



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

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The meeting of the City Council was called to order by Mayor Pro Tempore Zermeño at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Pro Tempore Zermeño.

**ROLL CALL**

Present: COUNCIL MEMBERS Márquez, Lamnin, Wahab, Salinas  
MAYOR PRO TEMPORE Zermeño  
Absent: COUNCIL MEMBER Mendall  
MAYOR Halliday

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson reported the Closed Session was canceled given there were two members of the Council absent; therefore, there was no reportable action.

**PRESENTATION**

Mayor Pro Tempore Zermeño read a Certificate of Commendation presented to Mr. Joseph Franco for creating an app, F-Connect, dedicated to connecting foster youth to a peer network and tools to apply to college and for scholarships. Council Member Lamnin read a Certificate of Commendation presented to Ms. Nancy Wright for her dedication to science education and to the students of Hayward, and for representing Hayward in Washington D.C. where she was awarded the Presidential Award for Excellence in Mathematics and Science Teaching. Hayward Unified School District Superintendent Dr. Wayne commended Mr. Joseph Franco and Ms. Nancy Wright for their contributions to Hayward.

**PUBLIC COMMENTS**

There were none.

**CONSENT**

Consent Item 3 was removed from the Consent Calendar for separate vote.

1. FY 2019 Pavement Rehabilitation & Preventive Maintenance Project: Award of Construction Contract **CONS 19-084**

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

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

Resolution 19-036, “Resolution Approving Award of Contract for the FY 2019 Pavement Rehabilitation and Preventative Maintenance Project, Project Nos. 05216, 05219, 05220, 05280, and 05231 to O’Grady Paving Inc.”

2. Recycled Water Treatment Facility Project - Phase I: Approval of Addendum No. 1 and Award of Construction Contract **CONS 19-102**

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

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

Resolution 19-037, “Resolution Approving Addendum No. 1 and Awarding a Contract to TNT Industrial Contractors, Inc., for the Recycled Water Treatment Facility Project - Phase I, Project No. 07710, in an amount Not to Exceed \$1,887,341”

3. Approval of Microsoft Enterprise License Agreement (ELA) for Microsoft Enterprise Renewal Licenses for a Three-Year Contract, in an Amount Not to Exceed \$725,075 **CONS 19-111**

Staff report submitted by Information Technology Director Kostrzak, dated February 26, 2019, was filed.

Information Technology Director Kostrzak responded to questions raised by Council Member Wahab regarding the Microsoft Enterprise License Agreement renewal. A portion of the video was muted to protect a security vulnerability. Council Member Wahab recommended that future staff reports regarding renewal of high-ticket contracts be presented to the City Council with lead time before they expire and include the winning bidder and the terms of the contract. City Manager McAdoo noted the suggestion could be evaluated during the Council Member Handbook review as part of agenda protocols.

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

Resolution 19-039, “Resolution Authorizing the City Manager to Negotiate and Execute a Purchase Order and a Three-Year Contract for a Microsoft Enterprise License Agreement (ELA) for Microsoft Enterprise Software Licenses including Office 365 Suite”



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4. Approval of Final Map Tract 8432 (Gading II), Associated with the Previously Approved Vesting Tentative Tract Map and Development of 18 Single Family Homes on a 1.7-Acre Site Located at 25941 Gading Road; Blue Mountain Communities (Applicant/Owner) **CONS 19-112**

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

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

Resolution 19-038, "Resolution Approving Final Map for Tract 8432 and Authorizing the City Manager to Execute a Subdivision Agreement"

**PUBLIC HEARING**

5. Vacation of 3138 Baumberg Avenue: Public Hearing and Resolution Approving Excess Right-of-Way Vacation and Authorizing Quit Claim Deed (Report from Interim Public Works Director Ameri) (Continued from February 19, 2019) **PH 19-011**

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

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

There being no public comments, Mayor Pro Tempore Zermeño opened and closed the public hearing at 7:43 p.m.

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

Resolution 19-040, "Resolution Vacating a Portion of Right-of-Way at 3138 Baumberg Avenue"

6. Vacation of 26010 Production Avenue: Public Hearing and Resolution Approving Excess Right-of-way Vacation and Authorizing Quit Claim Deed (Report from Interim Public Works Director Ameri) (Continued from February 19, 2019) **PH 19-012**

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

Interim Public Works Director Ameri provided a synopsis of the staff report and responded to questions from the staff report.

There being no public comments, Mayor Pro Tempore Zermeño opened and closed the public hearing at 7:47 p.m.

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

Resolution 19-041, “Resolution Vacating a Portion of Right-of-Way at 26010 Production Avenue”

## **LEGISLATIVE BUSINESS**

### **7. FY 2019 Mid-Year Budget Review & General Fund Long Range Financial Model Update (Report from Director of Finance Claussen) **LB 19-012****

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

Finance Director Claussen provided a synopsis of the staff report. City Manager McAdoo noted that Council Member Mendall had asked her to read his comments into the record during Council’s recommendations.

Discussion ensued among Council members and City staff regarding: the upcoming Council’s priority setting discussion; the new library and potential staffing increases; sales tax revenue; Utility Users Tax (UUT) revenue and staff’s strategy for addressing the recession; budget increase for contract services; Housing Division staff; Real Property Transfer Tax (RPTT); staffing changes in the Youth and Family Services Bureau (YFSB); and the change in projected reserves/surplus in 2020-21.

Mayor Pro Tempore Zermeño opened the public hearing at 8:10 p.m.

Ms. Theresa Rezentes, Hayward resident, asked for the causes in reserve projection decreases and Finance Director Claussen noted this was due to the City’s operating expenses.

Mayor Pro Tempore Zermeño closed the public hearing at 8:12 p.m.

There was Council consensus in acknowledging the commitment and partnership of City employees, labor groups and Hayward voters. Council members were optimistic about the current financial status, but urged everyone to be cautious about the projected economic downturn.



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Council members offered the following recommendations: consider items that could add capacity without adding significant ongoing cost; consider adding programming through the library for students during the summer; consider expanding Police programming to serve more kids and extend service hours; consider a cost analysis per position in the Maintenance Services Department and evaluate alternative options for partnerships through workforce development, adult schools and apprenticeship programs; identify funding for emergency preparedness for the public; consider discussion related to expanding library hours, perhaps at mid-year; consider Measure C revenue for one position in the Maintenance Services Department and for Fire Station 6; evaluate having contracts vetted by the Council Budget Finance Committee to ensure fiscal responsibility; consider small loans for businesses in lieu of grants; focus on improving the quality of life for Hayward residents when funding projects; ensure consistency in maintaining 20% General Fund reserves in operating expenses; consider a policy, as a result of the passage of Measure T, to set aside \$1 million per year toward increase in spending; consider using the remainder of Measure T revenue to balance the budget and build reserves; prioritize allocating future Measure T revenue for extending library hours and hiring additional staff in the Maintenance Services Department to perform increased litter removal; consider Sunday hours for the new library; plan to address the projected downturn in the economy in 2021; fill empty storefronts and market Hayward to generate revenue.

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

Resolution 19-042, "Resolution Amending Resolution 18-089, as Amended, the Budget Resolution for the City of Hayward Operating Budget for Fiscal Year 2019, Relating to an Appropriation of Funds"

Resolution 19-043, "Resolution Amending Resolution 18-090, as Amended, the Budget Resolution for the City of Hayward Capital Improvement Projects for Fiscal Year 2019, Relating to an Appropriation of Funds"

### **CITY MANAGER'S COMMENTS**

City Manager McAdoo made four announcements: 1) Read Across America Day on March 2, 2019 at City Hall and Dr. Seuss's Storytime event at Weekes Branch Library; 2) community meeting to discuss Caltrans parcel groups 8 and 9 on March 14, 2019 at the Douglas Morrison Theatre; 3) Coffee with a Cop event on February 27, 2019 at the Cannery Café; and 4) Hayward Youth Commission recruitment.

## **COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Council Member Márquez requested that an emergency ordinance on no cause evictions for all Hayward tenants from six to 12 months be drafted and brought for Council's discussion/action at the next Council meeting. There were four Council nods in support of having staff work on the request and place the item on the March 5, 2019 agenda.

Council Member Wahab clarified her prior referral regarding mental health and de-escalation training and expressed concerns with the referral and four-nod policy and asked for its review. City Manager McAdoo noted the policy could be reviewed during the revisions of the Council Member Handbook.

Council Member Wahab made a referral for a moratorium on rent increases for 13 months or for the remaining term of the moratorium on the decontrol of rental units. The referral did not receive support and was instead referred to the Homelessness-Housing Task Force for discussion on March 21, 2019.

Council Member Lamnin made two announcements: 1) Women on the Rise: Pioneers Transforming Politics event on March 2, 2019 at City Hall; and 2) International Women's Day celebration on March 8, 2019 at City Hall.

Council Member Wahab made two announcements: 1) Annual Women of the Year event hosted by Assembly Member Bill Quirk at Chabot College on March 2, 2019; and 2) Read Across America Day on March 2, 2019 at City Hall.

Mayor Pro Tempore Zermeño made two announcements: 1) International Trade Lunch with Consul General of Canada Rana Sarkar at the Golden Peacock on February 27, 2019; and 2) Hayward Police's donation of an incident command vehicle to representatives of Arandas, Jalisco, México, on February 27, 2019.

## **ADJOURNMENT**

Mayor Pro Tempore Zermeño adjourned the meeting at 9:03 p.m.

## **APPROVED**

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Francisco Zermeño  
Mayor Pro Tempore, City of Hayward

## **ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward