



# 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, November 5, 2019**

**7:00 PM**

**Council Chambers**

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### CITY COUNCIL MEETING

#### CALL TO ORDER Pledge of Allegiance: Council Member Mendall

**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

#### 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

The City Council convened in closed session at 5:30 p.m., regarding four items: 1) conference with labor negotiators pursuant to Government Code 54957.6 regarding Hayward Police Management Unit; 2) conference with real property negotiators pursuant to Government Code 54956.8 regarding Browman Development Company, 1094 Sueirro Street, Hayward, CA 94541; 3) conference with real property negotiators pursuant to Government Code 54956.8 regarding Caltrans Parcel Group 6: Carlos Bee Boulevard and Overlook Avenue; APN: 455-0180-001-00; and 4) conference with legal counsel pursuant to Government Code 54956.9 regarding AGG, et al. v. City of Hayward, et al., U.S. District Court, ND CA, No. #4: 4:19-civ-00697-DMR. City Attorney Lawson announced there was no reportable action related to the items discussed.

#### PUBLIC COMMENTS

Mr. Jim Drake submitted a speaker card but did not speak.  
Ms. Wynn Grcich  
Mr. Charlie Peters  
Mr. Michael Chapman  
Mr. Frank Running Horse  
Mr. Gerald Smith

#### ACTION ITEMS

*Consent Item 4 was removed from the Consent Calendar for separate vote.*

**CONSENT**

1. [Adoption of Ordinance Amending Chapter 10, Article 1 \(Zoning Ordinance\) of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map Application No. 201806740 to Accommodate Five Single-Family Homes at 24763 Mohr Drive](#)

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

2. [Adoption of Ordinance Amending Chapter 10, Article 1 \(Zoning Ordinance\) of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change, Vesting Tentative Map and Site Plan Review with Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program Application No. 201706649 to Accommodate 12-Single Family Dwellings and Five Accessory Dwelling Units at 25941 and 28591 Harvey Avenue](#)

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:

3. [Adoption of Ordinance Amending Chapter 10, Article 1 \(Zoning Ordinance\) of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map Application No. 201806355 for The True Life Companies Mixed Use Development](#)

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:

4. [Authorization for the City Manager to Appropriate Funds and Accept an Agreement with the Alameda County Health Care Services Agency \(HCSA\) for the Our Kids Our Families Program Services Provided by the Youth and Family Services Bureau \(YFSB\) of the Hayward Police Department](#)

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:

**LEGISLATIVE BUSINESS****5. [Response to City Council Referral: Hayward Police Department Use of Deadly Force - Independent Investigations \(Report from Police Chief Chaplin\)](#)**

A motion was made by Council Member Wahab, seconded by Council Member Salinas, to approve staff's recommendation (City Manager requests an independent investigation from the California Department of Justice, Office of the Attorney General (DOJ/AJ), if a death results from the use of force during an Officer Involved Shooting (OIS) incident involving Hayward Police Department officers.) 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

*Pursuant to California Government Code 54957.9, the City Council took a recess after public comments at approximate 8:06 p.m. due to disruptive activity and reconvened the meeting at 8:21 p.m. in Conference Room 2A. The meeting in Conference Room 2A was accessible via the City's online live streaming and cable TV channel KHRT 15. Public access to Room 2A was restricted to City staff and one member of the news media.*

**PUBLIC HEARING****6. [Adopt a Resolution of Intention to Introduce an Ordinance Approving an Amendment to the Contract between the City of Hayward and the California Public Employees Retirement System \("CalPERS"\) for Local Safety - Police Employees and Authorizing the City Manager to Execute the Contract \(Report from Assistant City Manager Hurtado\)](#)**

A motion was made by Council Member Wahab, seconded by Council Member Márquez, 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

**7. [Route 238 Corridor Land Development - Parcel Group 6 Carlos Bee Quarry: Approval of a Resolution Certifying an Addendum to the 2014 General Plan Environmental Impact Report, Approval of Master Development Plan, and Authorization for the City Manager to Issue a Request for Proposals for the Disposition and Development \(Report from City Manager McAdoo\) \(Item continued to November 19, 2019\)](#)**

Item continued to November 19, 2019.

**COUNCIL REFERRALS****ADJOURNMENT**

Mayor Halliday adjourned the meeting at 9:47 p.m.

**NEXT MEETING, November 19, 2019, 7:00 PM**