



**MINUTES OF SPECIAL JOINT MEETING OF THE CITY COUNCIL AND
HAYWARD REDEVELOPMENT SUCCESSOR AGENCY BOARD**
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 21, 2020, 7:00 p.m.

The Joint City Council and Hayward Redevelopment Successor Agency Board meeting was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council/HRSAB Member Lamnin.

ROLL CALL

Present: COUNCIL/HRSAB MEMBERS Zermeño, Márquez, Mendall, Lamnin, Wahab, Salinas
MAYOR/CHAIR Halliday
Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:00 p.m., regarding four items: 1) conference with legal counsel pursuant to Government Code 54956.9 regarding one anticipated litigation case; 2) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding City of Hayward v. California State University Trustees, Alameda County Superior Court, Case No. RG 18895213; 3) conference with legal counsel pursuant to Government Code 54956.9 regarding City of Hayward v. Bay Area Property Developers, LLC, Century Housing Corporation, Yamkachav Investments, LLC, First American Title Corporation, and DOEs 1-50; Alameda County Superior Court, Case No. HG19046792; and 4) conference with property negotiators pursuant to Government Code 54956.8 regarding former Route 238 Parcel Group 7, 24900 and 25000 Mission Boulevard, APNs 445-0200-009-00 and 445-0200-012-01. City Attorney Lawson noted there was no reportable action related to all items.

PRESENTATION

Mayor Halliday read a certificate of recognition presented to Daisy Bamberger in recognition of her outstanding athletic achievement, for being awarded Best Female Boxer for the 2015 National Police Activities League (PAL) Tournament, the 2017 Junior Olympic Tournament and the 2019 National PAL Tournament. Ms. Daisy Bamberger thanked the City for the recognition.

PUBLIC COMMENTS

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about his continued efforts related to smog check and car emissions.

Mr. Ronald Brey, Hayward resident, spoke against the elimination of electric house appliances in residential zones.

Mr. Jim Drake, Hayward resident, asked that parking in the basement of City Hall be reinstated for the elderly and handicapped individuals.

Consent Item 3, 4, 5, 6, 12, and 13 were removed for separate vote and further discussion.

CONSENT

1. Approve City Council Minutes of the Special City Council Work Session Meeting on December 17, 2019 **MIN 20-008**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special City Council Work Session meeting on December 17, 2019.

2. Approve City Council Minutes of the City Council Meeting on December 17, 2019 **MIN 20-009**

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 December 17, 2019.

3. Adopt an Ordinance Amending Chapter 8, Article 21, Section 8-21.11 of the Hayward Municipal Code Relating to Increasing the Commercial Cannabis Tax Rate to Seven Percent of Gross Sales **CONS 20-018**

Staff report submitted by City Clerk Lens, dated January 21, 2020, was filed.

Mr. Doug Chloupek, urged the Council to not put forward a measure to increase taxes and added that the process for business entitlements is cumbersome.

Discussion ensued among Council members and City staff about the procedure for adoption of ordinances when the vote is not unanimous during the introduction of the ordinance.

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, Márquez, Mendall, Lamnin, Salinas MAYOR Halliday
NOES:	COUNCIL MEMBER Wahab
ABSENT:	None
ABSTAIN:	None

Ordinance 20-01, "Ordinance of the City of Hayward, California Amending Section 8-21.11 of Article 21 of Chapter 8 of the Hayward Municipal Code Relating to Increasing the Commercial Cannabis Tax Rate"



**MINUTES OF SPECIAL JOINT MEETING OF THE CITY COUNCIL AND
HAYWARD REDEVELOPMENT SUCCESSOR AGENCY BOARD**
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 21, 2020, 7:00 p.m.

-
4. Adopt an Ordinance Amending Chapter 10, Article 16 of the Hayward Municipal Code Regarding Obligations for Parks and Recreation for Property Developers **CONS 20-019**

Staff report submitted by City Clerk Lens, dated January 21, 2020, was filed.

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

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

Ordinance 20-02, "Ordinance of the City of Hayward Amending Chapter 10, Article 16 of the Hayward Municipal Code Regarding Obligations for Parks and Recreation for Property Developers"

5. Adopt a Resolution Accepting the Resignation of Ms. Ginny Delaney from the Keep Hayward Clean and Green Task Force, Effective January 3, 2020 **CONS 20-037**

Staff report submitted by City Clerk Lens, dated January 21, 2020, was filed.

Council Member Márquez acknowledged the contributions of Ms. Ginny Delaney to the Keep Hayward Clean and Green Task Force and noted she was an instrumental volunteer in getting Measure T passed.

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

Resolution 20-010, "Resolution Accepting the Resignation of Ms. Ginny Delaney From the Keep Hayward Clean and Green Task Force"

6. Adopt a Resolution Accepting the Resignation of Mr. Ernesto Sarmiento Jr. from the Community Services Commission, Effective January 1, 2020 **CONS 20-038**

Staff report submitted by City Clerk Lens, dated January 21, 2020, was filed.

Council Member Lamnin acknowledged the contributions of Mr. Ernesto Sarmiento Jr. to the Community Services Commission.

Council Member Lamnin offered a motion to accept the resignation of Mr. Sarmiento and direct staff to contact Ms. Isabel Pimentel to confirm her interest, eligibility, and availability to serve on the Community Services Commission starting in February or April 1, 2020. Ms. Pimentel had applied and was interviewed in 2019 but because there were not enough vacancies to appoint her to the Community Services Commission she was placed on a waitlist.

Council Member Márquez seconded the motion.

Council Member Salinas expressed hesitation about the motion on the floor.

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

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

Resolution 20-011, “Resolution Accepting the Resignation of Mr. Ernesto Sarmiento Jr. from the Community Services Commission”

7. Adopt a Resolution Authorizing Amendment of the Legal Services Agreement with Downey Brand LLP to Increase the Contract Amount for Specialized Legal Support on Water Resources-Related Matters to a Not-To-Exceed Amount of \$225,000 **CONS 20-023**

Staff report submitted by Public Works Director Ameri, dated January 21, 2020, was filed.

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

Resolution 20-001, “Resolution Authorizing Amendment of the Legal Services Agreement with Downey Brand LLP to Increase the Contract Amount for Specialized Legal Support on Water Resources-related matters to a Not-to-Exceed amount of \$225,000”



**MINUTES OF SPECIAL JOINT MEETING OF THE CITY COUNCIL AND
HAYWARD REDEVELOPMENT SUCCESSOR AGENCY BOARD**
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 21, 2020, 7:00 p.m.

-
8. Adopt a Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Luhdorff & Scalmanini Consulting Engineers to Increase the Contract Amount for Technical Groundwater Support Services by \$35,000, to a Not-to-Exceed Amount of \$110,000 **CONS 20-024**

Staff report submitted by Public Works Director Ameri, dated January 21, 2020, was filed.

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

Resolution 20-002, "Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Luhdorff & Scalmanini Consulting Engineers to Increase the Contract Amount for Technical Groundwater Support Services by \$35,000, to a Not to Exceed Amount of \$110,000"

9. Adopt a Resolution Supporting a Priority Production Area Designation in the Plan Bay Area 2050 for the Industrially Zoned Areas in the City of Hayward **CONS 20-027**

Staff report submitted by Development Services Director Simpson, dated January 21, 2020, was filed.

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

Resolution 20-003, "Resolution of the City Council of Hayward to Nominate the Hayward Industrial District to the Association of Bay Area Governments & Metropolitan Transportation for Adoption as a Priority Production Area"

10. Adopt Resolutions Authorizing the City Manager to Amend the Professional Services Agreement with HydroScience Engineers, Inc., to Increase the Contract Amount by \$80,000 to a Not-to-Exceed Amount of \$376,000, for Additional Support Services and Appropriate Additional Funds from Sewer Improvement Fund **CONS 20-029**

Staff report submitted by Public Works Director Ameri, dated January 21, 2020, was filed.

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

Resolution 20-004, “Resolution Authorizing the City Manager to Amend the Agreement with Hydrosience Engineers, Inc., to Increase the Contract Amount by \$80,000 to a Not to Exceed Amount of \$376,000, for Additional Support Services Related to the Recycled Water Treatment Facility Project – Phase I”

Resolution 20-005, “Resolution Appropriating \$80,000 from the Capital Improvement Program Sewer Improvement Fund for the Recycled Water Treatment Facility Project – Phase I, Project No. 07710”

11. Adopt Resolutions Authorizing the City Manager to Negotiate and Execute Amendment to Professional Services Agreements with RossDrulisCusenbery and Kitchell CEM and to Negotiate and Execute New Professional Services Agreements with ABC Inspections, Inc., and Consolidated Engineering Laboratories for the Fire Station 6 and Fire Training Center Project **CONS 20-036**

Staff report submitted by Public Works Director Ameri and Fire Chief Contreras, dated January 21, 2020, was filed.

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

Resolution 20-006, “Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Professional Services Agreement with Rosdruliscusenbery Architecture Inc., for Additional Services Associated with the Fire Station 6 and Fire Training Center Improvement Project”

Resolution 20-007, “Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Professional Services Agreement with Kitchell Cem for Additional Services Associated with the Fire Station 6 and Fire Training Center Improvement Project”

Resolution 20-008, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with ABC Inspections, Inc., for Inspector of Record Services Associated with the Fire Station 6 and Fire Training Center Improvement Project.”

Resolution 20-009, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Consolidated Engineering Laboratories for Materials Testing and Special Inspection Services Associated with the Fire Station 6 and Fire Training Center Improvement Project”



**MINUTES OF SPECIAL JOINT MEETING OF THE CITY COUNCIL AND
HAYWARD REDEVELOPMENT SUCCESSOR AGENCY BOARD**
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 21, 2020, 7:00 p.m.

12. Adopt a Resolution Authorizing the Purchase of a StarChase Pursuit Management System **CONS 20-052**

Staff report submitted by Police Chief Chaplin and Police Captain Deplitch, dated January 21, 2020, was filed.

City staff responded to questions posed by Council Members related to the number of pursuits, use of proposed technology, policy, data stored, and sharing of information.

Council Member Mendall offered a motion per staff's recommendation and Council Member Zermeño seconded the item.

Council Member Mendall noted the proposal was a pilot program and was a de-escalation tool.

Council Member Mendall and Council Member Márquez noted that the proposed system was vetted by the Council Infrastructure Committee.

Council Member Wahab expressed reservations about utilizing a tool without having proper protocols and measures in place and noted she would not be supporting the motion.

Council Member Zermeño noted the proposal was a public safety tool.

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, Márquez, Mendall, Lamnin, Salinas
MAYOR Halliday
NOES: COUNCIL MEMBER Wahab
ABSENT: None
ABSTAIN: None

Resolution 20-012, "Resolution Authorizing the City Manager to Execute a Contract with Starchase Systems to Purchase the Starchase Pursuit Management System for Marked Hayward Police Department Vehicles"

Council Member Mendall recommended that staff plan public discussion about a policy related to data storage and retention.

13. Adopt a Resolution Approving the Annual Recognized Obligation Payment Schedule for the Period July 1, 2020 to June 30, 2021 and the Hayward Redevelopment Successor Agency Administrative Budget for the Period July 1, 2020 to June 30, 2021 **CONS 20-056**

Staff report submitted by City Manager McAdoo, dated January 21, 2020, was filed.

In response to Council/HRSA Member Wahab's inquiry, City Manager McAdoo explained the intent of the staff report and the administrative allowance for the housing portion.

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

Hayward Redevelopment Successor Agency Resolution 20-01, "Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Hayward Successor Agency, a Separate Legal Entity, Approving the Recognized Obligation Payment Schedule for the Period July 1, 2019 through June 30, 2021 ("ROPS 20-21") and the Administrative Budget for the 2020-21 Fiscal Year, and Directing the City Manager to Take all Actions Necessary to Effectuate Requirements Associated with this Approval"

PUBLIC HEARING

14. Huntwood Townhomes: City Council Call Up of the Planning Commission's Denial on October 24, 2019 and the Approval of a Resolution to Subdivide a 1.21-Acre Site into 18 Parcels to Allow the Construction of 14 Townhomes with Common Open Space Areas and Related Site Improvements at 28538 Huntwood Avenue (APN 465-0025-005-03) Requiring Approval of a Vesting Tentative Tract Map and Site Plan Review. Application No. 201705535 by James Chao (Applicant) on behalf of Zhong Yin Liu (Owner) (Report from Development Services Director Simpson) **PH 20-002**

Staff report submitted by Principal Planner Lochirco, dated January 21, 2020, was filed.

Development Services Director Simpson announced the report and introduced Principal Planner Lochirco, who provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding affordable housing and construction timeline, density, driveways and parking, and Homeowners Association.

Mayor Halliday opened the public hearing at 8:20 p.m.



**MINUTES OF SPECIAL JOINT MEETING OF THE CITY COUNCIL AND
HAYWARD REDEVELOPMENT SUCCESSOR AGENCY BOARD**
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 21, 2020, 7:00 p.m.

Mr. James Chao, project architect, spoke about the four-bedroom option and was agreeable to building bedrooms on the first floor.

Mr. Ronald Brey, Hayward resident, favored the proposal, noted greater densities create more crowded streets, and noted there were benefits to living in the suburbs.

Mayor Halliday closed the public hearing at 8:31 p.m.

Council Member Mendall noted he was the member who called up the item.

Council Member Mendall offered a motion to approve the project because the proposal included onsite affordable housing, additional parking spaces and additional improvements including the elimination of natural gas installation, rooftop solar panels with back-up battery, electric vehicle charging stations, bicycle racks, and conformed with zoning regulations.

Council Member Márquez seconded the motion because of the improvements made but would have liked to see bedrooms on the first floor. Council Member Márquez noted that developers need to be encouraged to set aside units that provide options such as aging in place. Council Member Márquez suggested a joint work session with the Planning Commission to address specific housing items and suggested staff review the language in reports for complex projects to minimize confusion.

Council Member Wahab expressed support for the improvements made to the project and noted she supported having bedrooms on the first floor.

Council Member Salinas expressed support for the proposal and the improvements made.

Council Member Lamnin acknowledged the improvements made to the project; however, she noted the project could have had higher density with different product type.

Council Member Zermeño expressed support for the motion.

Mayor Halliday supported the motion, noted quality communities are not achieved with increased densities, and noted the City needs to recognize the rights of people who own and want to develop property.

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

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

Resolution 20-013, "Resolution Approving the Vesting Tentative Tract Map No. 8546 and Site Plan Review for the Construction of 14 New Townhomes and Related Site Improvements at 28538 Huntwood Avenue"

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Márquez announced the Keep Hayward Clean and Green Task Force Beautification event at Mt. Eden Park on January 25, 2020; and thanked everyone who attended the Martin Luther King, Jr., celebration and march at Hayward City Hall Plaza and the Dr. Martin Luther King Jr. Birthday celebration at Chabot College on January 20, 2020.

Mayor Halliday echoed the compliments for the events to celebrate Dr. Martin Luther King Jr. Birthday.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:56 p.m. in memory of Ms. Pamela Apostolos.

Ms. Pamela Apostolos was named the 2019 Distinguished Award winner for volunteering with the Hayward Area Historical Society (HAHS); worked at the McConaughy House since 2015 as a store manager and docent for Adult and Youth Tours, and cataloged the Oakland Tribune collection and Daily Review photography collection in the HAHS archives. Mayor Halliday asked City staff to work with the Apostolos family or the HAHS to find a suitable place to plant a tree in memory of Ms. Pamela Apostolos.

APPROVED

Barbara Halliday
Mayor, City of Hayward
Chair, Hayward Redevelopment Successor Agency Board

ATTEST:

Miriam Lens
City Clerk, City of Hayward
Secretary, Hayward Redevelopment Successor Agency Board