

CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Hybrid (Council Chamber) Virtual Platform (Zoom)

<https://hayward.zoom.us/j/85407475291?pwd=MzZiVDdBWjNjSTVodFkrOTYwVnhLUT09>

Tuesday, November 1, 2022, 7:00 p.m.

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m. The City Council held a hybrid meeting in Council Chambers and virtually via Zoom.

Council Member Andrews was joined by members of the Castro Valley Cub Scout Pack 765 in leading the pledge of allegiance.

Present

Council Chamber: Council Members Lamnin, Zermeño
Mayor Halliday

Virtual Platform (Zoom): Council Members Andrews, Márquez, Salinas, Wahab

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session with all members present and no public comments, pursuant to Government Code Sections 54956.9(d)(2) and 54956.9(e)(1) regarding two anticipated litigation cases. As to the first matter, based on facts and circumstances that warrant the initiation of litigation by the City, the Council gave direction to staff but otherwise took no reportable action. As to the second matter, based on facts and circumstances that could lead to the initiation of litigation against the City, the Council gave direction to staff but otherwise took no reportable action. Council Member Wahab was absent during discussion of the second matter. The closed session adjourned at 6:38 p.m.

PUBLIC COMMENTS

Ms. Peggy Guernsey, Hayward resident, thanked Mayor Halliday for her service to the community during her tenure; and expressed concerns about the uncleanliness of the city, vacant storefronts, lack of recreational options, and disruption in service of AC Transit bus lines, among other concerns.

The following individuals expressed concern that street vendors do not adhere to food regulations, do not follow health and sanitation policies; noted Senate Bill 972 provides protections for street vendors but also outlines regulations; inquired how cash sales were being reported; suggested that street vendors be located in a designated area away from already established businesses; advocated for the city to evaluate issues experienced by businesses in low-income communities; and urged Council to find solutions.

Ms. Lesly Garcia, Xenias Gelato businessowner
Mr. Jorge Flores, Don Polveron Bakery owner
Mr. Alfonzo Perez, Taqueria La Placita representative
Mr. Raul Martinez, Don Gaspacho Ice cream shop
Mr. Gino Altamirano, South Hayward Now representative

Mr. Bob Mackay expressed his discontentment with the structure of the public comment period and commented the Council should enable grievances to be addressed during public comments without suppression.

Ms. Suzanne Luther, Hayward Concerned Citizens representative suggested that Council address the matter with street vendors sooner than at the start of 2023; and not ignore the concerns of low-income minority South Hayward business owners.

Mayor Halliday shared that the matter would be on a future City Council agenda, advised speakers to share their contact, and suggested holding a community meeting before the Council meeting.

City Manager McAdoo added that if people were being disruptive to business establishments, the Hayward Police Department (HPD) could be of assistance; and noted the matter would come before Council after the December business closure.

Members of the City Council thanked the South Hayward community for bringing the matter to Council's attention; were in favor of addressing the matter within a month and having staff review short term as well as long term solutions for all interested parties; acknowledged that while the issue was predominantly occurring in South Hayward, it was occurring throughout the city and staff was reviewing to adopt an effective policy; and asked if it would be possible to look into which agencies are administering the permits, how permits are reviewed and the locations where vendors are operating.

City Clerk Lens provided November 8, 2022 General Municipal Election information related to California Voter's Choice Act, 24-hour drop box and vote center locations, and referred to the City Election webpage for additional information. Mayor Halliday thanked City Clerk Lens and her office for helping to ensure that Election Day runs smoothly and expressed gratitude for the election's process.

Council Member Márquez reminded the public to make sure to sign their ballots before returning them and make sure signatures match the one on file.

CITY MANAGER'S COMMENTS

City Manager McAdoo announced the City was hosting the 2022 Fall Compost Giveaway on November 5, 2022 at 1401 Golf Course Road, beginning at 7:30 a.m.

CONSENT

Council Member Andrews recused herself from discussing and voting on Consent Item No 5 due to a potential conflict of interest.



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1. Approve the City Council Minutes of the City Council Meeting on October 18, 2022 **MIN 22-125**

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the City Council Meeting on October 18, 2022.

2. Adopt a Resolution Approving Plans and Specifications, and Calling for Bids for the Municipal Parking Lots No. 7, D -1 and D -2 Improvement Project No. 05296

Staff report submitted by Public Works Director Ameri, dated November 1, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas
Wahab, Zermeño
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 22-266, "Resolution Approving Plans and Specifications and Call for Bids for Municipal Parking lot nos. 7, d-1 and d-2 Improvement Project, Project no. 05296"

3. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Site License Agreement with East Bay Community Energy for Electric Vehicle Charging at Multiple Locations **CONS 22-609**

Staff report submitted by Public Works Director Ameri, dated November 1, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas
Wahab, Zermeño
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 22-267, "Resolution Authorizing the City Manager to Negotiate and Execute a Master Site License Agreement with East Bay Community Energy for Electric Vehicle Charging at Multiple Locations"

4. Adopt a Resolution Approving Plans and Specifications, and Calling for Bids for the Municipal Parking Lots No. 8 Improvement Project No. 05740 **CONS 22-610**

Staff report submitted by Public Works Director Ameri, dated November 1, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

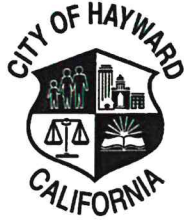
Resolution 22-268, "Resolution Approving Plans and Specifications and Call for Bids for Municipal Parking lot no. 8 Improvement Project, Project no. 05740"

5. Adopt a Resolution: (1) Authorizing the City Manager to Negotiate and Execute the First Amendment to the Disposition and Development Agreement with Eden Housing, Pacific West Communities, and Strategic Growth Partners and Other Affiliated Entities for Transfer of Specified City Owned Properties within Parcel Group 3 and Amendments to Exhibits Attached Thereto Including the Restrictive Use Covenant Agreement; and (2) Approving Modifications to the Parcel Group 3 Affordable Housing Plan (Planning Application #202001594) **CONS 22-618**

Staff report submitted by Assistant City Manager Ott, dated November 1, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.

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



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Resolution 22-270, "Resolution Authorizing the City Manager to Negotiate and Execute the First Amendment to the Disposition and Development Agreement with Eden Housing, Pacific West Communities, and Strategic Growth Partners and Other Affiliated Entities for Transfer of Specified City Owned Properties Within Parcel Group 3 and Amendments to Exhibits Attached Thereto Including the Restrictive use Covenant Agreement; and Approving Modifications to the Parcel Group 3 Affordable Housing Plan (Planning Application #202001594)"

6. Adoption of a Resolution Supporting Public Bank East Bay and Authorizing a Letter of Support to the Alameda County Board of Supervisors **CONS 22-624**

Staff report submitted by Finance Director Claussen, dated November 1, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 22-269, "Resolution Approving the Support of Public Bank East Bay and Letter of Support to Alameda County Board of Supervisors Fully Supporting its Participation in Public Bank East Bay"

Council Member Andrews rejoined the Zoom meeting.

PUBLIC HEARING

7. Building and Fire Code Updates: Introduction of Ordinances and Adoption of Resolutions Adopting the California Code of Regulations 2022 Edition of Title 24, Including the 2022 Building, Fire, Plumbing, Mechanical, Electrical, Energy and Green Building Codes, and Related Amendments (Report from Assistant City Manager/Development Services Director Ott and Fire Chief Contreras) **PH 22-056**

Staff report submitted by Assistant City Manager/Development Services Director Ott and Fire Chief Contreras, dated November 1, 2022, was filed.

Assistant City Manager/Development Services Director Ott introduced City Building Official Noorzad who provided a synopsis of the staff report.

In response to Council Member Andrews' inquiry if Green Building requirements made it easier to get Leadership in Energy and Environmental Design (LEED) certified, City Building Official Noorzad responded that LEED was a part of the building process, it guides the design of the building, and provides the industry with a sustainable tool kit.

There being no public speakers, Mayor Halliday opened and closed the public hearing at 8:01 p.m.

Council Member Salinas made a motion per staff's recommendation and Council Member Zermeño seconded the motion.

Council Member Lamnin asked if the motion maker and seconder were amenable to removing gender specific language in the Fire Code.

City Manager McAdoo noted that Council Member Lamnin had pointed out that her suggestion to remove gender specific pronouns was to be consistent with the changes made to the Hayward City Charter.

Council Member Salinas and Council Member Zermeño accepted the friendly amendment.

It was moved by Council Member Salinas, seconded by Council Member Zermeño, including a friendly amendment to remove gender specific pronouns in the Fire Code, and carried by the following roll call vote, to adopt the resolutions.

AYES:	COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeño MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 22-271, "Resolution Finding and Determining the Need for Changes or Modifications to the 2022 California Building Code"

Resolution 22-272, "Resolution Finding and Determining the Need for Changes or Modification to the California Fire Code, 2022 Edition"

Ordinance 22-09, "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"



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Ordinance 22-10, "An Ordinance Establishing a Fire Prevention Code for the City of Hayward; Adopting the California Fire code, 2022 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. 19-20, as Amended, and all Other Ordinances and Parts of Ordinances in Conflict Therewith"

8. Reach Code: Introduction of Reach Code Ordinance: 1) Addressing New Building Electrification; 2) Addressing Electric Vehicle Charging Requirements; and 3) Repealing Current Reach Code (Ordinance 20-05) (Report from Public Works Director Ameri) **PH 22-058**

Staff report submitted by Public Works Director Ameri, dated November 1, 2022, was filed.

Environmental Services Manager Pearson provided a synopsis of the staff report and acknowledged that the East Bay Community Energy (EBCE) submitted a letter of support for the proposed all electric reach codes for the City of Hayward.

Members of the City Council thanked City staff for the presentation, community meetings and outreach.

In response to Council Member Andrews' interest for accomplishing undergrounding utilities as a part of the electrification requirement for buildings, Environmental Services Manager Pearson indicated he believed undergrounding utilities was more of an engineering standard and staff could further explore this request.

In response to Council Member Márquez's request for staff to elaborate on a 100% gas ban, staff's preparedness in receiving applications from life science developments, and tax incentives or state funding to offset the cost of building infrastructure for electric vehicle (EV) stations, Environmental Services Manager Pearson noted that by not requiring a 100% gas ban for some industrial uses Hayward would give the industry time to adapt and with sufficient notification a ban could be accomplished by January 2026. As to applications from life science developments, Mr. Pearson stated staff did not anticipate any challenges and if a gas ban was enacted, staff would evaluate how other cities were addressing this and staff was not aware of any incentives for EV charging stations.

In response to Mayor Halliday's inquiry as to why the cost of the high power (40-amp) Level 2 charger with two plugs was more than double the cost of a single charger, Environmental Services Manager Pearson conjectured that the cost could be due to the double charger allowing two vehicles to charge at the same time, noting there could be extra equipment

modulating the power going to each vehicle.

In response to Mayor Halliday's inquiry as to another benefit of a tankless water heater, Environmental Services Manager Pearson said that the distance that the tankless water heater is from the faucet can also contribute to the time it takes to receive hot water.

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:23 p.m.

Mayor Halliday, also Chair of the Council Sustainability Committee, made a motion to move staff's recommendation.

Council Member Zermeño, also member of the Council Sustainability Committee, seconded the motion and staff's recommendation to achieve a zero-carbon footprint in the future.

Council Member Lamnin emphasized that individual electric meters be used for newer construction; supported the ban on gas infrastructure as recommended by staff for environmental reasons; appreciated the information on technology advancements given the location of the city and the Hayward fault line; and encouraged staff to continue to think strategically about new technologies, industry needs, and grid infrastructure.

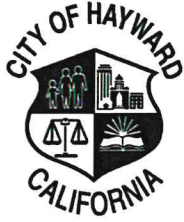
Mayor Halliday noted that the Council Sustainability Committee evaluated the proposed policy thoroughly and acknowledged that Council Member Márquez served on the committee.

It was moved by Mayor Halliday, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolutions.

AYES:	COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeño MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 22-273, "Resolution Finding and Determining the Need for Adoption of Modifications to the 2022 California Building Standards Code"

Ordinance 22-11, "An Ordinance Establishing Reach Codes for the City of Hayward; Repealing Ordinance 20-05; Adopting Chapter 9, Article 8 of the Hayward Municipal Code to Amend Part 11 (California Green Building Standards Code) of the California Building Standards Code (Title 24 of the California Code of Regulations); and Amending the City's Off-street Parking Regulations (Chapter 10, Article 2) of the hayward municipal code"



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INFORMATIONAL ITEM

9. Informational Report Describing the Appointment and/or Special Election Process for City Council Vacancy

Staff report submitted by City Manager McAdoo, City Attorney Lawson, and City Clerk Lens, dated November 1, 2022, was filed.

The item was presented as general information for Council and the public; there was no action taken or requests to speak on the item.

Council Member Márquez stated that during the 2014 appointment process, there was a threshold that had to be met where four or five Council members' support was needed to advance a qualifying applicant, and requested that this be confirmed.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Salinas thanked Library and Maintenance staff for hosting and helping organize a successful Trunk or Treat event on October 29, 2022.

Council Member Andrews echoed Council Member Salinas' comments and thanked Library and Maintenance staff for their help with the Trunk or Treat event; acknowledged all Halloween events occurring over the weekend; and emphasized the importance of having events at night to give youth alternatives.

Council Member Márquez reported that on October 24, 2022 an invasive mosquito called *Aedes Aegypti* was located in a nearby landfill in Milpitas and encouraged the public to subscribe to news updates and press releases from the Alameda County Mosquito Abatement District; acknowledged all of the family-friendly Halloween events that were held over the weekend; attended the event hosted by Glad Tidings Church; and agreed with comments expressed by Council Member Andrews to have more evening events that were free for people of all ages.

Council Member Salinas expressed that it was a pleasure for him to work with Mayor Halliday over the years, noted they had developed a great professional relationship as colleagues, and underscored his respect for the work done by her during her tenure.

Mayor Halliday appreciated the comments made by Council Member Salinas expressing that Hayward would be in good hands; noted she enjoyed the Trunk or Treat event at the Heritage Plaza; and shared a poem written by Poet Laureate Bruce Roberts.

Council Member Andrews stated there were increased activities with theft of catalytic converters; shared the Etch and Protect program started by Bay Area cities to identify information on catalytic converters; and noted she would be working on a Council referral.

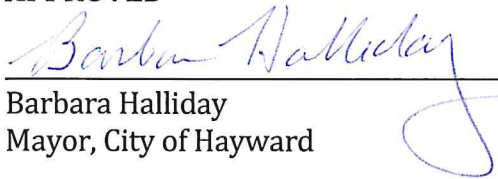
COUNCIL REFERRALS

There were none.

ADJOURNMENT

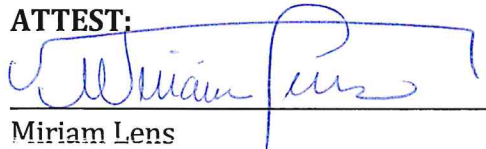
Mayor Halliday adjourned the meeting at 8:43 p.m.

APPROVED



Barbara Halliday
Mayor, City of Hayward

ATTEST:



Miriam Lens
City Clerk, City of Hayward