge of Allegiance Mayor Sweeney

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATIONS

Business Recognition Award
League of California Cities 2011 Helen Putnam Award - Hayward Public Mural Art Program

PUBLIC COMMENTS: *(The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session, or Informational Staff Presentation items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.)*

NON-ACTION ITEMS: *(Work Session and Informational Staff Presentation items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.)*

WORK SESSION (60-Minute Limit)

1. Fire Station Health Portal Collaboration between Fire Departments, Acute Care Hospitals, Federally Qualified Health Centers (FQHC), and Alameda County Health Care Service Agency's Emergency Medical Services (EMS) Division (***Report from Fire Chief Bueno***)
[Staff Report](#)
 2. Discussion of Federal Holds in Hayward's Detention Facility (***Report from Police Chief Urban***)
[Staff Report](#)
[Attachment I Fingerprint Flow Chart](#)
-

ACTION ITEMS: *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk anytime before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

CONSENT

3. Approval of Minutes of the Special City Council/Redevelopment Agency/Housing Authority Meeting on November 15, 2011
[Draft Minutes](#)



4. Adoption of an Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. PL-2011-0175 Relating to the Eden Commons Residential Development

[Staff Report](#)
[Attachment I](#)

5. Adoption of an Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions

[Staff Report](#)
[Attachment I](#)

6. Authorization for the City Manager to Negotiate and Execute a Professional Services Agreement for the Design of the New Hayward Executive Airport Administration Building

[Staff Report](#)
[Attachment I Resolution](#)
[Attachment II Location Map](#)

7. Assignment and Assumption of the Commercial Aviation Site Lease between the City and EPIC Aviation, LLC to Parkavion Property Management HWD, LLC

[Staff Report](#)
[Attachment I Resolution](#)
[Attachment II Leasehold Plot](#)
[Attachment III Leasehold Aerial Photograph](#)

8. Authorization to Negotiate a Professional Services Agreement with Townsend Public Affairs, Inc. to Assist in Securing State and Federal Funding for Affordable Housing, Economic Development, Public Safety, Library, Infrastructure, and Transportation Related Activities; and to Appropriate Funding

[Staff Report](#)
[Attachment I Council Resolution Agreement](#)
[Attachment II HA Resolution Agreement](#)
[Attachment III Council Resolution Budget](#)
[Attachment IV HA Resolution Budget](#)

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items

ADJOURNMENT

NEXT REGULAR MEETING – 7:00 PM, TUESDAY, DECEMBER 20, 2011

***PUBLIC COMMENT RULES:** The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name and their address before speaking and are expected to honor the allotted time. A Speaker's Card must be completed by each speaker and is available from the City Clerk at the meeting.*



PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

***Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ***

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

Please visit us on:



DATE: December 6, 2011

TO: Mayor and City Council

FROM: Fire Chief

SUBJECT: Fire Station Health Portal Collaboration between Fire Departments, Acute Care Hospitals, Federally Qualified Health Centers (FQHC), and Alameda County Health Care Service Agency's Emergency Medical Services (EMS) Division

RECOMMENDATION

That Council reviews and comments on this preliminary report and refers the issue to staff and the Budget and Finance Committee for additional analysis and evaluation.

BACKGROUND

Alameda County, in particular the City of Hayward, has suffered as a community over the course of time with health care access problems for thousands of un-insured and under-insured residents. There is an inadequate supply of primary/preventive care with unaffordable costs, thus causing Emergency Rooms and 911 First Responder Paramedics to become the only primary care providers for many in our community. The City of Hayward has the highest emergency room diversion rate in the County. This means that many patients must be diverted to other emergency rooms in the County because there is no available emergency space at hospitals in Hayward. Diversions are a result of emergency room usage to address health issues more appropriately addressed by primary/preventive care or urgent care treatment. This continues to drive up the cost of health care by forcing un-insured or under-insured to utilize the highest cost settings to access basic health care, e.g. emergency rooms. Health care costs are rising at five times the rate of wages, with health care premiums doubling in the last decade and projected to at least double in the next decade. The Fire Station Health Portal proposal from Alameda County Health Care Services Director, Alex Briscoe, was first presented to the Alameda County Board of Supervisors in April of 2010.

DISCUSSION

The Health Portal would be a limited scope clinic staffed by three full-time equivalent positions (FTEs) co-located in space constructed on the grounds of Fire Stations throughout Alameda County. Staffing will include: one FTE Mid-Level Practitioner from the Federally Qualified

Health Centers (FQHC); one FTE Fire Paramedic; and one FTE Care Coordinator. In addition to providing on-site limited scope services including follow up from emergency department visits, the Health Portal will also conduct a variety of primary and preventive medical care. The portal would be able to respond to sub-acute 911 calls under the new Medical Priority Dispatch System (approx. 30,000 calls annually), providing discharge follow-up for residents in a defined geography within 48 hours of discharge from Acute Care, and taking direct referrals from 211 for medical advice or consultation, enrollment and eligibility.

The Health Portal is a new level of care, fully integrated in the existing health care service delivery system that is targeted to communities who need it and that would utilize the expertise and trust of the EMS and Fire pre-hospital care system. The portals would provide services designed to lessen service impacts to emergency departments and help to inform and educate communities newly eligible for health benefits. The proposal currently co-locates Health Portals within City and County fire stations but would allow all current operations of Fire Departments to continue without interruption in their current form. The Health Care Service Agency (HCSA) EMS Division is proposing a three year pilot at a total of five fire stations across Alameda County, with one location in Hayward. The Health Portal would be open 2pm to 10pm Monday through Friday.

County Supervisor Nadia Lockyer and HCSA Director Alex Briscoe will be presenting additional information on the pilot program at this meeting and will be available for questions. If the Council expresses interest in pursuing this pilot program, staff recommends referring this to the Budget & Finance Committee for further evaluation, discussion and recommendation, following a more thorough analysis and vetting by staff.

FISCAL IMPACT

County staff has indicated one time capital costs of between \$350,000 - \$600,000 for remodels necessary to accommodate the portals on Fire Station sites. Further discussion needs to occur between City and County staff on possible funding sources for these capital costs as well as other potential budget implications and funding opportunities.

Prepared by: Garrett Contreras, Deputy Fire Chief

Recommended by: Craig Bueno, Fire Chief

Approved by:



Fran David, City Manager

DATE: December 6, 2011
TO: Mayor and City Council
FROM: Chief of Police
SUBJECT: Discussion of Federal Holds in Hayward's Detention Facility

RECOMMENDATION

That Council reviews and comments on this report.

SUMMARY

This discussion will brief Council on the background of the Federal government's Secure Communities Program, including Hayward's involvement with Federal agencies on the issues of fingerprint-sharing and immigration "detainers" placed on arrestees after fingerprint confirmation through their system.

BACKGROUND

The Department of Homeland Security (DHS) introduced the "Secure Communities" program in March 2008 under the Bush Administration. The authority for Secure Communities and inter-agency fingerprint sharing was established by Congress via passage of the "Enhanced Border Security and VISA Entry Reform Act of 2002." Originally, the Federal government signed memorandums of understanding with states to implement the program, but not all states signed these agreements. The Federal government is now requiring all U.S. jurisdictions to implement the program by 2013. The program is currently active in 44 states, including California. The purpose of Secure Communities is to help DHS investigators apprehend persons of interest who may be subject to deportation by increasing fingerprint information-sharing between local law enforcement agencies and DHS. In order to understand how the Secure Communities program functions, it is necessary to provide some background on how fingerprint information is shared between local law enforcement agencies, the California Department of Justice and the federal government. Attachment I provides a flow chart of how various agencies at all levels of government receive and share fingerprint data.

Fingerprint Information-Sharing by Local Agencies and the State

The Hayward Police Department (HPD) operates a jail facility that holds pre-arraignment arrestees for a maximum of ninety-six hours. When an arrestee is booked at the HPD detention facility, HPD

is required to take that arrestee's fingerprints and submit the information into Alameda County's fingerprint database system. All local law enforcement agencies in Alameda County go through this process of fingerprint submission into the County's main system.

Alameda County shares the fingerprint information in its database with the California Department of Justice (CDOJ). California Penal Code Section 13150 requires all local law enforcement agencies in California to provide ten-fingerprint submissions and arrest data to the CDOJ. This process existed before the activation of Secure Communities, and HPD's procedures have not been changed.

Fingerprint Information-Sharing Prior to Secure Communities

Prior to the activation of the Secure Communities program, local law enforcement agencies regularly provided fingerprint information to the FBI. Alameda County is responsible for submitting Hayward's fingerprint information to the CDOJ. The fingerprint information is also submitted to the FBI. The FBI compares the fingerprints submitted by the County to records in its own database. The FBI database is a national fingerprint and criminal history system that seeks to assist in solving and preventing crime and catching criminals and terrorists. This practice continues today.

Fingerprint Information-Sharing under Secure Communities

Under the Secure Communities program, the FBI is now required to send the fingerprint information it receives from local and state databases to DHS to check against its own database. The DHS database primarily stores biometric immigration records, including fingerprint information and other immigration records. Consequently, fingerprint information entered into Alameda County's database will now be compared to both the FBI's and DHS's databases.

In short, the Secure Communities program is the sharing of fingerprint information between the FBI and DHS. Local law enforcement agencies cannot prevent the FBI from sharing fingerprint information with another federal agency, namely DHS. To that end, HPD cannot "opt-out" of having the fingerprint information it submits to the County from subsequently being transmitted to the FBI and DHS. HPD's fingerprinting procedures have not changed under the Secure Communities program.

DHS Follow-Up After Database Comparison

When a match is detected, DHS examines its database and makes a decision whether to further investigate an individual's immigration status by issuing a detainer to the jurisdiction that has custody of the individual. Based on the results of this search, lists are compiled for the various areas throughout the state. DHS agents assigned to local and county jails get this list on their smart phones every morning. The fingerprint "hits" are in three categories: they are all noted as prior deportees, either by 1) judge's order (most common – this occurs when an individual has had a prior immigration hearing, has been ordered back to their country of origin, and has returned to the U.S. illegally); 2) having committed a qualifying criminal offense; or 3) having been a "prior deportee" through the Border Patrol process.

DHS agents then come into a local detention facility to conduct interviews with such subjects for purposes of verification of the accuracy of the DHS database fingerprint match. If the match is verified, a detainer is then given to the jail facility to hold the individual for a period not to exceed forty-eight hours to provide adequate time for DHS to assume custody of the individual. The detainer is a request to local law enforcement to notify immigration authorities when the individual is going to be released from criminal custody and to hold the individual for up to forty-eight hours for potential transfer to HSI. The DHS states that “A DHS match is not a determination that immigration enforcement action should occur. It’s simply a lead, on which DHS can do additional work to decide whether the person in question is removable and whether such removal is an appropriate use of DHS resources.”

DISCUSSION

DHS agents come to Hayward’s jail facility approximately five days out of the week to interview or place detainers on subjects, who are in custody, based on information obtained through the DHS database. The Hayward jail facility books approximately 810 individuals on average per month, and averages ten to fifteen DHS detainers a month. These detainers are placed by agents based on the fingerprints submitted by the State to the Federal government. An average sampling for a thirty-day period resulted in fourteen detainers placed on subjects in custody for the following charges: four arrests for driving under the influence; five arrests for felony drug charges; one arrest for hit and run; one arrest for lewd conduct; and three drunk in public arrests. Once a detainer is placed on a subject, the subject will go to court for the local charges, and then is transferred to the Alameda County Jail facility. The placement of a detainer on a suspect does not automatically mean the suspect will be deported. Sometimes, DHS will release the detainer upon further research.

Local law enforcement agencies have no choice but to take the first step of forwarding an arrestee’s fingerprints to the County in order to obtain information that is critically important for crime-fighting purposes, such as data on outstanding arrest warrants in another jurisdiction. The County then forwards these prints to the State, the FBI, and other Federal agencies. The sharing of information between local law enforcement agencies, the State, and Federal agencies is essential to effective policing.

Local law enforcement does not enforce immigration law. Only the Federal government has the authority to do so. HPD has a written policy which states: “The immigration status of individuals alone is generally not a matter for police action. Unless immigration status is relevant to another criminal offense or investigation, the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention or arrest.”

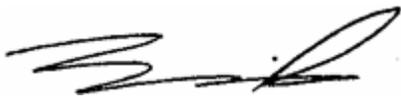
Hayward has also taken into account that victims and witnesses of crimes need to feel secure in their contacts with law enforcement. This contact, regardless of immigration status, should not make individuals feel vulnerable to deportation. HPD’s policy is that no Department member will attempt to determine the immigration status of crime victims and witnesses and/or take enforcement action against them absent exigent circumstances.

There is a great deal of discussion around the Secure Communities program currently being led by police chiefs across the country via the Police Executive Research Forum (PERF). Increased transparency and clarification of the parameters and goals of the Secure Communities program, as well as the rights and responsibilities of the state and local law enforcement agencies in the program are essential. Currently, there is no consensus among chiefs about recommended policies and/or approaches. Of particular interest to the City of Hayward is the policy around how and when suspects are detained and transferred to DHS following fingerprint identification. HPD staff is closely monitoring this policy debate given the sensitive nature of this issue to our community. Ultimately though, HPD must submit fingerprint information to the County in order to book any suspect in the City jail facility. Although HPD does not ask about immigration status upon booking a suspect at the jail, this status may ultimately be identified once the County submits fingerprint information to the State and it then flows to the various federal agencies, including DHS. Law enforcement agencies at all levels of government are attempting to balance the need to arrest and properly prosecute criminals with the realities of the immigration status and family situations of the many residents of this country.

Prepared by: Cindy Waters, Operations Support Director

Recommended by: Diane Urban, Chief of Police

Approved by:



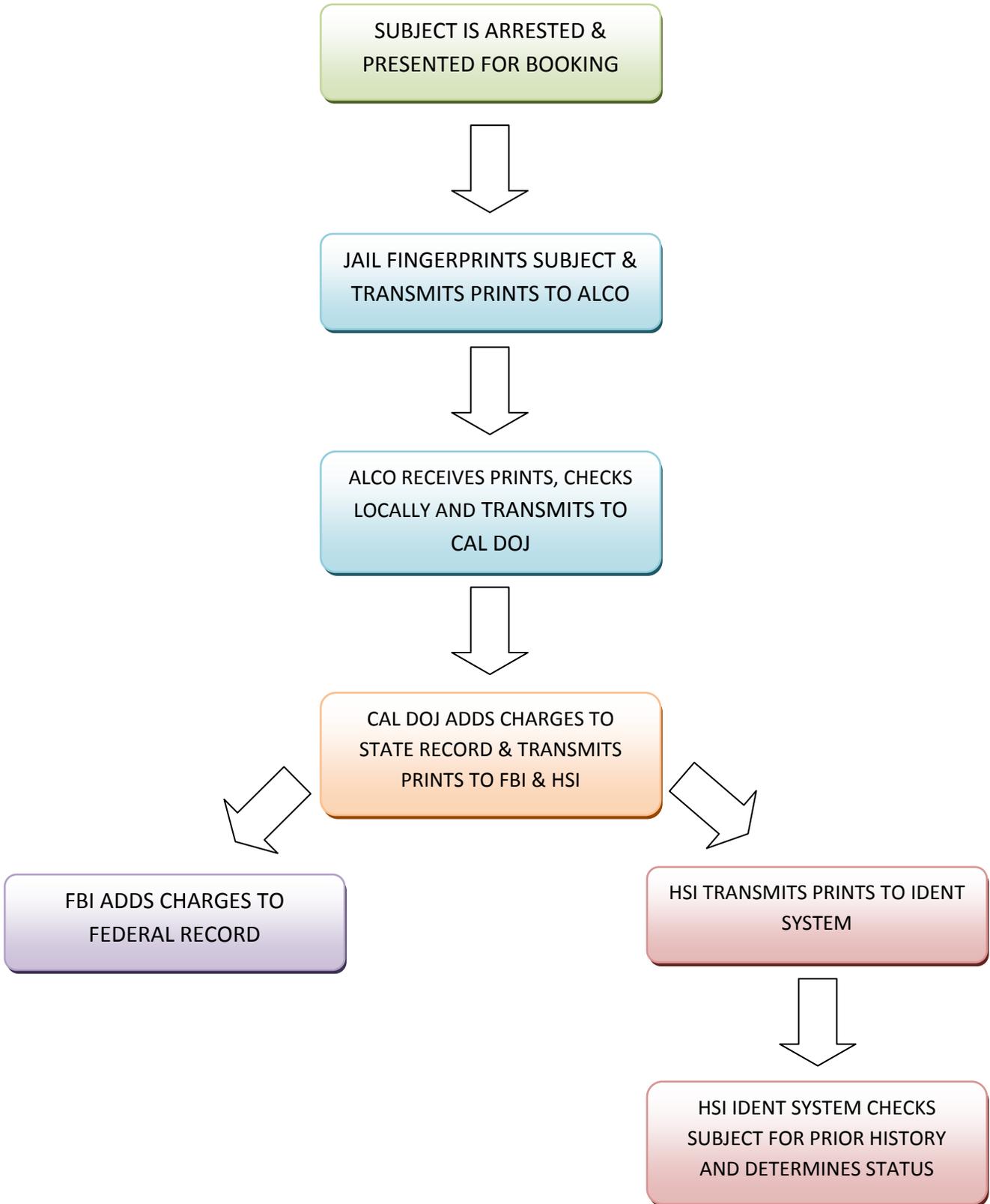
Fran David, City Manager

Attachments:

Attachment I

Fingerprint Data Flow Chart

FINGERPRINT FLOW CHART





**MINUTES OF THE SPECIAL JOINT CITY
COUNCIL/REDEVELOPMENT AGENCY/HOUSING
AUTHORITY MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 15, 2011, 7:00 p.m.**

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

ROLL CALL

Present: COUNCIL/RA/HA MEMBERS Zermeño, Halliday, Peixoto, Salinas,
Henson
MAYOR/CHAIR Sweeney
Absent: COUNCIL/RA/HA MEMBER Quirk

Council Member Quirk entered the Council Chambers at approximately 7:46 p.m.

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney noted that the Council met concerning two items: the City Manager's Public Employment pursuant to Government Code 54957; and Conference with Labor Negotiators pursuant to Government Code 54957.6. There was no reportable action.

PRESENTATIONS

Certificate of Commendation

Mayor Sweeney presented a Certificate of Commendation to Samuel (Sam) and Lenore Cohen. Sam Cohen served in the United States Army from 1939 to 1945. Sam and Lenore Cohen came to Hayward in 1951. Between 1951 and 1970, Mr. Cohen was involved in Hayward's development by chairing programs such as the Hayward/Southern Alameda County's Red Cross, the Civil Defense, the United Way, and the Community Relation's Counsel. Mr. Cohen was involved in the establishment and support of California State University Hayward, Chabot Junior College, Eden Medical Center, and the Unification of the Hayward School District. Mr. Cohen served on the Alameda County Grand Jury in 1961 and was involved in fundraising for Eden Hospital and St. Rose Hospital. Lenore Cohen volunteered for the Oakland Museum and the Women's Domestic Violence Shelter in Hayward; co-chaired the St. Rose Follies; served on the Hayward Rent Control Board and on the initial Hayward First Committee; and was a member and young president of the Hill and Valley Club. In the 1950s and 1960s, the Cohens were dedicated to the liberal democratic politics of Southern Alameda County. On September 5, 2011, Sam Cohen turned 93. In July 2011 Sam and Lenore Cohen moved from Hayward to live near their daughter in Marin, but they continue to be engaged in the community. Sam remains an honorary trustee of Eden Hospital, and both Sam and Lenore are Charter members of the Hayward Historical Society and honorary members of the Sun Gallery.

Mayor Sweeney commended Samuel and Lenore Cohen for their dedication and devotion to the City of Hayward. The Cohens thanked the Council for such a special recognition.

Business Recognition Award

The Business Recognition Award for the month of November was presented to Serpico Landscaping. Serpico Landscaping is a professional landscaping service specializing in homeowner's associations and is a certified Bay Area Green Business. Since locating in Hayward, Serpico Landscaping has grown the company to over \$10 million in sales. Serpico Landscaping has contributed to the community by locating their headquarters in Hayward; by providing job opportunities to local residents; by helping our environment through their Green Business Certification; and by contributing to the overall economic well-being of Hayward. Sharon Hanson Chief Executive Officer, Richard Hanson Chief Financial Officer, and Brad Barroso, Chief Operating Officer, accepted the award. On behalf of Serpico Landscaping, Sharon Hanson, thanked the City for such a special recognition. Ms. Hanson also thanked the Keep Hayward Clean and Green Task Force, Ms. Dee Dee Ligibel, and Sally Porfido.

PUBLIC COMMENTS

Mr. Doug Ligibel, Mesa Circle resident, reported that on Veterans Day a mural painting was vandalized with graffiti and he spent time cleaning it off. Mr. Ligibel provided the Council with a guide outlining steps to deal with and prevent juvenile vandalism in downtown, which involved community activists partnering with the Police Department in initiating arrests, gathering evidence, collaborating with prosecution, sentencing, and assisting with supervision and community service.

Ms. Ann Melton, Folsom Avenue property owner, expressed concern about the parking situation in the neighborhood and commented that street parking in front of her property was usually taken up by residents and/or guests of the Huntwood Terrace Apartments, which caused problems accessing her parking garage. Mayor Sweeney suggested that Ms. Melton speak to Deputy Public Works Director Fakhrai who would provide a report to City Manager David.

Ms. Stephania Widger, resident of Hayward and a California State University Hayward graduate, expressed sympathy about the passing of Hayward resident and Spanish Civil War veteran Nate Thornton who fought in the Abraham Lincoln Brigade. Ms. Widger was dismayed that the Hayward Police Department (HPD) was utilized to halt freedom of speech and provide backup for Oakland law enforcement officers in the Oakland Occupy movement. She stated that HPD officers need to be available locally to address problems occurring in Hayward.

Dr. Donald Evans, Hayward Unified School District Superintendent, introduced himself to the Council and expressed his desire to foster a strong relationship between the Hayward Unified School District and the City of Hayward for the benefit of the community.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, announced two upcoming events: the Light Up the Season on Thursday, December 1, 2011, at City Hall Plaza; and the Santa Paws Parade on Saturday, December 3, 2011, in downtown Hayward. Mr. Huggett also provided the Council with the Hayward Business Directory.



**MINUTES OF THE SPECIAL JOINT CITY
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Tuesday, November 15, 2011, 7:00 p.m.**

City Manager David read an email from a volunteer who participated in the Hayward Police Department's Halloween Costume Drive in which the department distributed costumes to economically deprived children. The volunteer specifically complimented Police Officer Matt Shea for his commendable efforts in organizing the event.

CONSENT

1. Approval of Minutes of the Special City Council/Redevelopment Agency/Housing Authority Meeting on October 25, 2011

It was moved by Council/RA/HA Member Henson, seconded by Council/RA/HA Member Zermeño, and carried with Council/RA/HA Member Quirk absent, to approve the minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting of October 25, 2011.

2. Approval of Minutes of the Special City Council/Redevelopment Agency/Housing Authority Meeting on November 1, 2011

It was moved by Council/RA/HA Member Henson, seconded by Council/RA/HA Member Zermeño, and carried with Council/RA/HA Member Quirk absent, to approve the minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting of November 1, 2011.

3. Filing Nuisance Abatement/Municipal Code Violations with the County Recorder's Office for Non-Abatable Code Violations

Staff report submitted by Neighborhood Partnership Manager Sorensen, dated November 15, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Zermeño, and carried with Council Member Quirk absent, to adopt the following:

Resolution 11-174, "Resolution Confirming the Report and Non-abatable Code Violations and Penalties Lien List Associated with the Community Preservation Program"

4. Resolution Authorizing the City Manager to Negotiate and Execute a Ground Lease with Avcon, Inc., for a Parcel of Land at the Hayward Executive Airport

Staff report submitted by Airport Manager McNeeley, dated November 15, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Zermeño, and carried with Council Member Quirk absent, to adopt the following:

Resolution 11-175, “Resolution Authorizing the City Manager to Negotiation and Execute a Ground Lease with Avcon, Inc.”

5. Revision of Resolution Authorizing the City Manager to Submit an Application for State Grant Funds Under the BEGIN Program to Finance the Development of an Affordable Homeownership Housing Project at the Corner of A and Walnut Streets

Staff report submitted by Housing Development Specialist Cortez, dated November 15, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Zermeño, and carried with Council Member Quirk absent, to adopt the following:

Resolution 11-176, “Resolution Authorizing the Submittal of a Grant Application to the California State Department of Housing and Community Development for Funding Under the BEGIN Program to Finance the Development of a Low and Very Low Income Homeownership Housing Project at the Corner of A and Walnut Streets”

6. Approval of a Consulting Agreement and Appropriations for South Hayward BART Project Management, and Approval of Additional Appropriations for Project Legal Expenses

Staff report submitted by Assistant City Manager/Interim Redevelopment Agency Director Morariu, dated November 15, 2011, was filed.

It was moved by Council/HA Member Henson, seconded by Council/HA Member Zermeño, and carried with Council/HA Member Quirk absent, to adopt the following:

Housing Authority Resolution 11-06, “Resolution Authorizing the Executive Director to Negotiate and Execute a Consulting Agreement with John DeClercq for Project Management Services Associated with the South Hayward BART Transit Oriented Development Project”

Resolution 11-177, “Resolution Amending Resolution 11-094, Budget Resolution for Capital Improvement Projects for Fiscal Year 2012, for an Appropriation of Funds from the Housing Authority Capital Fund (Fund 242) to the South Hayward BART Project No. 5076”



**MINUTES OF THE SPECIAL JOINT CITY
COUNCIL/REDEVELOPMENT AGENCY/HOUSING
AUTHORITY MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 15, 2011, 7:00 p.m.**

Mayor Sweeney recused himself from participating on hearing item #7 because Mr. John Dutra Sr. served on the Board of Directors at Spectrum Community Services where Mayor Sweeney was the Executive Director. Mayor Sweeney turned the gavel over to Mayor Pro Tempore Halliday who presided over the meeting and Mayor Sweeney left the Council Chambers.

PUBLIC HEARING

7. Request to Change the Zoning from Medium Density Residential to Planned Development and to Subdivide the Property to Construct 144 Single-Family Homes - Zone Change Application No. PL-2011-0175 and Vesting Tentative Tract Map Application No. PL-2011-0176 – John Dutra of Dutra Enterprises (Applicant); Dutra, Christensen, Tilley (Owners) - The Project is Located on Multiple Parcels Totaling 10.9 Acres Generally Located between Eden Avenue and Saklan Road, North of Middle Lane in the Mt. Eden Area

Staff report submitted by Senior Planner Buizer, dated November 15, 2011, was filed.

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

Council Member Quirk entered the Council Chambers at approximately 7:46 p.m.

Council Member Henson expressed support for the proposed project. In response to Council Member Henson's question regarding Condition of Approval #100 and if the Community Facilities District (CFD) comes into play if demand exceeds the current levels of Police and Fire service, Senior Planner Buizer stated that staff would conduct a fiscal analysis to determine if a CFD would need to be formed. In response to Council Member Henson's inquiry regarding private parking, Senior Planner Buizer noted that additional parking could be accommodated along the private streets in the development in addition to driveways and garages.

In response to Council Member Zermeño's concern regarding graffiti, Development Services Director Rizk confirmed that graffiti was adequately addressed in the Conditions of Approval #108(g). Council Member Zermeño expressed support for replacing the trees that would need to be removed during construction and conserving the oak tree on Saklan Road.

Council Member Peixoto expressed support for the proposed project for its attractive design and the side-by-side garages. In response to Council Member Peixoto's question, Senior Planner Buizer stated that currently, the units in the development were planned to be set-up as adaptable and accessible units. Ms. Buizer clarified for Mr. Peixoto that a preferential parking district was a permit-type system that would give those living within the development a preferential treatment and/or preferential rates for street parking.

Council Member Salinas asked about the benefit of the Inclusionary Housing in-lieu fee for this development. Development Services Director Rizk indicated that the Inclusionary Housing Ordinance provided a relief measure that would help reduce the burden on developers and would encourage residential development.

Council Member Quirk disclosed having met with the developer, John Dutra, and his representative, Jesús Armas, and discussed the report on the agenda. Mr. Quirk did not support the residential preferential parking district and noted that residents who own units with garages should park their vehicles in the garages and the street parking should be available to visitors. He added that if the parking situation became an issue, then the Home Owners Association (HOA) could bring it to City's attention. He added that there should be a strong HOA presence due to the development being compact. He was supportive of the interim relief from the Inclusionary Housing Ordinance for this project because it provided affordable housing.

Mayor Pro Tempore Halliday expressed the need to preserve open space in the development, including the improvement and expansion of Greenwood Park. She commented that if the developer was willing to pay in-lieu park fees, then this would be a potential source of funds to help improve Greenwood Park. Mayor Pro Tempore Halliday raised a concern about another development where the car access on alleyways was narrower than a standard street and there was a short concrete apron from the garage door to the street that was scraping cars. Mr. Rizk indicated that the proposed development was built according to the City standards and staff would carefully review improvement plans in order to minimize or eliminate the possibility of scraping of vehicles.

Mayor Pro Tempore Halliday opened the public hearing at 8:06 p.m.

Mr. Jesús Armas, with business address on Main Street, spoke on behalf of Dutra Enterprises. Mr. Armas noted that the City began focusing on developments in the Mt. Eden area over 20 years ago. Mr. Armas noted that one of the main obstacles with the original development was the infrastructure, which was solved by Dutra Enterprises advancing for water, sewer, and other related improvements to make it a viable area. Mr. Armas added that the Inclusionary Ordinance provided clarity to the developer as to the cost exposure and provided certainty as to what the expected revenues would be in comparison to the costs. Mr. Armas noted that this project was a classic infill project. He added that the park in-lieu fees would provide substantial funds in order to expand and implement Greenwood Park as envisioned and added that Hayward Area Recreation and Park District (HARD) had already developed some conceptual plans.

Mr. John Dutra, Dutra Enterprises CEO, noted that Dutra Enterprises had worked on the Eden-Sakland area for over 10 years and added that the reward was seeing the evolution of the neighborhood and the vibrance that took place with the changes. Mr. Dutra commended working with the City and Senior Planner Buizer. He presented a video of the Eden Commons area that depicted the project.

Council Member Peixoto commended Mr. Dutra on producing such a fine project with the side-by-side garages, mix of products and two-story units. Member Peixoto stated that Home Owners Association (HOA) members tend to focus on the present cost of landscaping maintenance and lose



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foresight of any future capital improvement accounts and asked if Dutra Enterprises planned on providing assistance. Mr. Dutra responded that he would make a request to the future developer.

Council Member Salinas thanked the Dutra family for their time, financial investments, and commitment to Hayward. In response to Mr. Salinas' inquiry as to how marketable the units would be, Mr. Dutra responded that these units had been carefully designed to sell. Council Member Salinas requested that, when possible, Dutra Enterprises consider hiring local contractors and builders.

City Manager David thanked Mr. Dutra and Mr. Armas for their partnership.

Mayor Pro Tempore Halliday closed the public hearing at 8:19 p.m.

Council Member Henson offered a motion per staff recommendation and seconded Council Member Quirk's suggestion that a residential preferential parking district was not needed and any future parking concerns could come back to Council for further discussion. Council Member Quirk seconded the item.

Council Member Quirk thanked Dutra Enterprises and complimented the good relationship between Dutra Enterprise and the Planning Department. Mr. Quirk added that it was vital to create construction jobs that would employ, and be of benefit to, the local community and to strive to build affordable homes in Hayward.

Council Member Zermeño disclosed he had met with Mr. Dutra and Mr. Armas and thanked the Dutra family and City staff for their work and stated that the development project, thus far, had not generated any complaints.

Mayor Pro Tempore Halliday said she was glad to see this new community being developed. Ms. Halliday appreciated the attention given to implementing green practices and was pleased that accessible units were also considered for the development. Ms. Halliday was in favor of more open space and inclusion of a tot lot with grass and a car-free area in front of the house that would allow residents to feel safe. She thanked Dutra Enterprises and City staff for their efforts in also preserving the oak tree on Saklan Road.

Council Member Henson expressed that he was proud of this project and that this development could serve as a model for future infill projects due to its close proximity to retail at Southland Mall, noting it may assist in attracting a grocery store to the Mall. Mr. Henson also noted that the development would be within walking range to Ochoa Middle School and Chabot College.

It was moved by Council Member Henson, seconded by Council Member Quirk, and carried with Mayor Sweeney absent, to adopt the following:

Resolution 11-178, “Resolution Adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and Approving Vesting Tentative Tract Map Application PL-2011-0176 and Zone Change Application PL-2011-0175 Pertaining to a Proposed 144-Unit Single-Family Residential Community in the Mt. Eden Area”

Introduction of Ordinance 11-_, “An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. PL-2011-0175 Relating to the Eden Commons Residential Development”

Mayor Sweeney returned to the Council Chambers and presided over the rest of the meeting.

LEGISLATIVE BUSINESS

8. Countywide Transportation Plan/Transportation Expenditure Plan: City Recommendation to Steering Committee

Staff report submitted by Deputy Director of Public Works Fakhrai, dated November 15, 2011, was filed

Public Works Director Bauman provided a synopsis of the report.

Council Member Henson thanked staff for the report and noted that he wanted to provide an update on the Countywide Transportation Plan/Transportation Expenditure Plan and to ask for input related to the list of projects to be included in the plans. Council Member Henson stated that the City should maintain its position in supporting the traditional formula used to calculate the allocation of funds for street and road projects, which would depend 50% on the population and 50% on maintained road miles. Council Member Henson stressed the need to develop a shuttle program, primarily in the downtown area, where shuttles could be used to move people in and out of downtown. Additionally, Mr. Henson noted that City representatives and Alameda County Transportation Commission staff observed that in the Industrial Pkwy/ I-880 freeway on-ramp area, trucks utilizing this corridor could collide against the partitions as they enter the freeway and indicated that this issue needed to be examined further.

Council Member Quirk asked what other criteria was being considered in addition to population size and road mileage in determining the allocation of funds. Ms. Beth Walukas, Deputy Director of Planning for the Alameda County Transportation Commission, stated that employment within a jurisdiction was being considered as potential criteria in the distribution of funds.

Council Member Quirk expressed support for a shuttle service operating from the BART station to the Industrial area. Mr. Quirk asked what circumstances made the Tennyson Road Grade Separation Project a priority and why this was included in the Preliminary Draft Transportation Expenditure Plan. Ms. Walukas noted that the grade separation on Tennyson Road would improve freight



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movement and would provide additional local access to vehicles, which was why this project had high priority.

Council Member Zermeño supported all of the projects listed in staff's recommendations. He was disappointed that only \$1 million of these funds would be dedicated toward bicycle projects. He advocated that five bicycle stations be established throughout the City at the following sites: South Hayward BART station, Downtown Hayward BART station, Cal State University East Bay, Chabot College, and at Southland Mall.

Council Member Halliday asked if there was flexibility in the program to adjust priorities if another project with greater priority became apparent in the future. Ms. Walukas stated that the expenditure plan is approved by voters every 20 years and although the expenditure plan usually consists of examples of the types of projects the funds would be used for, and there is flexibility in how these funds are allocated depending upon changing needs of the projects over time. In regards to the 238 Corridor Improvement Project, which is underway, Council Member Halliday asked what if the City identified other needs upon completion of this project. Ms. Walukas indicated that the program has pass-through funds that the cities determine how to use and there are also discretionary programs with guidelines on how these funds are assigned in terms of need.

In response to Council Member Peixoto's question, Director Bauman stated that the Tennyson Road Bike-Pedestrian Bridge was recognized by staff as being an important project for the City; however, it was currently not on the list of priorities but fell into the competitive category because it supported transit-oriented development and pedestrian movement.

Mayor Sweeney expressed that he did not support pedestrian bridge projects and suggested that the pedestrian bridges could be considered to be removed from the project list due to the numerous problems the access ways generate, such as vandalism, graffiti, and the destruction of murals. He noted that there were no positive models demonstrating the need for these pedestrian bridges.

There being no public comments. Mayor Sweeney opened and closed the public hearing at 9:04 p.m.

In response to Council Member Zermeño's comment about the amount of money being allocated toward bicycle/pedestrian programs, Council Member Quirk stated that with the new system \$690,000 was allocated annually for this purpose and that seemed to be a substantial sum to support five bicycle stations.

Council Member Quirk pointed out that Measure B allocations were being reduced from 22% to 20% for Local Street and Roads and Mass Transportation, due to the addition of categories such as: Sustainable Transportation Land Use; Technology, Innovation, and Development; and Freight and Economic Development. Ms. Walukas emphasized that despite the reduction in the Measure B percentage from 22% to 20%, the amount of funds allocated to every category would be doubled. Council Member Quirk supported the proposed Measure B breakdown.

Council Member Henson stated that county and local governments had to take on these responsibilities because there would be a significant decline in funding from the Federal and State governments for transportation related projects.

Council Member Henson made a motion to accept the recommendation as determined by staff and himself, which included the proposed Measure B breakdown; that local street and road funding be allocated through the traditional formula of 50% population and 50% maintained road miles and pass-through funding be given to local agencies with a minimum of requirements. Council Member Quirk seconded the motion.

Council Member Salinas stated support for a shuttle service. It was clarified that the staff recommendation advocated that a Hayward shuttle pilot program be eligible for Measure B funds.

Mayor Sweeney reiterated his concerns about how problematic the pedestrian and bike bridges had been in the past. Council Member Henson and Council Member Quirk were agreeable to Mayor Sweeney's direction that staff would figure out how the pedestrian and bike bridges would be made less problematic, if these bridge were sought as projects to be implemented in the future. Council Member Halliday added that in the event that the bike and pedestrian bridges were not constructed, these funds could be redirected for the betterment of the community.

It was moved by Council Member Henson, seconded by Council Member Quirk, and carried unanimously, to adopt the recommendations per staff and Council Member Henson.

9. Introduction of an Amendment to the Inclusionary Housing Interim Relief Ordinance Clarifying Certain Provisions and Authorizing the City Manager to Amend Certain Inclusionary Housing Agreements to Apply the Provisions of the Interim Relief Ordinance

Staff report submitted by Housing Development Specialist Cortez, Director of Development Services Rizk, and Assistant City Manager Morariu, dated November 15, 2011, was filed.

Assistant City Manager /Interim Redevelopment Agency Director Morariu provided a synopsis of the report.

There being no public comments Mayor Sweeney opened and closed the public hearing at 9:24 p.m.

Council Member Quirk offered a motion per staff recommendation and noted that the proposed action would stimulate the economy.

Council Member Zermeño seconded the item.

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

Resolution 11-179, "Resolution Finding that the Enactment of an



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Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions is Exempt from the California Environmental Quality Act (CEQA)”

Introduction of Ordinance 11-_, “An Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions”

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced the Latino Business Roundtable meeting on November 18, 2011, in the Balch Pavilion at St. Rose Hospital. Mr. Zermeño also announced the Keep Hayward Clean and Green Task Force Clean-Up Event on November 19, 2011, at the Eden Greenway on Cascade Street, and invited all to participate.

Council Member Salinas welcomed the new Hayward Unified School District Superintendent Dr. Donald Evans, and announced the City will be hosting a “Meet and Greet” with Dr. Evans on December 12, 2011. He also directed the audience’s attention to the City’s website and the bulletin board outside City Hall where City Hall activities are posted. Lastly, he noted that on December 10, 2011, he, in concert with volunteers would provide breakfast for Keep Hayward Clean and Green Task Force members and Glassbrook Neighborhood Committee, before they clean up the Glassbrook neighborhood.

Council Member Peixoto reported on his attendance to a memorial service honoring veterans on Veterans Day at the Chapel of the Chimes Reflection Chapel. He praised the memorial service.

Council Member Henson reported on his attendance to an Oakland Veterans Day Ceremony at the Oakland Veterans Memorial Building. He praised the ceremony.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 9:34 p.m. Mayor Sweeney gave Council Member Henson the opportunity to adjourn the meeting in memory of Clarence Gilmore and Teresa Hughes. Clarence Gilmore was an active Hayward resident, former head of the National Association for the Advancement of Colored People (NAACP) and instrumental in establishing the middle class for the black community. Council Member Henson extended his condolences to the Gilmore’s family. Teresa Hughes, a former Democratic state senator and assemblywoman from Los Angeles was married to Dr. Frank Staggers Sr., a member of the Palma Ceia Baptist Church.

Mr. Henson mentioned that Teresa Hughes provided assistance with transportation items. Mayor Sweeney also adjourned the meeting in memory of Rena Smith, a longtime Hayward resident, the daughter of the late Cesar and Mary Sategna, and the mother of Gary Smith. During WWII, Rena Smith worked in a factory in the Bay Area. She was a partner in a successful hair salon in Hayward. It was noted that donations could be made to the Peter Sategna Educational Foundation.

Mayor Sweeney asked staff to work with the families and find suitable places to plant a tree in memory of Clarence Gilmore and Rena Smith.

APPROVED:

Michael Sweeney, Mayor, City of Hayward
Chair, Redevelopment Agency/Housing Authority

ATTEST:

Miriam Lens, City Clerk, City of Hayward
Secretary, Redevelopment Agency/Housing Authority

DATE: December 6, 2011

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of an Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. PL-2011-0175 Relating to the Eden Commons Residential Development

RECOMMENDATION

That the City Council adopts the Ordinance introduced on November 15, 2011.

BACKGROUND

The Ordinance was introduced by Council Member Henson at the November 15, 2011 meeting of the City Council with the following vote:

AYES:	Council Members:	Zermeño, Quirk, Peixoto, Salinas, Henson
	Mayor Pro Tempore:	Halliday
NOES:	Council Members:	None
ABSENT:	Council Members:	None
	Mayor	Sweeney
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on Saturday, November 19, 2011. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:

Attachment I Ordinance Published on November 19, 2011

**PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD**

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN PROPERTY IN CONNECTION WITH ZONE CHANGE APPLICATION NO. PL-2011-0175 RELATING TO THE EDEN COMMONS RESIDENTIAL DEVELOPMENT

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Rezoning

Section 2. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided the remainder of the ordinance, absent the excised portion, can be reasonable interpreted to give effect to intentions of the City Council.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Introduced at the special meeting of the Hayward City Council held November 15, 2011, the above-entitled Ordinance was introduced by Council Member Henson.

This ordinance will be considered for adoption at the special meeting of the Hayward City Council, to be held on December 6, 2011, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

Dated: November 19, 2011
Miriam Lens, City Clerk
City of Hayward

DATE: December 6, 2011
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adoption of an Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions

RECOMMENDATION

That the City Council adopts the Ordinance introduced on November 15, 2011.

BACKGROUND

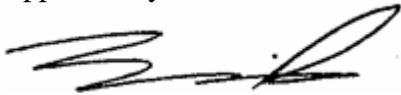
The Ordinance was introduced by Council Member Quirk at the November 15, 2011 meeting of the City Council with the following vote:

AYES:	Council Members:	Zermeño, Quirk, Halliday, Peixoto, Salinas, Henson
	Mayor	Sweeney
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on Saturday, November 19, 2011. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachment: Attachment I Ordinance Published on November 19, 2011

**PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD**

**AN ORDINANCE PROVIDING INTERIM RELIEF FROM CERTAIN INCLUSIONARY
HOUSING PROVISIONS**

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Purpose

Section 2. Interim Relief Provisions

Section 3. Severance. Should any part of this ordinance be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Introduced at the special meeting of the Hayward City Council held November 15, 2011, the above-entitled Ordinance was introduced by Council Member Quirk.

This ordinance will be considered for adoption at the special meeting of the Hayward City Council, to be held on December 6, 2011, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

Dated: November 19, 2011
Miriam Lens, City Clerk
City of Hayward

DATE: December 6, 2011

TO: Mayor and Council

FROM: Director of Public Works

SUBJECT: Authorization for the City Manager to Negotiate and Execute a Professional Services Agreement for the Design of the New Hayward Executive Airport Administration Building

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to negotiate and execute a Professional Services Agreement with WLC Architects, Inc. in an amount not to exceed \$180,000 for the design of the Hayward Executive Airport Administration Building.

BACKGROUND

The Hayward Municipal Airport Air Traffic Control Tower was dedicated in 1961. The City has leased the top three floors of the building to the Federal Aviation Administration (FAA) since it opened. The Hayward Executive Airport administration offices have been located on the first and second floors of this building for the past 25 years. The Airport operation has outgrown the limited space of 1,800 square feet currently in use. Also, new and modern building features are needed to effectively administer Airport operations.

Recognizing the shortcomings of the current building, staff identified potential design features for a new administration building in 2002. Results of an Airport Customer Survey Report completed on June 3, 2010 confirmed the replacement of the administration building was a high priority need and should be pursued. A project was subsequently programmed in the Airport Capital Fund of the Capital Improvement Program.

DISCUSSION

The site identified for an administration building is adjacent to the existing control tower building (see Attachment II). The site is approximately 100 feet by 100 feet or 10,000 square feet in size. The 2010 Airport Layout Plan Update designates this site for construction of the administration building. Vehicle parking is contemplated on an existing turf area east of the existing control tower. On August 19, 2011, staff mailed Request for Proposals (RFP) to architectural firms. The RFP was posted on the City's website for additional advertising and solicitation. Staff received a total of 21 proposals. A team consisting of Airport and Engineering staff unanimously selected WLC

Architects, Inc. of Folsom, California as the most qualified firm because of its understanding of the project, design approach, extensive experience in designing sustainable government administration buildings, and other similar projects throughout California, specifically the Bay Area.

Staff believes WLC Architects, Inc. is well-qualified to perform various aspects of the building design and considers its level of effort and negotiated fee to be reasonable for these services which include design of the project and providing support during the bidding period. Therefore, staff is recommending a Professional Services Agreement with WLC Architects, Inc. for an amount not to exceed \$180,000, including \$153,000 for basic services and \$27,000 as contingency for additional services that might be needed.

The Airport Administration Building was part of the Environmental Impact Report prepared for the Airport Master Plan, which was certified in 2002.

FISCAL IMPACT

The adopted FY 2012 Capital Improvement Program (CIP) includes \$2,100,000 for this project in the Airport Capital Improvement Fund. The estimated project costs are as follows:

Design - Consultant	\$180,000
Design Administration – City Staff	40,000
Construction Contract	1,800,000
Inspection and Testing	<u>80,000</u>
TOTAL:	\$2,100,000

PUBLIC CONTACT

After the consultant team completes the Schematic Design which should be in about three months, staff will hold a public informational meeting with the Council Airport Committee to receive input on the proposed building design. Prior to the start of construction, staff will send notification letters to all airport tenants and other interested parties, with information regarding the project and the construction schedule.

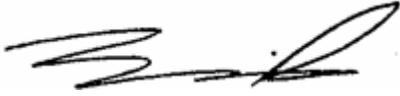
SCHEDULE

Begin Design	January 2, 2012
City Council Approval of Plans and Call for Bids	February 5, 2013
Award Construction Contract	April 2, 2013
Begin Construction	April 29, 2013
End Construction	November 29, 2013

Prepared by: Morad Fakhrai, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution

Attachment II: Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WLC ARCHITECTS, INC. FOR ARCHITECTURAL SERVICES ASSOCIATED WITH THE DESIGN OF THE HAYWARD EXECUTIVE AIRPORT NEW ADMINISTRATION BUILDING, PROJECT NO. 6815

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute an agreement with WLC Architects, Inc. for architectural services associated with Hayward Executive Airport New Administration Building, Project No. 6815, in an amount not to exceed \$180,000 in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

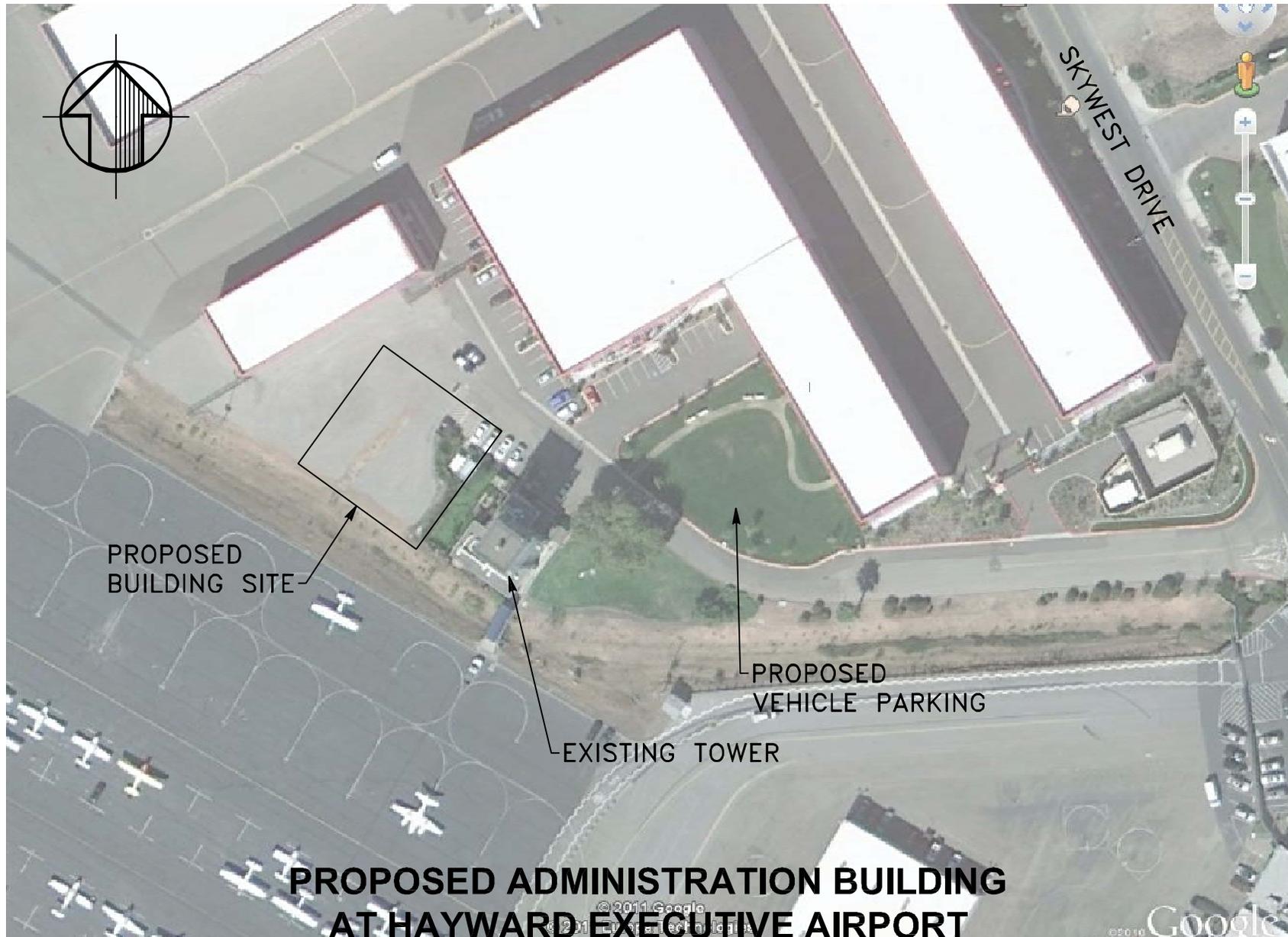
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward





DATE: December 6, 2011

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Assignment and Assumption of the Commercial Aviation Site Lease between the City and EPIC Aviation, LLC to Parkavion Property Management HWD, LLC

RECOMMENDATION

That Council approves the attached resolution authorizing the City Manager to approve an assignment and assumption of the commercial aviation site lease between the City and EPIC Aviation, LLC to Parkavion Property Management HWD, LLC

BACKGROUND

On November 16, 1993, Council approved an assignment of the Hunt-Myers Commercial Aviation Lease to Valley Oil Co. Valley Oil Co. subsequently changed its corporate name to EPIC Aviation, Inc. ("Epic"). A Commercial Aviation Site Lease between the City and Epic was executed on February 2, 2004. A first amendment to this lease, executed on December 16, 2008, included a parcel necessary for the completion of a commercial hangar project, among other provisions; however, construction of this hangar project has not yet been initiated. On May 9, 2011, the City was informed that Epic had executed a sales agreement with Parkavion Property Management HWD, LLC ("Parkavion") and requested an assignment of its leasehold interest. The City was also informed that Parkavion would assume site management duties for Epic until the sale and assumption were completed. The Epic leasehold is approximately 7.56 acres in size with two existing hangar buildings. The leasehold is illustrated in Attachment II, and an aerial photograph of the leasehold is shown in Attachment III.

DISCUSSION

Parkavion is a new entity created for this lease assumption but its President, Gary Briggs, is also president of Ascend Development HWD, LLC (Ascend) which originally executed a Commercial Aviation Site Lease with the City on August 1, 2001 and, subsequently, constructed a successful large corporate hangar project in two phases. Ascend is currently a tenant in good standing, and its President Gary Briggs has significant experience in aviation property management, aircraft maintenance shop management, and fixed base operation management.

Since assuming daily facility management duties in spring 2011 for the Epic site, Gary Briggs has progressed in making necessary repairs and minor improvements to the leasehold. Tenants were required to sign new lease agreements with Parkavion, especially since some tenants had no existing signed lease with Epic, and there were some complaints by tenants regarding new rental rates. However, those issues were subsequently resolved through further negotiation, with a few tenants opting to relocate. Parkavion initially requested certain amendments to the existing Epic lease but has recently indicated it will accept the lease assignment as is and will not pursue any lease

amendments for at least one year. Parkavion has also indicated that within the next year it will make significant capital improvements to enhance the appearance and functionality of the two existing Epic hangar buildings. In accordance with the most recent lease amendment, Parkavion has also agreed to fund taxiway paving improvements on the Epic leasehold to support new hanger construction underway on the Hayward Hangers leasehold.

The Epic corporate headquarters is based in Oregon, and its response to facility maintenance issues has been hampered at times, due to its remote location. Parkavion is locally owned and operated, and this change should result in a better response to tenant and Airport management concerns. Parkavion's management expertise, outlined above, should also benefit the City and the tenants.

ECONOMIC IMPACT

The overall economic impact of this assignment and assumption will be relatively modest. However, the proposed capital improvements will, presumably, induce the existing tenants to remain in the hangars and attract new tenants to the development.

FISCAL IMPACT

The Epic leasehold consists of three parcels:

- Parcel "A" is 179,708 sq. ft. at \$0.30 per sq. ft.
- Parcel "B" is 90,895 sq. ft. at \$0.30 per sq. ft.
- Parcel "C" is 58,312 sq. ft. at \$0.30 per sq. ft.

These three parcels currently generate total annual revenue of \$98,664. This annual rent is subject to the Airport's standard adjustment methodology every five years based alternately on the Consumer Price Index for the San Francisco Bay Area or a new appraisal.

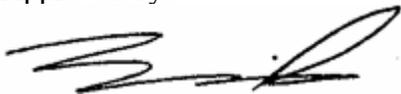
PUBLIC CONTACT

The agreement between Epic and Parkavion was privately negotiated and not subject to public disclosure. However, the Council Airport Committee, at its April 28, 2011 meeting, did receive an informational report on the proposed assumption of the Epic leasehold by Parkavion. The primary discussion at that time was the tenants' concerns about rental rate increases.

Prepared by: Douglas McNeeley, Airport Manager

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachments: Attachment I: Resolution Epic Leasehold Assignment and Assumption
Attachment II: Leasehold Plot
Attachment III: Leasehold Aerial Photograph

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE AN ASSIGNMENT AND ASSUMPTION OF THE COMMERCIAL AVIATION SITE LEASE BETWEEN THE CITY AND EPIC AVIATION, LLC, TO PARKAVION PROPERTY MANAGEMENT HWD, LLC

WHEREAS, the City of Hayward owns and operates the Hayward Executive Airport; and

WHEREAS, representatives of Parkavion Property Management HWD, LLC have notified the City that they have purchased the Hayward operation of EPIC Aviation, LLC and wish to have the lease transferred to their corporate name; and

WHEREAS, it is in the best interest of the City of Hayward to approve the assignment and assumption of this lease.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is authorized to execute the lease assignment and assumption and all related documents regarding the assignment and assumption as described in the staff report, in a form approved by the City Attorney

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



LEASEHOLD AERIAL PHOTOGRAPH

DATE: December 6, 2011

TO: Mayor and City Council
Authority Board Chair and Members

FROM: Assistant City Manager

SUBJECT: Authorization to Negotiate a Professional Services Agreement with Townsend Public Affairs, Inc. to Assist in Securing State and Federal Funding for Affordable Housing, Economic Development, Public Safety, Library, Infrastructure, and Transportation Related Activities; and to Appropriate Funding

RECOMMENDATION

That Council and Authority Board adopt the attached resolutions:

1. Authorizing the City Manager/Executive Director to negotiate and execute a professional services agreement to be effective July 1, 2011 through June 30, 2012 with Townsend Public Affairs, Inc. in an amount not to exceed \$90,000 in order to provide assistance in preparing applications and securing State and Federal Funding for Affordable Housing, Economic Development, Public Safety, Library, Infrastructure, and Transportation related activities; and
2. Appropriating \$15,000 from the General Fund in order to fund a portion of this professional services agreement; and
3. Appropriating \$15,000 from the Housing Authority Operating Fund in order to fund a portion of this professional services agreement.

BACKGROUND

Townsend Public Affairs has been performing Hayward’s Federal and State legislative advocacy since 2009 and has assisted Hayward in identifying and securing State and Federal funding for a variety of public improvements and programs, ranging from transportation and infrastructure improvements to public safety, libraries, and affordable housing. Townsend assisted the City’s Redevelopment Agency with securing \$47 million in State Proposition 1-C funding for South Hayward BART Transit-Oriented Development. The firm also provides significant day to day legislative monitoring and tracking at both the Federal and State levels, providing updates to City staff and working with elected officials to advocate on the City’s behalf with respect to these issues.

DISCUSSION

Townsend Public Affairs works with public agencies and non-profit entities in the following ways:

- Provides legislative notification, tracking, and advocacy
- Assists with identifying capital and operating funding needs
- Identifies existing State and Federal funding sources that meet local agency needs, and as necessary to help shape and develop funding programs to meet local needs
- Assists local agencies in securing favored eligibility or priority status for their funding needs
- Assists with preparing and reviewing applications for funding, securing legislative sponsors and funding recommendations, and to advocate for the funding throughout the process
- Works to ensure rapid disbursement of funds, once the funding awards have been made.

Townsend's services in identifying funding sources will be particularly valuable at this time, and will assist the City, particularly the Public Works Department, and potentially Library & Community Services, and Police and Fire for safety-related funding. Given the current lawsuit pending regarding the continued existence of redevelopment agencies throughout the State, the Redevelopment Agency cannot be a party to this agreement. As such, a new agreement must be executed to utilize the services of Townsend for other City departments and to reallocate the funding sources for the agreement.

FISCAL IMPACT

Townsend's fee for the current year would be a flat fee of \$7,500 per month, for a total of \$90,000 for this professional services agreement. It is proposed that the \$90,000 funding for Townsend's services come from the following four sources, which is roughly proportionate to the benefit that would be gained from their services:

- General Fund (100-1201) \$15,000 - Staff recommends that \$15,000 be appropriated from Fund 100 fund balance for this agreement to support Townsend's overall advocacy on behalf of the City, including advocacy for public safety funding.
- Housing Authority Fund (241-4453) \$15,000 - Staff recommends that \$15,000 be appropriated from Fund 241 fund balance for this agreement to support advocacy efforts on behalf of affordable housing project funding requests.
- New Library-Programming/Design Fund (410-6992) \$30,000 - This CIP project has sufficient funds for this purpose and could benefit from assistance in developing the necessary funds to construct a new library. No further appropriation is necessary.
- Route 238-Administration/Pre-Design (430-5114) \$30,000 - This CIP project has sufficient funds for this purpose and was funded by transfers from the Route 238 Trust Fund which can be used for any transportation purpose. The related transportation purpose would be Townsend's advocacy in securing funds for transportation projects. No further appropriation is necessary.

PUBLIC CONTACT

No public discussion of this matter has previously been scheduled.

NEXT STEPS

Following Council and Authority Board approval at this meeting, staff will finalize a professional services agreement for execution with Townsend Public Affairs, Inc. and will appropriate the funding. The timeline for this agreement is for one year - retroactive to July 1, 2011 through June 30, 2012. The Redevelopment Agency was an original party to the prior professional services agreement with Townsend that should have continued beginning July 1. As a result of the actions taken by the State with respect to redevelopment agencies, staff needed to initiate a new professional services agreement with the City and the Housing Authority, in lieu of the Redevelopment Agency, and reallocate the funding for the agreement from different sources.

Prepared by: Denise Blohm, Administrative Analyst II

Recommended by: Kelly McAdoo Morariu, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution Authorizing Execution of Professional Services Agreement (Council)
- Attachment II: Resolution Authorizing Execution of Professional Services Agreement (Authority Board)
- Attachment III: Resolution Appropriating Funds for Professional Services Agreement (Council)
- Attachment IV: Resolution Appropriating Funds for Professional Services Agreement (Authority Board)

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS, INC., TO ASSIST IN SECURING STATE AND FEDERAL FUNDING FOR AFFORDABLE HOUSING, ECONOMIC DEVELOPMENT, PUBLIC SAFETY, LIBRARY, INFRASTRUCTURE, AND TRANSPORTATION RELATED ACTIVITIES, AND PUBLIC FACILITIES

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute a professional services agreement with Townsend Public Affairs, Inc., to assist in securing state and federal funding for Affordable Housing, Economic Development, Public Safety, Library, Infrastructure, and Transportation related activities, and public facilities in an amount not to exceed \$90,000, which is the total amount of contract funds from both the City and the Housing Authority, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

APPROVED AS TO FORM:

General Counsel of the Housing Authority
of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION AMENDING RESOLUTION 11-092, AS AMENDED, THE OPERATING BUDGET RESOLUTION FOR FISCAL YEAR 2012 RELATING TO AN APPROPRIATION OF FUNDS FROM THE GENERAL FUND, FUND 100.

BE IT RESOLVED by the City Council of the City of Hayward that Resolution 11-092, as amended, the Operating Budget Resolution for fiscal year 2012, hereby be further amended by approving an appropriation of \$15,000, for a professional services agreement with Townsend Public Affairs, Inc., to assist in securing state and federal funding for Affordable Housing, Economic Development, Public Safety, Library, Infrastructure, and Transportation related activities.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

