



**SPECIAL JOINT MEETING OF THE CITY COUNCIL/ HAYWARD HOUSING
AUTHORITY BOARD/HAYWARD REDEVELOPMENT SUCCESSOR AGENCY
BOARD/HAYWARD PUBLIC FINANCING AUTHORITY BOARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 19, 2019, 7:00 p.m.**

The Special Joint Meeting of the City Council/ Hayward Housing Authority Board/Hayward Redevelopment Successor Agency Board/Hayward Public Financing Authority Board was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor/Chair Halliday.

ROLL CALL

Present: COUNCIL/HHAB/HRSAB/HPFAB MEMBERS Zermeño, Márquez, Mendall, Lamnin,
Wahab, Salinas
MAYOR/CHAIR Halliday
Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:30 p.m., regarding two items: 1) conference with legal counsel pursuant to Government Code 54956.9 regarding Matthew McCrea v. City of Hayward, Workers' Compensation Appeals Board Case No. ADJ11379218, ADJ11379222; and 2) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding City of Hayward v. California State University Trustees, Alameda County Superior Court, No. RG 18895213. Mayor Halliday announced the City Council unanimously approved, with Council Member Márquez absent, to add one anticipated litigation case to the closed session agenda because the item came to the attention of the City after the posting of the agenda, and the Council took no reportable action. It was noted that the City Attorney was not present for discussion of the added item. City Attorney Lawson reported there was no reportable action related to Items 1 and 2.

PUBLIC COMMENTS

Council Member Lamnin noted November 2019 was designated as Sikh Awareness and Appreciation Month and the Sikh Spirit Alliance celebrated their diversity event in Hayward and awarded the City with a Celebrating Diversity Award for its continued partnership. City Manager McAdoo accepted the award on behalf of the City.

Mayor Halliday shared there was an event last week at the library for a future memorial that will be placed in the Heritage Plaza. She noted the memorial will commemorate an event from 1942 that occurred on Watkins Street where Japanese Americans were ordered to evacuate the City and interned in camps.

Council Member Wahab highlighted the opening of the Hayward Navigation Center on November 18, 2019, praised the hard work of City staff and thanked the City Council for supporting the project.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about the smog check emissions program, transportation and mobility challenge, and submitted related documents.

Mr. Kim Huggett, Hayward Chamber of Commerce President, announced four events: the grand opening of Prevost; the event for emerging biomedical companies; Hayward's Businessperson, Education, Police Officer and Firefighter of the Year; and the Light Up the Season holiday celebration.

Mr. Jim Drake, Hayward resident, complimented Solid Waste Program Manager Krump for helping with Waste Management garbage related issues.

Mr. Victor Aralleno, Hayward resident, shared there was stabbing on a South Hayward BART train, and he was concerned about public safety on the train and in the station.

PRESENTATION

Ms. Samantha Caygill, Regional Public Affairs Manager for the East Bay Division of the League of California Cities, presented Council Member Lamnin with a certificate and pin for her achievement on the Mayors and Council Members Torch Program - Level III Leadership in Action, and for her many contributions to the League of California Cities.

Consent Items 3, 4 and 6 were removed from the Consent Calendar for discussion or separate vote.

CONSENT

1. Minutes of the Special City Council Meeting on October 29, 2019 **MIN 19-140**
It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the Special City Council meeting on October 29, 2019.
2. Minutes of the City Council Meeting on November 5, 2019 **MIN 19-141**
It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on November 5, 2019.
3. Adopt a Resolution Approving Plans and Specifications and Call for Bids for the Hayward High-Speed Fiber Optic Network Installation Project **CONS 19-732**

Staff report submitted by Deputy City Manager Ott and Public Works Director Ameri, dated November 19, 2019, was filed.

In response to Council Member Wahab, City Manager McAdoo noted that the Hayward High-Speed Fiber Optic Network Installation Project would be subject to the City's community workforce agreement.



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

Resolution 19-214, "Resolution Approving Plans and Specifications for the Hayward High-Speed Fiber Optic Network Installation Project Phase 1, Project No. 07275, and Call for Bids"

4. Adopt a Resolution Approving Plans and Specifications and Call for Bids After Approval from Federal Aviation Administration (FAA) and the Division of State Architect (DSA) for the Fire Station 6 and Fire Training Center Project **CONS 19-733**

Staff report submitted by Public Works Director Ameri and Fire Chief Contreras, dated November 19, 2019, was filed.

In response to Council Member Wahab, Public Works Director Ameri noted there were provisions in place for late fees should the contract go over the specified project timeline and for completion of the project.

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

Resolution 19-215, "Resolution Approving Plans and Specifications for the Fire Station 6 and Fire Training Center Project, Project Nos. 07481 and 07482 and Call for Bids"

5. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$16,700 from the State of California Department of Alcoholic Beverage Control for Operations to Prevent Sales of Alcohol to Minors **CONS 19-738**

Staff report submitted by Police Chief Chaplin, dated November 19, 2019, was filed.

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

Resolution 19-209, "Authorization for the City Manager to Accept and Appropriate \$16,700 from the State of California Department of Alcoholic Beverage Control"

6. Adoption of FY 2020 Statement of Investment Policy and Delegation of Authority **CONS 19-741**

Staff report submitted by Deputy Finance Director Gonzales and Finance Director Claussen, dated November 19, 2019, was filed.

It was moved by Council/HHAB/HRSAB/HPFAB Member Lamnin, seconded by Council/HHAB/HRSAB/HPFAB Member Zermeño, and carried with the following vote, to approve the following:

AYES: COUNCIL/HHAB/HRSAB/HPFAB MEMBERS Zermeño, Márquez,
Mendall, Lamnin, Salinas
MAYOR/CHAIR Halliday
NOES: COUNCIL/HHAB/HRSAB/HPFAB MEMBER Wahab
ABSENT: NONE
ABSTAIN: NONE

Resolution 19-216, “Resolution Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”

Resolution HHA 19-02, “Resolution Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”

Resolution HRSA 19-02, “Resolution of the City Council of the City of Hayward, Acting as the Governing Board for the Redevelopment Successor Agency of the City of Hayward Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”

Resolution HPFA 19-01, “Resolution Affirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”

7. Adopt a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2020 Pursuant to California Government Code Section 22892 of the Public Employees’ Medical and Hospital Care Act **CONS 19-746**

Staff report submitted by Assistant City Manager Hurtado, dated November 19, 2019, was filed.

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



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Resolution 19-210, "Resolution Agreeing to Meet the Minimum Employer Contribution toward Medical Cost as Set by California Public Employees Retirement System One Hundred Thirty-Nine Dollars (\$139) per Month for Calendar Year 2020"

8. Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Iteris, Inc. to Procure an Automated Traffic Signal Performance Measures (ATSPM) System in an Amount Not-To-Exceed \$328,250 and Appropriate \$328,250 **CONS 19-748**

Staff report submitted by Public Works Director Ameri, dated November 19, 2019, was filed.

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

Resolution 19-211, "Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Iteris, Inc., for the Automated Traffic Signal Performance Measures (ATSPM) System"

Resolution 19-212, "Resolution Appropriating Funds from the Street System Improvements Fund (Fund 450) for the Automated Traffic Signal Performance Measures (ATSPM) System, Idea Grant Project No. 05292"

9. Adopt a Resolution Authorizing the Submittal of Senate Bill 2 Planning Grant to Accelerate Housing Production and to Receive Program Funds **CONS 19-756**

Staff report submitted by Development Services Director Simpson, dated November 19, 2019, was filed.

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

Resolution 19-213, "Resolution Authorizing Application for, and Receipt of, Senate Bill 2 Planning Grants Program Funds"

10. Measure C (2014 City's Sales and Use Tax) Annual Report **CONS 19-770**

Staff report submitted by Finance Director Claussen and Deputy Finance Director Gonzales, dated November 19, 2019, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to receive the City's Measure C Annual Report.

PUBLIC HEARING

11. Route 238 Corridor Land Development - Parcel Group 6 Carlos Bee Quarry Project: Adopt 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 of the Parcel Group (Report from City Manager McAdoo) **PH 19-088**

Staff report submitted by Deputy City Clerk Ott, dated November 19, 2019, was filed.

City Manager McAdoo announced the report and introduced Deputy City Manager Ott who provided a synopsis of the report noting the addition of an attachment – Attachment VIII from the City's California Environmental Quality Act consultant, LSA, to confirm that the addendum to the Hayward General Plan Environmental Impact Report adequately addresses any biological impacts and mitigations to the creek and riparian habitat from the trail development.

Discussion ensued among Council Members and City staff regarding: Geological Hazard Abatement District analysis; on-site affordable housing units, mixed of unit size and affordable by design and Affordable Housing Ordinance requirements; student housing; sending plans to the Alameda County Mosquito Abatement District; community workforce agreement for the proposed development; Purchase and Sale Agreement and Disposition Development Agreement with Caltrans; unit zoning density; Friends of San Lorenzo Creek recommendations for a 20-foot creek setback; 1.5-acre neighborhood park and language in the Request for Proposal; priority to individuals who live, work, and attend schools in Hayward; and a goal to be public transit-oriented development.

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

Mr. Alan Fishman, retired teacher, urged the Council to require developers to include watershed and habitat restoration into every development project.

Mr. Bruce King, Friends of San Lorenzo Creek representative, urged the Council to establish a creek setback, with no development in the setback, and with restoration to create a creek buffer and a riparian and wildlife corridor.

The following speakers spoke on behalf of their members and asked the Council to require a community workforce agreement for the development of Parcel Group 6, to pay standard wages and to give construction workers who live in Hayward the opportunity to work in their community.



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Mr. Alexander Alvarez, Hayward resident and Sheet Metal Local Union apprentice
Mr. Antonio Munoz, Hayward resident and Carpenter's Union field representative
Mr. Jeff Dixon, Building and Construction Trades Council representative
Mr. Fernando Estrada, Hayward Laborers Local 304 Business Manager

Professor Sherman Lewis shared information about the geotechnical evaluation, provided information about the price points and economic reductions below the 110% housing requirements, supported the development including stormwater/drainage, and favored incorporating the Bayview Village Concept into the development of the site.

Mr. Don Osborne, Hayward resident, suggested an e-scooter charging station to alleviate parking and traffic congestion on the streets traveling to the university.

Mayor Halliday closed the public hearing at 8:40 p.m.

Council Member Wahab offered a motion per staff's recommendation with the three additional requirements: include a community workforce agreement to be negotiated with the Alameda County Building and Construction Trades Council for the development of Parcel Group 6, include on-site affordable housing requirement consistent with the City's Affordable Housing Ordinance, and provide a 20-foot creek setback to minimize impact to wildlife and the riparian corridor.

Council Member Márquez seconded the motion.

Council Member Zermeño suggested a goal of having different size condominiums with less bedrooms and supported the community workforce agreement requirement.

Council Member Lamnin offered two friendly amendments: 1) include a goal to encourage diversity in housing types; and 2) set the affordable housing units to 10% of the total units for for-sale units and 10% (up from 7%) of the total units for rental units.

Council Member Wahab accepted the friendly amendments.

Council Member Márquez accepted the first friendly amendment but not the second. She favored adding the City Manager McAdoo's suggestion that proposals would be looked upon favorably if they exceed the City's affordable housing requirements.

Council Member Wahab was fine with the modified friendly amendment.

Mayor Halliday disclosed she lives within 1,000 feet of the proposed area, but that the project does not directly affect her financially and decided to participate on the item. She

noted she would be supporting the motion and the inclusion of the community workforce agreement.

Council Member Salinas expressed support for the motion and the inclusion of the community workforce agreement requirement.

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried unanimously, to approve the resolutions with the following additions: that the proposal include a community workforce agreement requirement to be negotiated with the Alameda County Building and Construction Trades Council; have on-site affordable housing requirement consistent with the City's Affordable Housing Ordinance; that the project provide a 20-foot creek setback to minimize impact to wildlife and riparian corridor; have a goal to encourage diversity in housing types; and include language encouraging applicants to exceed the City's Affordable Housing Ordinance requirements:

Resolution 19-217, "Resolution Adopting and Certifying an Addendum to the Previously Certified 2014 Hayward General Plan Environmental Impact Report and Mitigation Monitoring and Reporting Program Pertaining to the Route 238 Corridor Lands Development Parcel Group 6: Carlos Bee Quarry"

Resolution 19-218, "Resolution Approving Master Development Plan and Authorizing the City Manager to Issue a Request for Proposals for the Sale of Route 238 Corridor Lands Parcel Group 6: Carlos Bee Quarry"

Mayor Halliday called for a recess at approximately 9:00 p.m., and reconvened the City Council meeting at 9:07 p.m.

LEGISLATIVE BUSINESS

12. Adopt a Resolution Establishing a Business Closure Day in Observance of Cesar Chavez's Birthday (Report from Assistant City Manager Hurtado) **LB 19-051**

Staff report submitted by Assistant City Manager Hurtado, dated November 19, 2019, was filed.

Assistant City Manager Hurtado provided a synopsis of the staff report.

Council Member Márquez expressed disappointment that non-sworn bargaining groups were not interested in exchanging a recognized holiday for the observance of Cesar Chavez's birthday.

Council Member Lamnin asked for consideration to have the libraries open on Cesar Chavez's day.



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Council Member Salinas suggested designating a Cesar Chavez Teach-in on the Monday before or the day of Cesar Chavez's birthday during the lunch hour in lieu of a business closure.

Mayor Halliday opened the public hearing at 9:17 p.m.

Mr. Carl Gorringer expressed concern for parents who work and might not know where to take their kids when schools and libraries are closed.

Mayor Halliday closed the public hearing at 9:19 p.m.

Council Member Márquez offered a motion per staff's recommendation and thanked Council Member Salinas and Council Member Zermeño for partnering with her in submitting the April referral.

Council Member Salinas seconded the motion and withdrew his idea of having a Cesar Chavez Teach-in in lieu of a business closure.

Council Member Márquez noted that La Alianza de Hayward has been instrumental in honoring Cesar Chavez's life and noted the City and La Alianza could partner in commemorating Cesar Chavez during the business closure.

Council Member Márquez asked staff to get back to Council regarding Council Member Lamnin's question about consideration for the libraries to stay open during the business closure.

Mayor Halliday expressed disappointment that non-sworn bargaining groups were not interested in exchanging a recognized holiday for the observance of Cesar Chavez's birthday and thought that instituting a business closure was a disservice to the community. She preferred the City declare the Saturday closest to the birthday as Cesar Chavez Day in Hayward and work with La Alianza de Hayward to organize a program at the library to commemorate Cesar Chavez's legacy.

Council Member Wahab expressed she would not support the motion because a business closure was a disservice to the community. Council Member Wahab offered a friendly amendment to the motion for the City to stay open and dedicate the lunch hour at noon to have a brown bag seminar or conversation about Cesar Chavez's legacy.

Council Member Márquez did not accept the friendly amendment.

Council Member Mendall expressed he favored the idea of a teach-in at the library to honor the life of Cesar Chavez given the bargaining units were not willing to swap a holiday.

Council Member Zermeño was also disappointed that employees could not agree to a holiday swap and offered a friendly amendment to the motion by declaring the Saturday closest to Cesar Chavez’s birthday as Cesar Chavez Day and have La Alianza de Hayward organize the celebration.

Council Member Márquez did not accept the friendly amendment.

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

AYES: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lamnin, Salinas
NOES: COUNCIL MEMBER Wahab
MAYOR Halliday
ABSENT: None
ABSENTAIN: None

Resolution 19-219, “Resolution Establishing a Business Closure in Observance of Cesar Chavez Day”

13. Introduction of an Ordinance Adopting the California Code of Regulations 2019 Edition of Title 24, Including the 2019 Building, Fire, Plumbing, Mechanical, Electrical, Energy and Green Building Codes; and Related Amendments, Into the Hayward Municipal Code (Report from Development Services Director Simpson and Fire Chief Contreras) **LB 19-048**

Staff report submitted by Development Services Director Simpson and Fire Chief Contreras, dated November 19, 2019, was filed.

Development Services Director Simpson announced the report and introduced Chief Building Official Nordahl who provided a synopsis of the report. Deputy Fire Chief Vollmer was available to respond to questions related to the Fire Code.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:37 p.m.

Council Member Mendall offered a motion per staff’s recommendation with two minor additions to the Fire Prevention Code of the City of Hayward as follows: add the language, “Chapter 3, Article 14 – Fire Prevention Code of the City of Hayward” to the end of Section 1; and add the subheading, “Section 4901 – General” under Chapter 9 – Wildland-Urban Interface Fire.

Council Member Zermeño seconded the motion.



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It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried unanimously, to approve the resolutions and introduce the ordinances with two minor additions to the Fire Prevention Code of the City of Hayward as follows: add the language, "Chapter 3, Article 14 – Fire Prevention Code of the City of Hayward" at the end of Section 1; and add the subheading, "Section 4901 – General" under Chapter 9 – Wildland-Urban Interface Fire:

Resolution 19-220, "Resolution Finding and Determining the Need for Changes or Modifications to the 2019 California Building Code"

Resolution 19-221, "Resolution Finding and Determining the Need for Changes or Modification to the California Fire Code, 2019 Edition"

Introduction of Ordinance 19-_, "An Ordinance Establishing a Building Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of Structures; Providing for the Issuance of Permits and Collection of Fees; Repealing Chapter 9 Article 1, and all Amendments thereto"

Introduction of Ordinance 19-_, "An Ordinance Establishing a Fire Prevention Code for the City of Hayward; Adopting the California Fire Code, 2019 Edition, Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion; Providing for the Issuance of Permits and Collection of Fees; Providing for Penalties for Violation, and Repealing Ordinance No. 16-23, as Amended, and all other Ordinances and Parts of Ordinances in Conflict therewith"

CITY MANAGER'S COMMENTS

City Manager McAdoo announced thee items: 1) the Housing Navigation Center at Whitesell Street and Depot Road opened on November 18, 2019, and referrals should be done through the 2-1-1 system and private donations could be done via the City's website; 2) City Hall will close non-emergency services during the week of Thanksgiving and Hayward libraries would follow a modified schedule; and 3) the City was recognized by the United States Environmental Protection Agency, among the top 30 public/private entities, for on-site generation of renewable energy, and praised City staff.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Lamnin spoke on three items: 1) thanked City staff for the work done with opening the Housing Navigation Center and noted contributions toward the Hayward Navigation Center could also be done through BACS via “tinyURL.com/haywardnavigation”; 2) urged everyone to support agencies collecting toys during the Thanksgiving holiday for families in need; and 3) reported she attended a CalPERS meeting and testified before the Board about the continuing rising of pension and healthcare costs.

Council Member Zermeño announced the Keep Hayward Clean and Green Task Force was leading a clean-up/beautification event on November 23, 2019 at Tennyson Park.

Council Member Márquez encouraged the public to sign up for AC Transit, BART, and Nixle alerts; and shared that BART General Manager Robert Powers released a statement about increasing the presence of BART Police personnel throughout the system related to an incident.

Mayor Halliday reported she attended an appreciation service at Glad Tidings Church for former Police Chief Cheryl Boykins and Pastor Chuck Horner in honor of their service to the community. Mayor Halliday added the City Council would not hold a Council meeting on November 26, 2019, due to the Thanksgiving holiday and the City’s business closure.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor/Chair Halliday adjourned the meeting at 9:53 p.m., in memory of Kaiser Permanente Chief Executive Officer Bernard Tyson.

APPROVED

Barbara Halliday
Mayor, City of Hayward
Chair, Hayward Housing Authority Board
Chair, Hayward Redevelopment Successor Agency Board
Chair, Hayward Public Financing Authority Board

ATTEST:

Miriam Lens
City Clerk, City of Hayward
Secretary, Hayward Housing Authority Board
Secretary, Hayward Redevelopment Successor Agency Board
Secretary, Hayward Public Financing Authority Board