



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 25, 2018, 7:00 p.m.

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 Márquez.

ROLL CALL

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

PUBLIC COMMENTS

Ms. Kate Turney, Hayward Hangar Group (HHG) representative, asked if the Council was going to address the ten percent hangar rate increase proposed for FY2019, and submitted her written public comments. Staff noted there was a meeting planned with HHG before the item goes before the Council.

Ms. Alicia Lawrence, Hayward Collective member, referred to a letter submitted to the Council in July 2018 regarding a moratorium on rent increases that apply to units previously controlled.

CLOSED SESSION ANNOUNCEMENT

Mayor Halliday announced the City Council added a Closed Session after the Special Work Session at the request of staff.

City Attorney Lawson reported there was a need to add a Closed Session after the Special Work Session based on facts and circumstances that came to the City's attention after the posting of the agenda. City Attorney Lawson noted the Closed Session was added by unanimous vote of the Council pursuant to Government Code Section 54954.2(b)(2) with Council Member Zermeño moving and Council Member Márquez seconding the motion. City Attorney Lawson added that the closed session involved discussion with labor negotiators pursuant to Government Code 54957.6 regarding all groups, and there was no reportable action.

Consent Item No. 1 and No. 7 were removed from the Consent Calendar for discussion and separate vote.

Council Member Salinas disclosed his employment at Chabot-Las Positas Community College District and noted he could participate in the discussion of Consent Item No. 1.

CONSENT

1. Authorization to Negotiate and Execute an Agreement with Chabot-Las Positas Community College District for PEG Broadcasting Services **CONS 18-606**

Staff report submitted by Information Technology Director Kostrzak, dated September 25, 2018, was filed.

Mayor Halliday opened the public comments section at 7:13 p.m.

Mr. Carlos Archuleta, Chabot College producer, spoke in opposition to the proposed agreement with Chabot-Las Positas Community College District, and noted he was unable to speak with staff about complaints he had raised.

Mayor Halliday closed the public comments section at 7:16 p.m.

Information Technology Director Kostrzak spoke about the proposed agreement and mentioned there were attempts to meet with Mr. Archuleta.

Council Member Mendall noted the Council Technology Application Committee did not have an opportunity to review the agreement and suggested to grant a one-year extension and during that time review and address questions raised by Mr. Archuleta.

Council Member Zermeño disclosed he was an employee of Chabot College and he was going to abstain from voting on the agreement.

Council Member Lamnin expressed concern about communication of when broadcasting occurs and when they are published. Council Member Lamnin noted she was willing to extend the contract and asked to clarify the contract and have more concrete information before the agreement gets renewed.

Council Member Salinas offered a motion to refer the item to the Council Technology Application Committee for review and to engage in conversation with Mr. Carlos Archuleta.

Council Member Márquez supported tabling the item and referring it to the Council Technology Application Committee for review at its next meeting on December 6, 2018.

It was moved by Council Member Salinas, seconded by Council Member Márquez, and carried unanimously, to table the item and refer it to the Council Technology Application Committee for review at its meeting scheduled for December 6, 2018.



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2. Authorization for the City Manager to Execute the Purchase of Cardiac Monitors from Zoll Medical Corporation and to Accept and Appropriate Funding from the Fairview Fire Protection District for this Purchase **CONS 18-633**

Staff report submitted by Fire Chief Contreras, dated September 25, 2018, was filed.

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

Resolution 18-199, "Resolution Authorizing the City Manager to Negotiate and Execute the Purchase of Cardiac Monitors and Accompanying Equipment from Zoll Medical Corporation, Not to Exceed \$540,000 per the Competitive Bid Pricing from LA County and to Execute the Sole Source Purchase of Additional Zoll Fixtures, Not to Exceed \$55,000"

Resolution 18-200, "Resolution Authorizing the City Manager to Accept and Appropriate \$70,000 from the Fairview Fire Protection District to Purchase Cardiac Monitors and Accompanying Equipment for the District"

3. Authorization to Execute a Professional Services Agreement with OpenGov, Inc. for Financial Reporting and Budgeting Services **CONS 18-637**

Staff report submitted by Finance Director Claussen, dated September 25, 2018, was filed.

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

Resolution 18-201, "Resolution Authorizing Execution of a Professional Services Agreement with OpenGov, Inc. for Financial Reporting and Budgeting Services"

4. Resolution Authorizing the Bay Area Water Supply and Conservation Agency to Represent the City of Hayward in Negotiations with the City and County of San Francisco to Amend Certain Provisions of the Water Supply Agreement with Wholesale Customers **CONS 18-636**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated September 25, 2018, was filed.

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

Resolution 18-202, “Resolution Authorizing the Bay Area Water Supply and Conservation Agency to Negotiate with the City and County of San Francisco on Behalf of the City of Hayward to Amend Certain Provisions of the Water Supply Agreement”

5. Adoption of a Resolution Approving Amendments to the Hazardous Material Office’s Section of the FY 2019 Master Fee Schedule **CONS 18-634**

Staff report submitted by Fire Chief Contreras, dated September 25, 2018, was filed.

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

Resolution 18-203, “Resolution Updating the Hazardous Materials Office Section of the City’s FY 2019 Master Fee Schedule”

6. Revisions to the City’s Conflict of Interest Code **CONS 18-621**

Staff report submitted by City Clerk Lens, dated September 25, 2018, was filed.

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

Resolution 18-204, “Resolution Accepting the Additions and Revisions to the City’s Conflict of Interest Code”

Mayor Halliday announced she had to recuse herself from participating on Item No. 7 due to the proximity of her property to the proposed development and left the Council Chambers. Mayor Pro Tem Márquez presided over the meeting.

7. Authorization to Enter into an Exclusive Negotiating Rights Agreement with BMODDRE2, LLC, for a Proposed Development of Two Parcels Located at the Southeast Corner of Mission Boulevard and Carlos Bee Boulevard for a New Auto Dealership **CONS 18-646**

Staff report submitted by Economic Development Manager Hinkle, dated September 25, 2018, was filed.

Deputy City Manager Ott provided a brief presentation of the item.



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
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Tuesday, September 25, 2018, 7:00 p.m.

Mayor Pro Tem Márquez opened the public comments section at 7:31 p.m.

Ms. Mary Ann Higgs, Hayward resident, disagreed that a car dealership was a favorable use of land (Parcel 7) and asked the Council to postpone the vote until a review of findings of the consulting team of Design Workshop is completed.

Mr. Bill Espinola, Hayward resident, disagreed with the proposal and noted there was lack of outreach to the neighbors by the Economic Development Division, and urged the Council to postpone action until public input was garnered.

Mayor Pro Tem Márquez closed the public comments section at 7:31 p.m.

Council Member Salinas offered a motion to postpone action on the item until review of findings of the consulting team of Design Workshop is completed.

Council Member Lamnin seconded the motion.

Discussion ensued about the Route 238 Master Development Plan and community input, and the potential risk by delaying action approving the negotiating agreement.

Council Member Lamnin withdrew her support for the motion because she did not want to postpone the item to a date that was not certain.

Mayor Pro Tem Márquez reopened the public comments section at 7:43 p.m., to allow a public comment.

Mr. Charlie Peters, Clean Air Performance Professionals representative, recommended a careful review of the proposal for the site before moving forward.

Mayor Pro Tem Márquez closed public comments at 7:45 p.m.

Council Member Mendall noted the Council had an opportunity to study the entire Mission Boulevard Corridor for two years with a visioning and public input process, indicated the consistent theme from stakeholders was to continue the Hayward Auto Row, and added that attempts to attract retail to that location had failed.

Council Member Mendall offered a motion to approve staff's recommendation to enter into an exclusive negotiating agreement and noted there would be opportunity for public input during the process.

Council Member Zermeño seconded the motion. Council Member Zermeño noted Hayward had a healthy Hayward Auto Row until car dealerships left, and the proposed new automobile sales site could strengthen the local economy.

Council Member Lamnin suggested to approve the negotiating agreement and during the negotiating process staff could bring elements of what the community needs

Council Member Peixoto noted he was impressed with the potential sales tax revenue and creation of local jobs.

Mayor Pro Tem Márquez was in favor of engaging into the exclusive negotiating agreement and exploring how to bring more revenue and jobs.

Council Member Salinas noted the neighborhood was asking the City to pause the process, and since that was not an option he was not sure how to vote.

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

AYES:	COUNCIL MEMBERS Zermeño, Mendall, Peixoto, Lamnin, Salinas MAYOR PRO TEMPORE Márquez
NOES:	None
ABSENT:	MAYOR Halliday
ABSTAIN:	None

Resolution 18-205, “Resolution of the City Council of the City of Hayward Authorizing the City Manager to Negotiate and Execute an Exclusive Negotiation Rights Agreement Between the City of Hayward and BMODDRE2, LLC for a Proposed Development Located at 24900- 25000 Mission Boulevard”

Mayor Halliday returned to the Council Chambers at 8:02 p.m.

CITY MANAGER’S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño welcomed Deputy City Manager Ott and congratulated her on doing a good job acting City Manager.

Council Member Márquez thanked all volunteers for attending the Keep Hayward Clean and Green beautification event on September 22, 2018, on Tennyson Road.



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Council Member Lamnin asked for broader community engagement opportunities related to the development of the parcels located at the southeast corner of Mission Boulevard and Carlos Bee Boulevard. Council Member Mendall recommended that staff put forward a rough schedule that can be published.

Mayor Halliday commented on the successful Executive Airport Open House and dedication of the Tuskegee Airman Drive on September 23, 2018 and noted that over 4,000 people attended the event.

Council Member Salinas announced that HARD and Hayward Odd Fellows were hosting the last summer concert at the Hayward Memorial Park on September 30, 2018 and noted the proceeds would benefit the Hayward High School Instrumental Music Program.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:09 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward