



**MINUTES OF THE MEETING OF THE CITY COUNCIL**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, June 19, 2018, 7:00 p.m.**

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The Meeting of the Hayward City Council was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Lamnin.

**ROLL CALL**

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

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced the City Council convened in closed session at 4:30 p.m., to discuss four items: (1) conference with legal counsel pursuant to Government Code 54956.9 regarding one anticipated litigation; (2) conference with property negotiators pursuant to Government Code 54956.8 regarding State owned parcels along the Route 238 Bypass Alignment; (3) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; and (4) public employment pursuant to Government Code 54957 regarding the City Attorney's and City Clerk's annual performance evaluations. City Attorney Lawson noted there was no reportable action related to Items 1, 2, and 3. Mayor Halliday noted there was no reportable action related to Item 4.

**PRESENTATIONS**

Council Member Lamnin read a Proclamation on behalf of the City Council declaring 2018 as the Bicentennial of Frederick Douglass and encouraged residents from across Hayward to honor his memory. Mr. Kevin McGary accepted the proclamation on behalf of the Frederick Douglass Institution. Ms. Freddy Davis, President of the Hayward South Alameda County Chapter of the National Association for the Advancement of Colored People, and Ms. Vanessa Scott, Executive Director of Love Never Fails, were also in attendance. Mr. McGary presented the City of Hayward with a painting of Frederick Douglass by artist Tomokazu.

Mayor Halliday read a Certificate of Commendation presented to Captains John and Kyna Kelley for their commitment and dedication to the Hayward Salvation Army's mission.

Mayor Halliday announced that Public Hearing Items 16, 17, and 18 were continued to June 26, 2018, and noted that individuals wishing to address the Council on these items could do so during public comments.

## **PUBLIC COMMENTS**

Ms. Lisa Tealer, Hayward resident, expressed concern for the significant increases related to the Landscaping and Lighting Assessment for Benefit Zone 16, and the lack of lights on Meek Avenue.

Ms. Theresa Pedrosa, Chabot College student, spoke about the AC Transit bus service in Hayward and advocated for a bus route from Chabot College to South Hayward.

Ms. Wynn Grcich, Hayward resident, spoke about a Climate Action Plan video and submitted related materials.

Ms. Jenna Carlsson, Koshland Opportunity Scholarship representative, spoke about the Jackson Triangle Harder/Tennyson Koshland Opportunity Scholarship for the South Hayward community.

Ms. Peggy Guernsey, Hayward resident, spoke about AC Transit's bus fare increase and reduction of bus routes; and reported that her street has not been resurfaced and there are no wheelchair ramp sidewalks.

Ms. Amanda Guernsey, Hayward resident, noted she did not get responses from staff about the Paratransit Program or Hayward's taxi service.

Mr. Kim Huggett, Hayward Chamber of Commerce President, announced the Downtown Hayward Street Parties on June 21, July 19, and August 16, 2018, and the State of the City on June 29, 2018, at Chabot College.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about electric vehicles and provided related documents.

Mr. Jim Drake, Hayward resident, acknowledged the good deed done by a Police officer; and spoke about the ingredients in toothpaste.

City Attorney Lawson spoke about the public comment section on the agenda and read California Government Code Section 54954.2.

Council Member Mendall disclosed that his daughter was one of the Hayward Youth Commission nominees and he was going to recuse himself from participating on Item No. 1.

## **ACTION ITEMS**

1. Appointment and Reappointment to the Hayward Youth Commission (Report from City Clerk Lens) **APPT 18-001**

Staff report submitted by City Clerk Lens, dated June 19, 2018, was filed.



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City Clerk Lens provided a synopsis of the staff report.

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

AYES: COUNCIL MEMBERS Zermeño, Márquez, Peixoto, Lamnin, Salinas  
MAYOR Halliday  
NOES: NONE  
ABSENT: COUNCIL MEMBER Mendall  
ABSTAIN: NONE

Resolution 18-105, "Resolution Confirming the Appointment and Reappointment of Members of the Hayward Youth Commission"

City Clerk Lens administered the oath to the newly appointed and reappointed members of the Hayward Youth Commission.

Council Member Mendall returned to the dais at approximately 7:58 p.m.

Consent Items 5 and 6 were removed for separate vote.

**CONSENT**

2. Minutes of the City Council Meeting on May 15, 2018 **MIN 18-079**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on May 15, 2018.

3. Minutes of the Special Joint Meeting of the City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority on May 22, 2018 **MIN 18-082**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special Joint Meeting of the City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority on May 22, 2018.

4. Minutes of the Special City Council Meeting on May 29, 2018 **MIN 18-087**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special City Council Meeting on May 29, 2018.

Council Member Salinas disclosed he works with the Hayward Promise Neighborhood and California State University East Bay and would be recusing himself from voting on Item No. 5.

5. Authorize the City Manager to Accept Sub-Recipient Grant Funding in the Total Amount of \$876,875.29 to be Received in Increments over Five Years from California State University East Bay for Services to be Performed by the City of Hayward in Relation to the South Hayward Promise Neighborhood Grant Award **CONS 18-386**

Staff report submitted by Library Services Director Reinhart, dated June 26, 2018, was filed.

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

AYES:	COUNCIL MEMBERS Zermeño, Márquez, Mendall, Peixoto, Lamnin MAYOR Halliday
NOES:	NONE
ABSENT:	COUNCIL MEMBER Salinas
ABSTAIN:	NONE

Resolution 18-115, “Resolution Authorizing the City Manager to Accept Sub-Recipient Grant Funding in the Total Amount of \$876,875.29 to be Received in Increments Over Five Years from California State University East Bay for Services to be Performed by the City of Hayward in Relation to the South Hayward Promise Neighborhood Grant Award”

6. Downtown Business Improvement Area Annual Report and Proposed Budget for FY 2019 **CONS 18-388**

Staff report submitted by Economic Development Manager Hinkle, dated June 19, 2018, was filed.

Mr. Nick Harvey, Hayward resident, suggested that the City consider a vacancy tax on vacant commercial property.

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

Resolution 18-116, “Resolution Accepting the Annual Report and Declaring Intention Not to Levy Annual Charges for the Downtown Hayward Business Improvement Area (DBIA) for Fiscal Year 2019”



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7. Resolution Approving the Designation of Subrecipient's Agent for Disaster Assistance  
**CONS 18-394**

Staff report submitted by Management Analyst James, dated June 19, 2018, was filed.

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

Resolution 18-106, "Resolution Designating the City of Hayward's Agent for Disaster Assistance"

8. Authorization for the City Manager to Negotiate and Execute Two Annual MOUs with the Hayward Unified School District for School Resource Officer and School Based Counseling Services **CONS 18-396**

Staff report submitted by Police Chief Koller, dated June 19, 2018, was filed.

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

Resolution 18-107, "Resolution Authorizing the City Manager to Negotiate and execute Two Annual MOUS with the Hayward Unified School District for School Resource Officer and School-Based Counseling Services"

9. Water Pollution Control Facility Final Clarifier and Gravity Belt Thickener Sludge Blending Tank Rehabilitation Project: Approval of Addendum No. 1 and Award of Construction Contract, and Appropriation of Funds **CONS 18-404**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated June 19, 2018, was filed.

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

Resolution 18-108, "Resolution Awarding Contract to GSE Company, Inc. for the Water Pollution Control Facility Final Clarifier and Gravity Belt Thickener Sludge Blending Tank Rehabilitation, Project No. 07703"

Resolution 18-109, "Resolution Appropriating \$68,100 from the Sewer Replacement Fund (611) to the Water Pollution Control Facility Final Clarifier and Gravity Belt Thickener Sludge Blending Tank Rehabilitation, Project No. 07703"

10. Hazardous Material Testing Reports for Route 238 Bypass Property Project - Authorization to Establish a Professional Services Agreement with EnviroNova, LLC.; and Appropriation of Funds **CONS 18-414**

Staff report submitted by Interim Public Work Director Ameri, dated June 19, 2018, was filed.

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

Resolution 18-110, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Environova, LLC., for the Hazardous Material Testing Reports for the Route 238 Bypass Property Project; And Appropriation of \$353,000 from Fund 100 - General Fund to Fund 411 - 238 Property Development"

11. Resolution Approving a Memorandum of Understanding between the City of Hayward and Hayward Association of Management Employees and Authorizing Staff to Execute the Agreement **CONS 18-419**

Staff report submitted by Human Services Director Collins, dated June 19, 2018, was filed.

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

Resolution 18-111, "Resolution Approving a Memorandum of Understanding Between the City of Hayward and Hayward Association of Management Employees and Authorizing Staff to Execute the Agreement"

12. Adoption of a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Management Partners for Route 238 Property Development and Disposition Project Management Services **CONS 18-430**

Staff report submitted by Management Analyst II Stefanski, dated June 19, 2018, was filed.

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



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Resolution 18-112, "Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Professional Services Agreement with Management Partners to Route 238 Property Development and Disposition Project Management Services Increasing the Not to Exceed Amount by \$75,000"

13. Amendment to the First Responder Advanced Life Support (FRALS) Agreement **CONS 18-420**

Staff report submitted by Fire Chief Contreras, dated June 19, 2018, was filed.

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

Resolution 18-113, "Resolution Authorizing the City Manager to Negotiate and Execute Amendment Three to the First Responder Advanced Life Support Provider Agreement with the County of Alameda, Extending the Agreement Through June 30, 2019"

14. Adoption of a Resolution to Amend the FY2018 Mural Art Program Budget to Increase the Revenues in the Amount of \$4,000 and Authorize a Corresponding Expenditure Authority Increase to Appropriate Funds for Two Mural Art Program Projects **CONS 18-444**

Staff report submitted by Interim Development Services Director Bristow, dated June 19, 2018, was filed.

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

Resolution 18-114, "Resolution Authoring the Finance Department to Amend the FY18 Mural Art Program Budget by Increasing the Revenue in the Amount of \$4,000 and Authorizing the Corresponding Expenditure Authority to Appropriate Funds for: 1) Book-to-Action Mural Located on Tennyson Road; and 2) Two Utility Cabinets Located at 808 A Street"

## **PUBLIC HEARING**

15. Proposed Development of a 13 Lot Subdivision at 24765 Hesperian Boulevard  
Applicant/Owner: Three Cedars, LLC Requiring Introduction of an Ordinance and Resolution to Approve Zone Change and Tentative Map (8359), and Related Environmental Review (Application No. 201605551) (Report from Interim Development Services Director Bristow) **PH 18-044**

Staff report submitted by Interim Development Services Director Bristow, dated June 19, 2018, was filed.

Senior Planner Schmidt provided a synopsis of the proposed project and Associate Transportation Planner Chang provided an overview of traffic access and circulation through the proposed site, and presented a before/after traffic simulation video.

Discussion ensued among Council Members and City staff regarding: Accessory Dwelling Units (ADUs); mural art on the new sound wall; Condition of Approval No. 58 regarding the mailboxes; affordable housing; features and decorative paving; and concerns related to traffic impact.

Mayor Halliday opened the public hearing at 8:36 p.m.

Mr. Robert Hofford, Hayward resident, noted the proposed project will disrupt the quality of life for the neighborhood.

Mr. Eugene Felice, Hayward resident, expressed concern with the proposed ADUs and parking impact and the lack of privacy for neighboring homes.

Mr. John Trebble, Applicant/Owner representative, spoke about a pedestrian path out to Hesperian Boulevard; and addressed questions related to ADUs, education of rainwater used for irrigation, and traffic during construction.

Mayor Halliday closed the public hearing at 8:50 p.m.

Council Member Mendall offered a motion per staff's recommendation with an amendment to Condition of Approval No. 58 to include that mailboxes will be locking mailboxes.

Council Member Salinas seconded the motion.

Council Members expressed they were sympathetic to the neighborhood and the project's impact to parking and the character of the neighborhood, but were supportive of the mural wall, ADU component, solar panels, affordable by design elements, and walkability next to retail and schools.

Council Member Salinas seconded the motion and was amenable to the amendment to Condition of Approval No. 58. Council Member Salinas noted his hesitation about ADUs related to parking.



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Council Member Zermeño indicated he would be voting against the motion because the proposed land could have been better used for student and faculty housing, the project lacked a retail component, and the neighborhood was not supportive of the proposal.

Council Member Márquez expressed support for the project because of its ADU component.

Council Member Peixoto noted he would be supporting the motion because of the needed housing but with hesitation about ADUs.

Council Member Lamnin noted she would be supporting the project because it had affordable by design elements; and suggested that parking for construction workers could be arranged at Southland Mall to preserve street parking and have staff consider traffic mitigation measures for the neighborhood.

Mayor Halliday expressed support for the project because it met the need for housing. She recommended that neighbors be notified of when the construction was scheduled to begin.

It was moved by Council Member Mendall, seconded by Council Member Salinas, and carried with the following vote, to adopt the resolution with an amendment to Condition of Approval No. 58 and introduce the ordinance:

AYES: COUNCIL MEMBERS Márquez, Mendall, Peixoto, Lamnin, Salinas  
MAYOR Halliday  
NOES: COUNCIL MEMBER Zermeño  
ABSENT: NONE  
ABSTAIN: NONE

Resolution 18-117, "Resolution Approving Zone Change and Vesting Tentative Map (Tract 8359) to Construct a 13 Lot Subdivision at 24765 Hesperian Boulevard; And Approving the Related Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; Three Cedars LLC (Applicant/Owners)"

Introduction of Ordinance 18-, "An Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map Application No. 201605551 at 24765 Hesperian Boulevard "

16. Adopt Resolutions to Approve the Engineer's Report, Reconfirm the Assessment Diagrams and Assessments, and Order the Levy and Collection of Assessments, Approve Funding Recommendations, and Appropriate Special Revenue Funds for Fiscal Year 2019 for Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 16 (Report from Maintenance Services Director Rullman) **PH 18-047**

**Item continued to June 26, 2018.**

17. Adopt Resolutions to Approve the Engineer's Report, Reconfirm Base Maximum Assessment Amount, Confirm the Assessment Diagram and Fiscal Assessment, Order the Levy and Collection of Fiscal Assessments, and Approve Funding Recommendations and Appropriate Special Revenue Funds for Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - for Fiscal Year 2019 (Report from Maintenance Services Director Rullman) **PH 18-048**

**Item continued to June 26, 2018.**

18. Adopt Resolutions to Approve the Engineer's Report, Reconfirm the Assessment Diagrams and Assessments, Order the Levy and Collection of Assessments, Approve Funding Recommendations, and Appropriate Special Revenue Funds for Fiscal Year 2019 for Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer (Report from Maintenance Services Director Rullman) **PH 18-049**

**Item continued to June 26, 2018.**

## **LEGISLATIVE BUSINESS**

19. Introduction of an Ordinance for a Previously Approved Zone Change to Planned Development District Associated with Vesting Tentative Tract Map No. 8432 and Site Plan Review No. 201706285 Located at 25941 Gading Road; Tony Dutra (Applicant) on behalf of Dutra Enterprises (Owner) (Report from Interim Development Services Director Bristow) **LB 18-031**

Staff report submitted by Interim Development Services Director Bristow, dated June 19, 2018, was filed.

Planning Manager Buizer provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:17 p.m.

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

Introduction of Ordinance 18-, "An Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code Rezoning Certain Property to Planned Development District in Connection with Zone Change and



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Vesting Tentative Map Application No. 201806285 to Accommodate 18-Single Family Dwellings at 25941 Gading Road”

20. Approval to Issue a Commercial Cannabis Permit to Harrens Lab, Inc. for a Cannabis Testing Laboratory (Report from City Manager McAdoo) **LB 18-025**

Staff report submitted by Management Analyst II Stefanski, dated June 19, 2018, was filed.

City Manager McAdoo provided a synopsis of the staff report and responded to questions related to the staff report.

Mayor Halliday opened the public hearing at 9:26 p.m.

Mr. Kim Huggett, Hayward Chamber of Commerce President, expressed support for Harrens Lab, Inc., and urged the Council to support staff's recommendation.

Ms. Kaitlyn White, Harrens Lab's Business Development Manager, responded to questions noting that Harrens has been in Hayward for about 3.5 years, is accredited by the Drug Enforcement Agency (DEA) to test cannabinoids, has 12-15 employees, and is an existing Hayward business.

Mayor Halliday closed the public hearing at 9:36 p.m.

Council Member Zermeño offered a motion per staff's recommendation.

Council Member Peixoto seconded the motion.

Council Member Mendall expressed support for the motion.

Council Member Salinas indicated he was consistently voting against cannabis because it aggravates the unequal distribution of health risk factors in the City; however, he expressed he was impressed by Harrens Lab's business.

Mayor Halliday expressed she would be supporting the motion.

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

Resolution 18-118, “Resolution Awarding a Commercial Cannabis Permit to Harrens Lab, Inc. for a Cannabis Testing Laboratory”

City Manager McAdoo left the Council Chambers.

21. Adoption of a Resolution Approving an Extension and Modification to Employment Agreement with the City Manager and Authorizing the Mayor to Execute the Agreement (Report from Mayor Halliday and Director of Human Resources Collins) **LB 18-028**

Staff report submitted by Human Resources Director Collins, dated June 19, 2018, was filed.

Human Resources Director Collins provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:49 p.m.

Council Members spoke highly of City Manager McAdoo’s work performance and expressed their desire to extend her employment agreement.

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

Resolution 18-119, “Resolution Approving the Extension and Modification of the City Manager’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council”

City Manager McAdoo returned to the Council Chambers.

### **CITY MANAGER’S COMMENTS**

City Manager McAdoo thanked the City Council for approving the extension to her employment agreement.

City Manager McAdoo announced the demolition of the old Kaiser Permanente’s pedestrian overpass on Tennyson Road was expected to be completed by June 22, 2018, and there would be a lane closure on Tennyson Road from June 18 through June 22, 2018.

### **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Zermeño made two announcements: the Downtown Hayward Street Party on June 21, 2018; and the June 2018 Beautification Event on June 23, 2018 at the Hayward Community Gardens.



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Council Member Salinas announced the Hayward Promise Neighborhood's Words for Lunch Program would begin June 26 and continue to August 2, 2018, on Tuesdays and Thursdays, at Weekes Community Park.

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 9:59 p.m., in memory of Mr. Don Murphy.

It was noted that Mr. Don Murphy received the Presidential Volunteer Service Gold Award in 2014 for serving over 525 volunteer hours and accumulating over 3,450 lifetime hours for the Hayward Police Department; was a part of the Hayward Police Department's Volunteers in Police Service, joining the Downtown Ambassador Program from its inception in 1999; and worked in the Police Department on a statewide database, inputting field interview information, to help the Special Duty Unit develop gang related intelligence information.

Mayor Halliday asked staff to work with the Police Department and Don Murphy's family to find a suitable place to plant a tree in memory of Don Murphy.

**APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward