



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, October 20, 2020, 7:00 p.m.**

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m. The meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No 29-20 dated March 17, 2020, and the Alameda County Health Officer Order No. 20-10 dated April 29, 2020 regarding the COVID-19 pandemic.

Members of the City Council, City Staff, and members of the public participated via the Zoom Webinar platform.

Pledge of Allegiance: Council Member Salinas

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:15 p.m., regarding two items: 1) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; and 2) public employment pursuant to Government Code 54957 (b)(1) regarding the City Attorney performance evaluation. Mayor Halliday added there was no reportable action related to both items.

PUBLIC COMMENTS

Patrick thanked Council Members Mendall, Salinas, and Márquez who attended the meeting at Weekes Park for an update on the Patrick Ave striping; expressed he wanted to have street parking ahead of the bike lane; and asked for advanced notice for future meetings.

Ms. Alicia Lawrence, Hayward resident, asked the City Council to denounce the alleged use by Council Member Salinas of his City email for campaigning against challengers and noted it was not under the purview of the FPPC or Code of Ethics.

Mr. Jesse Gunn, Hayward resident, noted the issue with people parking in bike lanes on Patrick Avenue can be addressed by City staff putting reminders on cars or having a raised curb in between the parking area and bike lane.

Council Member Mendall spoke about the event at Weekes Park to address changes on Patrick Avenue noting he committed the City to have follow up meetings to evaluate progress and suggested documenting the recommendations from the meeting and would forward his to staff for review.

Council Member Wahab thanked residents who followed up regarding Patrick Avenue and asked City Manager McAdoo to provide clarity about public safety personnel using that area.

CONSENT

Consent Items 4 and 5 were removed from the Consent Calendar for separate vote.

1. Approve City Council Minutes of the City Council Meeting on September 22, 2020 **MIN 20-108**

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried unanimously, to approve the minutes of the City Council meeting on September 22, 2020.

2. Approve City Council Minutes of the Special City Council Meeting on September 29, 2020 **MIN 20-109**

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried unanimously, to approve the minutes of the Special City Council meeting on September 29, 2020 with a modification as outlined in staff memo.

3. Approve the Minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency Board Meeting on October 6, 2020 **MIN 20-110**

It was moved by Council/RSA Member Márquez, seconded by Council/RSA Member Mendall, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency Board meeting on October 6, 2020.

4. Adopt a Resolution Authorizing the City Manager to Enter into an Agreement with CalPERS via the California Employers' Pension Prefunding Trust (CEPPT), a Section 115 Irrevocable Trust, and Delegating Authority to Request Disbursements **CONS 20-494**

Staff report submitted by Director of Finance Claussen, dated October 20, 2020, was filed.

The item was removed from the Consent Calendar by Council Member Wahab who asked Finance Director Claussen to explain the Section 115 Irrevocable Trust Program, expected return on investment, length of commitment, financial risk, and the funds planned toward the trust.

Finance Director Claussen explained the trust would not require an initial deposit, the City had not selected the investment option yet, funds would be used to make payments toward unfunded pension liabilities, the City could draw down on funds in case of an emergency, noted there were no funds that had been assigned to and staff would evaluate one-time funds as they come in and make recommendations to the Council.

Council Member Mendall thanked the Council Budget and Finance Committee for its work, supported the financial plan and noted the trust would serve as a place to put one-time funds as they become available and investment decisions can be made at that time.



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Mayor Halliday clarified the funds in this account would be an irrevocable trust so the money in the account would count toward the 'funded' status that offset the liability.

It was moved by Council Member Wahab, seconded by Council Member Mendall, and carried by the following roll call vote, to approve the resolution:

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

Resolution 20-180, "Resolution Authorizing the City Manager to Enter into an Agreement with the California Public Employees Retirement System's (CalPERS) California Employers' Pension Prefunding Trust (CEPPT) Program to Establish a Section 115 Trust and Delegating Authority to the City Manager and the Director of Finance to Request Disbursements from the Section 115 Trust"

5. Adopt a Resolution Authorizing the City Manager to (1) Submit an Application to the California State Department of Housing and Community Development (HCD) for a Maximum Amount of \$5 Million for Mortgage Assistance Funding under the CalHome Program; (2) Enter into and Execute a Standard Agreement and Any Subsequent Amendments, Modifications, or Documents thereto, if Awarded; and (3) Accept and Appropriate Any Awarded Funds in an Amount Not to Exceed \$5 Million **CONS 20-498**

Staff report submitted by Deputy City Manager Ott, dated October 20, 2020, was filed.

The item was removed from the Consent Calendar by Council Member Mendall who opposed staff's recommendation noting Hayward has more demand than supply and preferred to apply for grant money to increase or maintain existing supply or an option for wiser use of funds.

Council Member Wahab noted that while the proposal was not perfect, it addressed the desire to promote home ownership. In response to Council Member Wahab's inquiry for the types of projects that would be covered, Deputy City Manager Ott noted eligible uses were residential rehabilitation programs, Habitat for Humanity, and funding development of deed-restricted Accessory Dwelling Units.

Council Member Lamnin noted that having tools from outside funds would allow the City to capture properties before possible recession to prevent displacement as much as possible and added that shared equity mortgages and deed restricted upon sale were important components.

Council Member Márquez noted the item was a request for funding, asked staff to confirm if a resident could take advantage concurrently with A1 bonds from the County, and noted it aligned with the strategic roadmap of protecting, preserving, and creating affordable housing.

Mayor Halliday acknowledged the action was a way to start adjusting equity and wealth gap which stemmed from racist housing policies from the past, and she added there were 257 loans issued over the last several years.

It was moved by Council Member Wahab, seconded by Council Member Lamnin, and carried by the following roll call vote, to approve the resolution:

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

Resolution 20-181, “Resolution Authorizing the City Manager to:
1) Submit an Application to the California State Department of Housing and Community Development for a Maximum Amount of \$5 Million for Mortgage Assistance Funding under the Calhome Program; 2) Enter into and Execute a Standard Agreement and Any Subsequent Amendments, Modifications, or Documents Necessary to Participate in the Calhome Program with the California State Department of Housing and Community Development if the Grant Funds are Awarded; and 3) Accept and Appropriate any Awarded Funds in an Amount Not to Exceed \$5 Million”

6. Adopt a Resolution Authorizing the Sole Source Purchase of Specialized Laboratory Equipment for Use at the Water and Wastewater Laboratory at the Water Pollution Control Facility **CONS 20-507**

Staff report submitted by Director of Public Works Ameri, dated October 20, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried by the following roll call vote, to approve the resolution:



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MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 20-177, “Resolution Authorizing the City Manager to Execute a Sole Source Purchase with Agilent Technologies, Inc., for the Purchase of Specialized Laboratory Equipment for use at the Water and Wastewater Laboratory at the Water Pollution Control Facility in an Amount Not to Exceed \$110,000”

7. Adopt a Resolution Authorizing the City Manager to Amend the Professional Services Agreement with HydroScience Engineers, Inc., to Increase the Contract Amount by \$75,000 for Additional Services to a Not to Exceed Amount of \$451,000 and Appropriate Funds **CONS 20-510**

Staff report submitted by Director of Public Works Ameri, dated October 20, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried by the following roll call vote, to approve the resolution:

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

Resolution 20-178, “Resolution Authorizing the City Manager to Amend the Agreement with HydroScience Engineers, Inc., to Increase the Contract Amount by \$75,000 for Additional Support Services Related to Recycled Water Treatment Facility Project No. 07710, to a Not-to-Exceed Amount of \$451,000 and the Appropriation of Funds from the Sewer Improvement Fund for use in the Project”

8. Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Dutchover & Associates for Landscape Architect Services, Increasing the Not to Exceed Amount to \$330,000 **CONS 20-523**

Staff report submitted by Director of Development Services Simpson, dated October 20, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried by the following roll call vote, to approve the resolution:

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

Resolution 20-179, “Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Agreement with Dutchover & Associates, for Landscape Architect Services Increasing the Not to Exceed Amount to \$330,000”

WORK SESSION

9. COVID-19 Trends and Impacts on Real Estate Market: Discuss COVID-19 Trends and Impacts on the Hayward Commercial and Multi-Family Housing Real Estate Market **WS 20-043**

Staff report submitted by Deputy City Manager Ott, dated October 20, 2020, was filed.

Development Services Director Simpson announced the report and Economic Development Manager Paul Nguyen introduced four real estate experts: Mr. Jason Ovadia, Managing Director at JLL Industrial and Logistics who provided information from the industrial sector; Mr. David Greensfelder, Managing Principal at Greensfelder Real Estate Strategy who provided information from the retail sector; Mr. Edward Del Beccaro, Executive Vice President at TRI Commercial who provided information from the office and hotel sectors; and Mr. Tim Cornwell, Principal at The Concord Group who provided information from the multi-family housing market sector. The four experts provided an overview of the trends associated with COVID-19; the impacts on sales, leasing, and development activity; and considerations for reviewing projects or permit applications.

Mayor Halliday opened the public comment period at 8:54 p.m.



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Mr. Jesse Gunn, Hayward resident, wanted to ensure that future policies take into consideration that landlords could raise rent based on higher demand, having more programs that train students in skills companies want will attract businesses, and favored keeping housing cost low but not to a detriment.

Mayor Halliday closed the public comment period at 8:57 p.m.

Discussion ensued among members of the City Council and the four real estate experts regarding: how to shorten the entitlement process for industrial areas; attracting specialty retail trends; ways to maintain affordability; best use for the Mission Crossings property; hotels struggling to pay mortgages; future of recreational/fitness uses; viability for eCommerce; assessing transportation impact fees; rent decreases in new market leases; commercial office sector opportunities; pre-emptive upzoning; use of traffic impact fees to streamline traffic management study process for applicants; balancing traffic studies as site-specific and not one size fits all; and how to utilize local educational institutions to train and employ the large maker-tech industry.

The following comments were offered: Mr. Del Beccaro should be invited to the next CEDC meeting to discuss the hotel market in Hayward; business owners want predictability in the process of developing or expanding and they do not want any surprises; Hayward has a high degree of significance geographically and it was suggested to make a list of projects as the sum of small projects may be bigger than only going after large projects; secondary airports will become extremely valuable as the next vehicle for drone and passenger delivery; spaces should be designed with flexibility rather than as a specific use; as strategic planning and economic development is planned, prioritize spending staff/consultant time on streamlining processes as it was done for solar applications; it was suggested the Promise Neighborhoods group meet with the industry sector to discuss knowledge gaps that are not keeping jobs in Hayward; the importance to have regular conversations with schools and partners should be stressed; consider parking and how it makes for successful downtowns and how a large investment in a parking structure can help; the City should focus on areas other than commercial districts; Hayward Business Association has great ideas; consider adjusting impact fees to attract businesses; if people are unable to stay in the same place for a long time, the City cannot build stability or a sense of pride in the community; the need for recreation, education and the arts was emphasized; marketing of Hayward as the Heart of the Bay needs to be reinforced; and there needs to be awareness of climate forces and factors including COVID-19, fires and their long term impacts.

LEGISLATIVE BUSINESS

10. Adopt a Resolution of Intention to Establish the Old Highlands Benefit Assessment District to Levy and Collect Assessments for Street Improvements; Ordering the Preparation of an Engineer's Report; and Setting a Time and Place for Prop. 218 Hearing **LB 20-052**

Staff report submitted by Director of Public Works Ameri, dated October 20, 2020, was filed.

Public Works Director Ameri announced the item and introduced Deputy Public Works Director Garcia who provided a synopsis of the staff report.

In response to Council Member Salinas, City Manager McAdoo confirm the Old Highlands Homeowners Association (OHHA) Board and property owners had mutually agreed upon a plan, preliminary canvassing of the neighborhood was acceptable and would be supported by a majority vote of homeowners in the area.

Council Member Márquez noted the item had been reviewed by the Council Infrastructure Committee and confirmed it needed a majority approval from the homeowners. In response to what safeguards were in place if a homeowner defaults and does not pay back per agreed terms, City staff noted there would be an assessment on the taxes resulting in a lien on the property and it would transfer with the property if sold.

Former Public Works Director Fakhrai, Public Works Director Ameri, OHHA Board Member Robert Carlson, and City staff were recognized for moving forward the proposed cost sharing arrangement.

Mayor Halliday opened the public hearing at 10:16 p.m.

Mr. Robert Carlson, OHHA Board Member, noted there might be wording changes on the ballot but the substance was agreed upon, thanked the Council for its consideration and looked forward to a milestone of a project that was worked on since 2007.

Mr. Bruce Barrett and Ms. Joyce Rowan, OHHA residents, thanked City staff and OHHA Board and expressed they looked forward to the pavement improvement.

Mr. Bijan, OHHA resident, noted it was time after almost 50 years that an agreement was reached, noted the condition of the street was bad, and thanked City staff and Mr. Carlson for the progress made.

Mayor Halliday closed the public hearing at 10:20 p.m.

Members of the City Council recalled the meeting with Mr. Carlson about the item, the various ride-alongs to see the area, discussions about safety and liability, and were pleased with the mutual cost sharing agreement and the potential creation of the assessment district.



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City Clerk Lens noted City staff had distributed a memorandum that highlighted a change to the resolution setting the date for the City Council to conduct a public hearing from December 1, 2020 to January 26, 2021 in order to allow time pursuant to Prop. 218.

It was moved by Council Member Salinas, seconded by Mayor Halliday, and carried by the following roll call vote, to approve the revised resolution:

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

Resolution 20-182, “Resolution of Intention to Establish the Old Highlands Benefit Assessment District, to Levy and Collect Assessments within Such District Pursuant to California Government Code Section 54703, Et Seq., Ordering Preparation of an Engineer’s Report, and Appointing a Time and Place for Hearing Objections Thereto”

CITY MANAGER’S COMMENTS

There were no comments.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Wahab thanked staff for the work session and suggested more focus on economic development and quarterly updates.

Council Member Salinas acknowledged the Street and Maintenance Division for its response to various nuisance issues in Hayward. City Manager McAdoo noted she authorized overtime for crews to take care of additional Access Hayward requests related to trash and announced the “Operation Clean Sweep” will occur over the next 4-6 weeks throughout the community.

Council Member Zermeño thanked City staff for cleaning Tennyson/880 intersection areas.

Mayor Halliday reported that during the League of California Cities annual conference, the resolution calling to amend Section 230 of the Communications Decency Act of 1996 to require social media companies to remove materials that promote criminal activities was approved by the General Assembly; however, it did not become a League policy as a quorum was not reached.

Mayor Halliday also announced the Association of Bay Area Governments Executive Board voted on the Plan Bay Area 2050 Blueprint and the mandate that large Bay Area employers keep 60% of their workers home each workday to reduce greenhouse gas emissions.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the special meeting at 10:38 p.m., in memory of Mr. Nicholas Arhontes and Mr. David Paul Krug.

Mr. Nicholas Arhontes was a Hayward native, had a 32-year career with the Hayward Fire Department from 1949 to 1981, was a member of the California State Firefighters Association and served as president of the Fire Prevention Officers Section of the California Fire Chiefs Association.

Mr. David Paul Krug was a consummate musician, taught instrumental music in the Hayward Unified School District for over 30 years, sang in the Oakland Symphony Chorus and the San Francisco Chamber Choir, and along with his loving partner Judy Harrison with Friends of the Hayward Library, was instrumental in the passage of Measure C.

Mayor Halliday asked City staff to work with both families when there is an opportunity to plant trees in their memory.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward