



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

Action Minutes City Council

Tuesday, September 15, 2020

7:00 PM

Remote Participation

CITY COUNCIL MEETING

COVID-19 Notice: Consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, the City Council will be participating in public meetings via phone/video conferencing.

CALL TO ORDER Pledge of Allegiance: Mayor Halliday

ROLL CALL

Present: 7 - Council Member Francisco Zermeno, Council Member Elisa Marquez, Council Member Al Mendall, Council Member Sara Lamnin, Council Member Aisha Wahab, Council Member Mark Salinas, and Mayor Barbara Halliday

CLOSED SESSION ANNOUNCEMENT

July 21, 2020: City Attorney Lawson noted the report out was included on July 21, 2020 City Council minutes.

August 3, 2020: City Attorney Lawson reported the City Council convened in closed session at 5:30 p.m. regarding two items: (1) conference with property negotiators pursuant to Government Code 54956.8 concerning Caltrans Parcel Group 6: Carlos Bee Boulevard and Overlook Avenue; APN: 455-0180-001-00; and (2) conference with property negotiators pursuant to Government Code 54956.8 concerning Caltrans Parcel Group 8: Grove Way APNs: 415-0180-070-00, 415-0180-068-01, 415-0180-076-00, 415-0180-084-01, 415-0180-073-00, 415-0180-074-00, 415-0180-075-00, 415-0180-072-00, 415-0180-071-00, 415-0180-069-01, 415-0190-064-00, 415-0180-083-01, 415-0180-080-00, 415-0180-082-01, 415-0180-081-01. City Attorney Lawson noted there was no reportable action.

August 18, 2020: Mayor Halliday reported the City Council convened in closed session at 5:00 p.m., regarding public employment pursuant to Government Code 54957 for the City Attorney; and noted there was no reportable action.

September 1, 2020: Mayor Halliday reported the City Council convened in closed session at 5:30 p.m., regarding public employment pursuant to Government Code 54957(b)(1) for the City Attorney and the City Clerk; and noted there was no reportable action.

September 15, 2020: City Attorney Lawson reported the City Council convened in closed session at 5:00 p.m., regarding three items: (1) conference with property negotiators pursuant to Government Code 54956.8 regarding Levy Affiliated Holdings; 22695 Foothill Blvd, 22631 Foothill Blvd, 1099 B St, 1093 B St, 1061 B St, 1071 B St, 1075 B St, 1081 B St, 1055 B St, 1057 B St, 1087 B St, 1061 B St, 1099 B St, 1075 B St, 1069 B St, 1057 B St, 1071 B St, 1063 B St, 1093 B St, 1081 B St, 1087 B St, 1063 B St; APNs: 428-0066-086-00, 428-0066-085-00; (2) conference with legal counsel pursuant to Government Code 54956.9 regarding City of Hayward v. Board of Trustees, California State University, Court of Appeal, 1st District, Case No. A158981; and (3) public employment pursuant to government code 54957(b)(1) regarding the City Manager. City Attorney Lawson added there was no reportable action related to Item 1; and related to Item 2, the City Council, on a motion by Council Member Salinas, seconded by Council Member Wahab, unanimously approved a settlement with CSUEB Board of Trustees regarding litigation dating back to 2008 with no funds paid by the City. Mayor Halliday noted there was no reportable action regarding Item 3.

PUBLIC COMMENTS

Mr. Frank Burton
Ms. Claire Dugan
Ms. Jessica Guadalupe Tovar
Mr. Ernie Pacheco
Ms. Ida Alvarez
Ms. Suzanne Luther
Ms. Jenna Feeney

CITY COMMISSIONS AND TASK FORCE

1. [City Commissions and Keep Hayward Clean and Green Task Force: Adopt a Resolution Confirming the Appointment and Reappointment of Members of the Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Personnel Commission and Planning Commission \(Report from City Clerk Lens\)](#)

A motion was made by Council Member Márquez, seconded by Council Member Zermeño, to approve staff's recommendation. The motion carried by the following vote:

Aye: 7 - Council Member Zermeno, Council Member Marquez, Council Member Mendall, Council Member Lamnin, Council Member Wahab, Council Member Salinas, and Mayor Halliday

CONSENT

Consent Items 7, 9, 11 and 13 were removed from the Consent Calendar.

Approval of the Consent Calendar

A motion was made by Council Member Mendall, seconded by Council Member Marquez, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Council Member Zermeno, Council Member Marquez, Council Member Mendall, Council Member Lamnin, Council Member Wahab, Council Member Salinas, and Mayor Halliday

2. [Approve City Council Minutes of the Special City Council Meeting on July 14, 2020](#)

Consent item approved.

3. [Approve City Council Minutes of the Special City Council Meeting on July 20, 2020](#)

Consent item approved.

4. [Approve City Council Minutes of the Special Joint Meeting of the City Council and Hayward Redevelopment Successor Agency on July 21, 2020](#)

Consent item approved.

5. [Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Integrated Archive Systems, Inc. \(IAS\) to Purchase and Set Up Security Cameras for Various Facilities in an Amount Not-to-Exceed \\$300,000](#)

Consent item approved.

6. [Adopt a Resolution Authorizing the City Manager to Execute an Agreement with the Alameda County Sheriff's Office for Receipt of FY 2018 Byrne Justice Assistance Grant \(JAG\) funds in the Amount of \\$42,425.10](#)

Consent item approved.

7. [Adopt Resolutions Approving Agreements with the Alameda County Health Care Services Agency and the Hayward Unified School District for School Based Mental Health Services in the Amounts of \\$220,000 and \\$120,000 Respectively and Authorize the City Manager to Execute the Agreements](#)

A motion was made by Council Member Wahab, seconded by Council Member Salinas, to approve staff's recommendation. The motion carried by the following vote:

Aye: 7 - Council Member Zermeno, Council Member Marquez, Council Member Mendall, Council Member Lamnin, Council Member Wahab, Council Member Salinas, and Mayor Halliday

8. [Adopt a Resolution Amending the FY 2020-21 Master Fee Schedule to Postpone the Effective Date of the Increase in Bimonthly Water Service Fees from October 1, 2020 to January 1, 2021](#)

Consent item approved.

9. [Adopt a Resolution: \(1\) Approving the Government Code Section 52201 Summary Report for the Project; and \(2\) Authorizing the City Manager to Negotiate and Execute a Disposition and Development Agreement with BMODDRE2, LLC for Transfer of Specified City Owned Properties and for the Development of a New Subaru Automobile Dealership](#)

Item removed from the Consent Calendar by City staff.

10. [Adopt a Resolution Authorizing the City Manager to Enter into the Seventh Amendment to the Purchase and Sale Agreement between the State of California Department of Transportation and City of Hayward for the 238 Excess Properties to Extend the Term of Sale for Five Additional Years to January 2027](#)

Consent item approved.

11. [Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Sloan Sakai Yeung & Wong LLP for the Provision of Labor Relations Services](#)

A motion was made by Council Member Márquez, seconded by Council Member Mendall, to approve staff's recommendation. The motion carried by the following vote:

Aye: 6 - Council Member Zermeno, Council Member Marquez, Council Member Mendall, Council Member Lamnin, Council Member Salinas, and Mayor Halliday

Nay: 1 - Council Member Wahab

12. [Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with HydroScience Engineers, Inc., for the Sewer and Water Line Improvement Projects, in an Amount Not-to-Exceed \\$1,467,865](#)

Consent item approved.

13. [Adopt Resolutions to Memorialize that the Provision of Affordable Housing and an Expansion of Carlos Bee Park Will Satisfy the Park and Affordable Housing Dedications for Former Caltrans 238 Parcel Group 8 in order to Secure Caltrans Authorization to Subdivide Parcel Group 8 and Authorize the City Manager to Enter into an Exclusive Negotiating Rights Agreement with Resources for Community Development \(RCD\), a California Nonprofit Public Benefit Corporation, for the Proposed Development of the Affordable Housing Segment of Parcel Group 8 Generally Situated along Grove Way between Bridge Court and Foothill Boulevard](#)

A motion was made by Mayor Halliday, seconded by Council Member Mendall, to approve staff's recommendation. The motion carried by the following vote:

14. [Adopt a Resolution Authorizing the City Manager to Increase the Construction Contract with Spencon Construction, Inc., for Administrative Change Order Authority in the Amount of \\$354,733 for the FY19 Sidewalk Rehabilitation and Wheelchair Ramp Project, Project Nos. 05249 and 05213 for a Contract Not-to-Exceed Amount of \\$677,363](#)

Consent item approved.

PUBLIC HEARING

15. [Mission Crossing Project: Consider a Resolution Amending Conditions of Approval Associated with the Mission Crossings Project Which Involves Construction of 140 three-story Condominiums, a 93-room Hotel, and 7,225 Square Feet of Community-Serving Retail Located at 25501 Mission Boulevard and Berry Avenue, MLC, Holdings \(Applicant\) Meritage Homes and Manchester Hotels, Inc. \(Property Owners\) \(Report from Development Services Director Simpson\)](#)

A motion was made by Council Member Mendall, seconded by Council Member Lamnin, to approve staff's recommendation. The motion carried by the following vote:

Aye: 7 - Council Member Zermeno, Council Member Marquez, Council Member Mendall, Council Member Lamnin, Council Member Wahab, Council Member Salinas, and Mayor Halliday

16. [California Crosspoint HS TEFRA Hearing: Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Approving the Issuance by the California Public Finance Authority in an Amount Not to Exceed \\$29 Million of Education Facility Revenue Bonds to Finance the Acquisition, Construction, Installation, Improvement, Furnishing and Equipping of California Crosspoint High School \(Report from Finance Director Claussen\)](#)

A motion was made by Council Member Salinas, seconded by Council Member Zermeno, to approve staff's recommendation. The motion carried by the following vote:

Aye: 7 - Council Member Zermeno, Council Member Marquez, Council Member Mendall, Council Member Lamnin, Council Member Wahab, Council Member Salinas, and Mayor Halliday

LEGISLATIVE BUSINESS

17. [City of Hayward Fiscal Year 2021 Operating Budget: Amend the Fiscal Year 2021 Operating Budget to Appropriate Funds from the Enterprise Funds to Cover Costs Related to Personnel Changes in the Utilities Division of the Department of Public Works \(Report from Public Works Director Ameri\)](#)

A motion was made by Council Member Márquez, seconded by Council Member Zermeño, to approve staff's recommendation. The motion carried by the following vote:

Aye: 6 - Council Member Zermeno, Council Member Marquez, Council Member Mendall, Council Member Wahab, Council Member Salinas, and Mayor Halliday

Nay: 1 - Council Member Lamnin

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:46 p.m., in memory of individuals who lost their lives during the fires in California and hoped for better weather.

NEXT MEETING, September 22, 2020, 7:00 PM