



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HAYWARD GEOLOGIC
HAZARD ABATEMENT DISTRICT BOARD MEETING OF THE CITY OF
HAYWARD**
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 13, 2016, 7:00 p.m.

The Special Joint City Council/Hayward Geologic Hazard Abatement District Board meeting was called to order by Mayor/Board Member Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor/Board Member Halliday.

ROLL CALL

Present: COUNCIL/BOARD MEMBERS Zermeño, Márquez, Mendall, Peixoto,
Lamnin, Salinas
MAYOR/BOARD MEMBER Halliday
Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño spoke about a Wage Theft Ordinance.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council convened in closed session on September 6, 2016, pursuant to Government Code 54957 (b)(1) regarding the City Manager's employment agreement, and took no reportable action.

City Attorney Lawson also announced that the Council convened in closed session on September 13, 2016, concerning two items: Conference with legal counsel pursuant to Government Code 54956.9 regarding 1) Goodfellow Top Grade Construction, LLC v. City of Hayward Alameda County Superior Court, No. RG15770542); and 2) anticipated litigation. Mr. Lawson indicated that there was no reportable action.

PRESENTATIONS

Mayor Halliday, on behalf of the City Council, presented retired City Manager Fran David with a Certificate of Commendation upon her retirement from the City on July 29, 2016, in appreciation for her valuable contribution to Hayward. Council Members and City employees, via a recorded video, offered words of appreciation for retired City Manager David in recognition of her leadership and commitment to the City of Hayward.

City Clerk Lens administered the Oath of Office to newly appointed City Manager Kelly McAdoo, and congratulated her on her appointment.

PUBLIC COMMENTS

Mr. Dan Carrigg and Ms. Sam Caygill, League of California Cities representatives, commended retired City Manager David for her contributions to the League of California Cities, and presented Ms. David with a plaque in recognition for her service.

Mr. Charlie Peters, Clean Air Performance Professionals representative, thanked retired City Manager David for her support in leading environmental policy, and spoke about the action that the California Bureau of Automotive Repair was taking related to warranty issues.

Mr. Joseph Alvarez, Hayward resident, submitted a letter for the record related to challenges with the new street sweeping service on Myrtle Street.

Ms. Lisa Brunner, Hayward Unified School District (HUSD) Board Trustee, asked Council members to not get involved with issues related to the jurisdiction of the HUSD.

Citizen Sam expressed his concern about Police Chief Stuart; requested a designated bike lane from Southland Mall to Downtown; and thanked retired City Manager David.

Mr. Jim Drake, Hayward resident, spoke about issues related to the Hayward Unified School District and matters related to the Fire and Police chiefs.

Mr. Andrew Ghali, Union president for the Hayward Fire Department, urged Mr. Jim Drake to refrain from making accusations about the Fire Chief and asked him to support public safety.

Council Member Salinas thanked retired City Manager David for her support and leadership.

BOARDS/COMMITTEES/COMMISSIONS/TASK FORCES

1. Appointments and Reappointments to Council's Appointed Bodies (Report from City Clerk Lens) **APPT 16-006**

Staff report submitted by City Clerk Lens, dated September 13, 2016, was filed.

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

Resolution 16-156, "Resolution Confirming the Appointment and Reappointment of Members of Various Boards, Commissions, and Task Forces"

City Clerk Lens administered the oath of office to newly the appointed and reappointed members.



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CONSENT

Consent Item No. 7 was pulled for discussion and for public comments.

2. Minutes of the Special City Council Meeting on July 12, 2016 **MIN 16-070**

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried unanimously, to approve the minutes of the Special City Council Meeting on July 12, 2016.

3. Minutes of the City Council Meeting on July 19, 2016 **MIN 16-071**

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried unanimously, to approve the minutes of the City Council Meeting on July 19, 2016.

4. Minutes of the Special City Council Meeting on July 26, 2016 **MIN 16-072**

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried unanimously, to approve the minutes of the Special City Council Meeting on July 26, 2016.

5. GHAD Item (To be approved by the GHAD Board)

6. Approval of Final Map 8242 Associated with the Previously Approved Vesting Tentative Map and Proposed Development of Twenty-Four Single-Family Homes on a 1.9-Acre Site at 23645 and 23653 Eden Avenue in the Mount Eden Area; KB Home, South Bay (Applicant/Owner) **CONS 16-441**

Staff report submitted by Development Services Director Rizk, dated September 13, 2016, was filed.

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

Resolution 16-157, "Resolution Approving Final Map for Tract 8242 and Authorizing the City Manager to Execute a Subdivision Agreement"

7. Mission Boulevard/Blanche Street and Gading Road/Huntwood Way Intersections Safety Improvements: Rejection of Bids, Approval of Revised Plans and Specifications and Call for Bids **CONS 16-483**

Staff report submitted by Director of Public Works Fakhrai, dated September 13, 2016, was filed.

Mr. David Jefferies, co-owner of Eiffel Tower Montessori Preschool on Blanche Street, requested a traffic light be installed at the intersection of Mission Boulevard and Blanche Street to prevent future accidents.

Ms. Lisa Simons Kross, parent of a student attending Eiffel Tower Montessori Preschool, advocated for a traffic sign at the intersection of Mission Boulevard and Blanche Street before 2017, and for a sign "School Zone-25 mph When Children Are Present" on Mission Boulevard.

Public Works Director Fakhrai noted that a high-intensity crosswalk signal would be installed in the interim and a full traffic signal system would be installed as part of the Mission Boulevard Corridor Phase II Improvements project. Staff also noted that traffic personnel would be contacted regarding more speed enforcement.

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

Resolution 16-167, "Rejecting All Bids and Approving the Revised Plans and Specifications for Mission Boulevard and Blanche Street & Gading Road and Huntwood Way Intersections Safety Improvements, Project No. 05708 and Call for New Bids"

8. Utility Service Agreement (16-01) - Pavel Gerasimov (Owner) -Adoption of a Resolution approving a Request for Water Service and Sewer Service for a Property at 4195 Picea Court in Unincorporated Alameda County, and Authorizing the City Manager to File an Application with the Alameda County Local Agency Formation Commission for Approval of an Out-of-Service Area Agreement and to Execute Utility Service and Public Street Improvement Agreements **CONS 16-514**

Staff report submitted by Development Services Director Rizk, dated September 13, 2016, was filed.

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

Resolution 16-158, "Resolution Authorizing the City Manager to Apply to the Alameda County Local Agency Formation Commission for Approval to Allow the City to Provide Sewer Service and Water Service to the Property Fronting Picea Court, Bearing Assessor's Parcel Number 425-0500-011-00, and Further Authorizing the City Manager to Execute Utility Service (USA 16-01) and Public Street Improvements Agreements"

9. Recycled Water Storage and Distribution System Project: Adoption of Revised Authorizing Resolution and Revised Reimbursement Resolution Required for the State Revolving Fund Loan Application **CONS 16-521**



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Staff report submitted by Director of Utilities and Environmental Services Ameri, dated September 13, 2016, was filed.

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

Resolution 16-159, "Resolution Authorizing the City Manager to Sign and File a State Revolving Fund Loan Financial Assistance Application in an Amount Not to Exceed \$20,000,000 for Capital Improvement Project #07507 – Recycled Water Storage and Distribution System Project"

Resolution 16-160, "Recycled Water Storage and Distribution System Project Reimbursement Resolution in Support of State Water Resources Control Board State Revolving Fund Loan Application"

10. Economic Development Small Business Revolving Loan Fund -Loan Request MYL
Restaurant Concepts, LLC **CONS 16-522**

Staff report submitted by Economic Development Manager Hinkle, dated September 13, 2016, was filed.

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

Resolution 16-161, "Resolution Authorizing Increasing the Economic Development Small Business Revolving Loan Fund Maximum Disbursement and Authorizing the City Manager to Enter into a Loan Agreement with Hayward MYL Restaurant Concepts, LLC"

11. Commercial Aviation Site Lease with Aviation Training, Inc. **CONS 16-525**

Staff report submitted by Director of Public Works Fakhrai, dated September 13, 2016, was filed.

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

Resolution 16-162, "Resolution Authorizing the City Manager to Negotiate and Execute a Ground Lease Between the City of Hayward and Aviation Training, Inc."

12. Amendment to Professional Services Agreement with ENGE0, Inc. **CONS 16-539**

Staff report submitted by Director of Public Works Fakhrai, dated September 13, 2016, was filed.

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

Resolution 16-163, "Resolution Authorizing the City Manager to Amend an Agreement with ENGE0 Incorporated for Geotechnical Professional Services to Study Route 238 Bypass Properties"

13. EBRCSA Phase 3 Implementation - Authorize the City Manager to Negotiate and Execute a Lease-Purchase Agreement with Motorola Solutions for Mobile and Portable Radios and Associated Equipment Not to Exceed \$2,600,000 **CONS 16-546**

Staff report submitted by Fire Chief Contreras, dated September 13, 2016, was filed.

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

Resolution 16-164, "Resolution Authorizing the City Manager to Negotiate and Execute a Lease-Purchase Agreement with Motorola Solutions for Mobile and Portable Radios and Associated Equipment Not to Exceed \$2,600,000"

14. Hayward Executive Airport Electrical Improvements Project -Award of Contract **CONS 16-548**

Staff report submitted by Director of Public Works Fakhrai, dated September 13, 2016, was filed.

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

Resolution 16-165, "Resolution Awarding Contract to St. Francis Electric, Inc., for the Hayward Executive Airport Electrical Improvements Project, Project No. 6825"



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15. Adoption of a Resolution Approving an Employment Agreement with the City Manager and Authorizing the Mayor to Execute the Agreement on Behalf of the Council **CONS 16-549**

Staff report submitted by Human Resources Director Collins, dated September 13, 2016, was filed.

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

Resolution 16-166, "Resolution Approving the City Manager's Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council"

LEGISLATIVE BUSINESS

16. Introduction of Ordinance Extending the Utility Users Tax to June 30, 2039, as Authorized by Voters on June 7, 2016 (Report from City Attorney Lawson) **LB 16-092**

Staff report submitted by City Attorney Lawson, dated September 13, 2016, was filed.

City Attorney Lawson provided a synopsis of the report.

Mayor Halliday opened the public hearing at 8:21 p.m.

Ms. Lisa Brunner, Hayward resident, encouraged passage of the ordinance and to bring more businesses to Hayward.

Mayor Halliday closed the public hearing at 8:23 p.m.

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

Introduction of Ordinance 16-_, "An Ordinance of the City of Hayward Re-Enacting Article 18 of Chapter 8 of the Hayward Municipal Code Regarding the Utility Users Tax; and Amending Sec. 8-18.260 Thereof for the Purpose of Extending the Utility Users Tax from June 30, 2019 to June 30, 2039, per the Approval of Measure by the Voters on June 7, 2016"

17. Designation of Voting Delegates and Alternates for the League of California Cities 2016 Annual Conference (Report from City Clerk Lens) **LB 16-093**

Staff report submitted by City Clerk Lens, dated September 13, 2016, was filed.

City Clerk Lens provided a synopsis of the report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:27 p.m.

Mayor Halliday noted that Council Member Lamnin would be accepting the Gold Level Beacon Spotlight Award for 10% Natural Gas Savings at the League of California Cities Annual Conference.

Mayor Halliday recommended designating Council Member Márquez, who serves as a representative to the East Bay Division to the League of California Cities, as the voting delegate; and Council Member Salinas, who serves as the alternate for the East Bay Division to the League of California Cities, as the first alternate; and Council Member Peixoto as the second alternate.

Council Member Mendall seconded the motion.

It was moved by Council Member Halliday, seconded by Council Member Mendall, and carried unanimously, to adopt the following and designating Council Member Márquez as the voting delegate and Council Members Salinas and Peixoto as alternates:

Resolution 16-168, "A Resolution Designating a Voting Delegate and Two Alternate Voting Delegates as Hayward's Representatives to the League of California Cities 2016 Annual Conference"

CITY MANAGER'S COMMENTS

City Manager McAdoo made two announcements: 1) the City would be receiving a Gold Level Beacon Spotlight Award for 10% Natural Gas Savings at the League of California Cities Annual Conference; 2) the City was recognized with a Best of the Web Award for the new website.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced the 7th Annual Mariachi Festival on September 16, 2016, at City Hall Plaza.

Council Member Márquez acknowledged Alfredo Rodriguez and his team for putting together the Vintage Alley's 3rd Annual Car Show on September 10, 2016.



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Council Member Salinas made three announcements: 1) the Hayward Promise Neighborhood was surveying residents in the Jackson Triangle area; 2) the Words for Lunch Program served about 1,000 kids and distributed 2,002 meals and books during the summer; and 3) the “Let’s Do Lunch Hayward ... and breakfast too” served 105,084 breakfasts and lunches to kids at 20 sites.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:40 p.m., in memory of Edwina “Edie” Parsons, Barbara Jean LaPlante, and Mary Warren.

Edie Parsons was the first female Hayward Police Officer in 1957; was a recognized sexual assault investigator and subject matter expert; was the first female patrol sergeant in California in 1976; became the first female Hayward Police Lieutenant in 1980; and was a professor at California State University Hayward and San Jose State University.

Barbara Jean LaPlante was the department secretary for the Public Administration Department of California State University, Hayward; was the founding member of the St Bede’s Catholic parish in Hayward; served as past president of the St. Bede’s Women’s Club; was active in the Schafer Park School PTA; was past president of the South Hayward Democratic Club; was a community activist and leader in the California State Employees Association Retiree Division and created the Declaration of Rights for state retirees. Ms. LaPlante was the mother of Rich LaPlante, a longtime member of the Keep Hayward Clean and Green Task Force.

Mary C. Warren was a longtime prominent Alameda County civic leader; was appointed by President John F. Kennedy as Deputy Director of Personnel for the U.S. Post Office and she co-authored the first labor contract for the Postal Service; served as an elected member of the East Bay Municipal Utility District Board and as President and Vice President of the Highland Medical Center Board; was a director on the Oakland-Alameda County Coliseum Joint Powers Authority Board; was a board member of the 100 Club of Alameda County; and was a pioneer for women’s equality.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward