



# CITY OF HAYWARD

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

## Action Minutes City Council

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**Tuesday, July 24, 2018**

**7:00 PM**

**Council Chambers**

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### CITY COUNCIL MEETING

#### **CALL TO ORDER Pledge of Allegiance: Mayor Halliday**

#### **ROLL CALL**

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

#### **CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced the City Council convened in closed session at 4:30 p.m., concerning five items: 1) conference with legal counsel pursuant to Government Code 54956.9, regarding pending litigation Toshikazu Yoshihata, WCAB Nos.: ADJ10750593; ADJ10750580; ADJ9767625; 2) conference with legal counsel pursuant to Government Code 54956.9, concerning Nelson, et al. v. City of Hayward, et al., Case No. 3:16-cv-07222 SK, U.S. District Court, N.D. CA; 3) conference with property negotiators pursuant to Government Code 54956.8, regarding City owned properties and easements located at 22300 Foothill Boulevard, APN Nos: 415-0250-112-00, 415-0250-111-02, and 415-0250-113-00; 4) conference with property negotiators pursuant to Government Code 54956.8, regarding City owned property located off of Mission Boulevard and Tennyson Road known as Parcel Group 2 of the former Route 238 properties; and 5) conference with labor negotiators pursuant to Government Code 54957.6, regarding all groups; and noted there was no reportable action related to the items.

#### **PUBLIC COMMENTS**

Ms. Karla Werninghaus  
Mr. Douglas Watkins  
Mr. Kim Huggett  
Mr. Charlie Peters  
Mr. Jim Drake  
Mr. Eddy Quilice  
Ms. Jeena Morales

**ACTION ITEMS**

City Attorney Lawson noted that staff requested to amend the City Council agenda by adding one item [Consent No. 11.1 (CONS 18-554 - Alameda County Transportation Commission – Active Transportation Program Grant Letter of Support)] because it was not timely received by the City Clerk to agendize it, the letter had a deadline of July 31, 2018, and this was the last Council meeting before the August recess. City Attorney Lawson added that, pursuant to Government Code Section 54954.2 (b)(2), the Council needed a two-thirds vote to approve adding the item to the agenda with the finding that there is a need to take immediate action and the item came to the attention of the City Clerk subsequent to the agenda being posted.

**MOTION made by Council Member Mendall, seconded by Council Member Salinas, to add Consent Item No. 11.1 to the Consent Calendar. Report available under "Documents Received After Published Agenda."**

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

**CONSENT**

## Approval of the Consent Calendar

**A motion was made by Council Member Lamnin, seconded by Council Member Márquez, to approve the Consent Calendar. The motion carried by the following vote:**

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

1. [Minutes of the Special Joint City Council/Hayward Housing Authority Board Meeting on July 10, 2018](#)

**Consent Item approved.**

2. [Resolution to Authorize the City Manager, on Behalf of the Hayward Area Shoreline Planning Agency \(HASPA\), to Accept an Adaptation Planning Grant from the California Department of Transportation \(Caltrans\) for \\$509,000, and to Negotiate and Execute a Memorandum of Understanding with the Hayward Area Recreation and Park District \(HARD\) and East Bay Regional Park District \(EBRPD\), to Complete the Hayward Regional Shoreline Master Plan](#)

**Consent Item approved.**

3. [PG&E's Rule 20A Program Audit - Amendment to Professional Services Agreement with Mikkelsen & Associates, LLC.](#)

**Consent Item approved.**

4. [Advanced Metering Infrastructure \(AMI\) Project: Authorization to Execute an Amendment to the AMI System Material Supply Contract to Purchase Additional Water Meters and Related Equipment](#)

**Consent Item approved.**

5. [Municipal Parking Lot No. 2 Improvement Project - Rejection of Lone Bid](#)

Consent Item approved.

6. [Sulphur Creek Mitigation Design Project at Hayward Executive Airport - Authorization to Execute a Professional Services Agreement with Kimley-Horn and Associates, Inc., and Acceptance of FAA Grant for Design](#)

Consent Item approved.

7. [Renewal of Rental Housing Grant Subsidy Agreement with Abode Services](#)

Consent Item approved.

8. [Abatement and Deconstruction for Route 238 Bypass Property Project - Approval of Plans and Specifications and Call for Bids](#)

Consent Item approved.

9. [Authorization for the City Manager to Negotiate and Execute a Professional Services Agreement with Contra Costa Electric for the Completion of a City-Wide Fiber Asset Audit](#)

Consent Item approved.

10. [Adoption of a Resolution Approving Updates to the FY19 Master Fee Schedule](#)

Consent Item approved.

11. [Authorization for the City Manager to Negotiate and Execute a Memorandum of Understanding with the Chabot-Las Positas Community College District to Establish the Basis for a Ground Lease, Design, and Construction of the Fire Training Center](#)

Consent Item approved.

11.1 CONS 18-554 - Alameda County Transportation Commission – Active Transportation Program Grant Letter of Support

Consent Item approved.

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

**PUBLIC HEARING**

12. [Application to Amend Chapter 10, Article 1\(Zoning Ordinance\), Sections 10-1.845.j \(5\) and \(6\); and 10-1.1045.j \(5\) and \(6\) \(Minimum Design and Performance Standards\) of the Hayward Municipal Code Related to Drive-Through Restaurants and Drive-Through Coffee/Esspresso Shops in the City of Hayward by United Growth Capital Management, LLC. \(Applicant\). Requiring the Introduction of an Ordinance and the Adoption of a Resolution Approving Zoning Text Amendment Application No. 201802227 \(Report from Development Services Director Simpson\)](#)

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

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

**LEGISLATIVE BUSINESS**

13. [Adoption of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2019 \(Report from Director of Human Resources Collins\)](#)

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

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

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 8:30 p.m., in memory of Dr. Marian Kramer.

**NEXT SPECIAL MEETING, September 11, 2018**