



CITY OF HAYWARD

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

Action Minutes City Council

Tuesday, October 29, 2019

7:00 PM

Council Chambers

SPECIAL CITY COUNCIL MEETING

CALL TO ORDER Pledge of Allegiance: Council Member Márquez

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

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:30 p.m., regarding four items: 1) 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; 2) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding City of Hayward v. Russell City Energy Company, Alameda County Superior Court, No. RG 14752278; 3) 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; and 4) conference with labor negotiators pursuant to Government Code 54957.6 regarding Hayward Police Management Unit. City Attorney Lawson noted there was no reportable action related to Items 1, 2 and 3 and added that Item 4 was not discussed.

PUBLIC COMMENTS

Mr. Kim Huggett
Ms. Corina Vasaure
Ms. Theresa Rezentes
City Manager McAdoo

Consent Item No. 6 was removed from the Consent Calendar for separate vote.

CONSENT

Approval of the Consent Calendar

A motion was made by Council Member Márquez, seconded by Council Member Lamnin, to approve the Consent Calendar. 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

1. [Minutes of the Special City Council Meeting on October 7, 2019](#)

Consent item approved.

2. [Minutes of the Special City Council Meeting on October 15, 2019](#)

Consent item approved.

3. [Adoption of Ordinance Adding Article 29 to Chapter 10 of the Hayward Municipal Code Relating to Vacant Properties](#)

Consent item approved.

4. [Resignation of Ms. Sharon Eva from the Keep Hayward Clean and Green Task Force, Effective September 24, 2019](#)

Consent item approved.

5. [Resignation of Ms. Linhdan Le from the Hayward Youth Commission, Effective September 30, 2019](#)

Consent item approved.

6. [Adopt a Resolution Amending the Fiscal Year 2020 Operating and Capital Improvement Program Budget, Transferring and Appropriating \\$60,000 from General Fund to the Capital Projects Fund and Transferring and Appropriating \\$35,000 from General Fund to Fleet Capital Management Fund for the Purchase of a Parking Enforcement Vehicle and other Related Equipment](#)

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

7. [Request for Sewer Service for 27398 Fairview Avenue in Unincorporated Alameda County, Application No. USA 19-01; Joseph and Margaret Revolinsky \(Owners\)](#)

Consent item approved.

8. [Adopt a Resolution Awarding a Contract to Asbestos Management Group of CA, Inc. in the Amount of \\$1,300,708 and Authorizing an Administrative Change Order Contingency of \\$130,092 for a Total Not to Exceed Contract Amount of up to \\$1,800,000 for the Abatement and Deconstruction for Route 238 Bypass Property Project](#)

Consent item approved.

PUBLIC HEARING

9. [Proposed Development of a Mixed-Use Project Consisting of 189 Condominium and Townhome Units; Approximately 10,800 Square Feet of Ground Floor Commercial Space; a Variety of Open Spaces; and Related Site Improvements Requiring Approval of a Purchase and Sale Agreement and Zone Change and Tentative Tract Map Application No. 201806355 \(Report from Development Services Director Simpson\)](#)

A motion was made by Council Member Mendall, seconded by Council Member Zermeño, to approve staff's recommendation with added language to Condition of Approval 25.i. 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

10. [Appeal of Planning Commission Approval of a Three Story, 40-Unit Townhouse Style Development on a 1.66-acre Site Located at 21229 Oak Street \(APN 415-0170-019-00, 415-0170-020-00, 415-0170-021-00, 415-0170-022-00, 415-0170-023-00, 415-0170-024-00, 415-0170-025-00, 415-0170-029-02\) Requiring Site Plan Review Application No. 201800932. Ann E. Maris PhD, Organizer, Grove Way Neighborhood Association \(Appellant\); Steven Kodama, Kodama Diseno Architects \(Applicant\)/ Robert Chen \(Owner\) \(Report from Development Services Director Simpson\)](#)

A motion was made by Council Member Zermeño, seconded by Council Member Mendall, to approve denial of appeal with suggestions. The motion carried by the following vote:

Aye: 4 - Council Member Zermeno, Council Member Marquez, Council Member Mendall, and Mayor Halliday

Nay: 3 - Council Member Lamnin, Council Member Wahab, and Council Member Salinas

11. [Proposal to Subdivide a 0.50-Acre Site into 7 Parcels to Allow the Construction of 5 Single-Family Homes with Common Open Space and Related Site Improvements at 24763 Mohr Drive \(APN 441-0077-003-04\) Requiring Approval of a Tentative Tract Map, Planned Development \(PD\) Rezone, and Environmental Consistency Checklist. Application No. 201806740. Applicant: Jeffrey Lawrence for Nuvera Homes on Behalf of Owner: Ben Hsiao-Pang Liu \(Report from Development Services Director Simpson\)](#)

A motion was made by Council Member Mendall, seconded by Council Member Salinas, to approve staff's recommendation with modifications to five conditions of approval to ensure consistency with other development projects. 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

12. [Proposal to Subdivide Two Existing Parcels into 17 Parcels to Allow the Construction of 12 Detached Single-Family Residences and Five Accessory Dwelling Units \(ADU\) with Common Open Space Areas and Related Site Improvements at 28571 & 29591 Harvey Avenue \(APNs 464-0060-005-02 & 464-0060-006-00\) Requiring a Vesting Tentative Tract Map, Planned Development \(PD\) Rezone, Site Plan Review, and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program \(MMRP\). Application No. 201706649; Nuvera Homes \(Applicant\), Ngai Ming Wang \(Owner\) \(Report from Development Services Director Simpson\)](#)

A motion was made by Council Member Salinas, seconded by Council Member Mendall, to approve staff's recommendation with modifications to conditions of approval to ensure consistency with other development projects. 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

13. [Update on Commercial Cannabis Permit Process and Program \(Report from Development Services Director Simpson\)](#)

Item continued to a future Council meeting.

14. [Introduction of an Ordinance Increasing the Commercial Cannabis Tax Rate to 7% of Gross Sales \(Report from City Manager McAdoo\)](#)

Item continued to a future Council meeting.

ADJOURNMENT

NEXT MEETING, Tuesday, November 5, 2019, 7:00 PM