



**SPECIAL CITY COUNCIL MEETING FOR JANUARY 14, 2013**  
777 B STREET, HAYWARD, CA 94541  
[WWW.HAYWARD-CA.GOV](http://WWW.HAYWARD-CA.GOV)

---

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

**1. PUBLIC COMMENTS**

**2. Public Employment**

Pursuant to Government Code 54957

➤ Performance Evaluation

City Manager

**3. Conference with Labor Negotiators**

Pursuant to Government Code 54957.6

➤ Lead Negotiators: City Manager David; City Attorney Lawson; Assistant City Manager McAdoo; Human Resources Director Robustelli; Finance Director Vesely; Deputy City Attorney Vashi; Director of Maintenance Services McGrath; Senior Human Resources Analyst Collins; Senior Human Resources Analyst Monnastes; Jack Hughes, Liebert, Cassidy and Whitmore

Under Negotiation: All Groups

**4. Conference with Legal Counsel**

Pursuant to Government Code 54956.9

➤ Pending Litigation

McGraw v. Top Grade, et al., Alameda County Superior Court Case No. HG12617574

**5. Conference with Legal Counsel**

Pursuant to Government Code 54956.9

➤ Anticipated Litigation (Two Cases)

**6. Adjourn to Special City Council Meeting**

---

**SPECIAL CITY COUNCIL MEETING**  
**Council Chambers – 7:00 PM**

**CALL TO ORDER Pledge of Allegiance Mayor Sweeney**

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

## 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.*

---

**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 any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

---

## CONSENT

1. Approval of Minutes of the Special City Council Meeting on December 10, 2013  
*Motion*
  2. Approval of Minutes of the City Council Meeting on December 17, 2013  
*Motion*
  3. 238 Bypass Corridor Settlement Agreement Update  
**\*\*\* Staff report will be available no later than Monday, January 13, 2014 \*\*\***
  4. Authorization for City Manager to Execute a Master Lease Purchase Agreement for the Purchase of Police and Fire Department Vehicles  
*Resolution*
- 

***The following order of business applies to items considered as part of Public Hearings and Legislative Business:***

- *Disclosures*
  - *Staff Presentation*
  - *City Council Questions*
  - *Public Input*
  - *Council Discussion and Action*
- 



## **PUBLIC HEARING**

5. Introduction and Adoption of an Ordinance to Approve an Amendment to the City of Hayward's Contract with the California Public Employees Retirement System (CalPERS) and Authorizing Staff to Execute the Contract (**Report from Human Resources Director Robustelli**)  
*Introduction and Adoption of Ordinance*
6. Adoption of Negative Declaration and Request for Text Amendment (PL-2013-0437 TA) to: (1) Add a definition for Transitional and Supportive Housing to Section 10-1.3500 of the Zoning Ordinance; (2) Amend Table 9 of Section 10-24.300 of the South Hayward BART/Mission Boulevard Form-Based Code by removing reference to both Transitional and Supportive Housing as Allowed Functions; and (3) Replace Section 10-1.145 of the Zoning Ordinance with new Section 10-1.145 related to Reasonable Accommodation for Persons with Physical Disabilities. Applicant: City of Hayward (**Report from Development Services Director Rizk**)  
**\*\*\* Report continued to January 28, 2014 \*\*\***

## **LEGISLATIVE BUSINESS**

7. Adoption of Interim Urgency Ordinance Imposing a Temporary Moratorium on the Development, Establishment and Operation of New Small-Format and Large-Scale Tobacco Retailers and all New E-Cigarette Retailers, Electronic Cigarette Lounges, Vapor Bars, and Hookah Bars within the City of Hayward. The Adoption of the Ordinance is Exempt from Environmental Review under the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21065 and State CEQA Guidelines Sections 15061(b)(3), 15306 and 15378 (**Report from Development Services Director Rizk**)  
*Adoption of Ordinance*

## **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, JANUARY 21, 2014**

---

**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 before speaking and are expected to honor the allotted time. Speaker Cards are 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, 4<sup>th</sup> 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:*

