



CONCURRENT GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD AND CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83390169641?pwd=WngzVGJNNDExWEIQTUVVCmN0blpDQT09>

Tuesday, May 24, 2022, 7:00 p.m.

The Geologic Hazard Abatement District (GHAD) Board and City Council meeting was called to order by Mayor/Chair Halliday at 7:00 p.m. The City Council will hold a hybrid meeting in Council Chambers and virtually via Zoom.

Pledge of Allegiance: Council/GHAD Member Lamnin

ROLL CALL

Present:

Council Chamber: Council/GHAD Board Members Lamnin, Zermeño
Mayor/GHAD Chair Halliday

Virtual Platform (Zoom): Council/GHAD Board Members Andrews, Márquez, Salinas, Wahab
Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on May 24, 2022, at 5:00 p.m., with all members present, regarding three items: 1) public employment pursuant to Government Code section 54957 concerning the City Manager's annual performance evaluation; 2) public employment pursuant to Government Code section 54957 regarding compensation for City Manager, City Attorney and City Clerk; and 3) conference with legal counsel pursuant to Government Code section 54956.9 regarding Stoddard-Nunez v. City of Hayward U.S. District Court, N.D. CA, No. 4:13-cv-04490 KAW. Mayor Halliday announced there was no reportable action related to Item 1 and Item 2. City Attorney Lawson noted that any action on the compensation related to Item 2 would be agendized at a future noticed meeting; and added there was no reportable action related to Item 3. It was noted the closed session adjourned at 5:55 p.m.

PRESENTATION

Mayor Halliday read a proclamation declaring the month of May 2022 as Asian American and Native Hawaiian/Pacific Islander (AANHPI) Heritage Month; and presented it to Ms. Deanie Wailiani Lum-Villalobos, President of the Kumu Hula Association of Northern California and Mr. Victor Fuji and Ms. Agnes Masuda, with Eden Township Japanese American Citizens League Chapter.

PUBLIC COMMENTS

Council Member Lamnin shared that, along with Council Member Zermeño, she attended Arbor Day at Cesar Chavez Middle School on May 18, 2022, where 30 new trees were planted; and acknowledged City staff for their support that day.

Ms. Irene Cruz, Hayward resident, stated the street tree ordinance needs to be reevaluated, requested that written warnings be issued to residents at first complaint and owners advised in advance of inspections and before escalating to fine individuals.

Ms. Frances Sagapolu, Hayward resident, shared she was one of the organizers of the May Day event, thanked the City for its support, and urged for more community events in downtown and explore the formation of a community events committee.

CITY MANAGER'S COMMENTS

City Manager McAdoo made the following comments: the City and Doll & Group Architecture Firm won the American Planning Association's Award of Excellence in the category of best practices for implementation of the SoHay Mixed Use Development Project; the City will launch a new water customer portal and new utility bills will be mailed to customers; the Hayward Library launched a 1000 Books Before Kindergarten program; and the City would be hosting two online community meetings (May 26th and June 6th) and one open house (June 11th) to provide information on equipment in the possession of the Hayward Police Department characterized as "military equipment" under AB 481.

CONSENT

1. Approve the City Council Minutes of the Special City Council Meeting on May 14, 2022
MIN 22-071

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the Special City Council meeting on May 14, 2022.

2. Adopt an Ordinance Adding Article 30 to Chapter 10 of the Hayward Municipal Code Regarding Traffic Impact Fees for Property Developers **CONS 22-319**

Staff report submitted by City Clerk Lens, dated May 24, 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 ordinance.

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

Ordinance 22-05, "An Ordinance of the City of Hayward Adding Article 30 to Chapter 10 of the Hayward Municipal Code Regarding Traffic Impact Fees for Property Developers."



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3. Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361 **CONS 22-321**

Staff report submitted by City Manager McAdoo and City Clerk
Lens, dated May 24, 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 ordinance.

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

Resolution 22-130, "Resolution Making the Required Findings
Pursuant to AB 361 to Continue to Hold Teleconferenced Public
Meetings During the COVID 19 State of Emergency"

4. Adopt a Resolution Authorizing the City Manager to Appropriate \$8,394.29 in Asset Forfeiture Fund Balance and to Transfer the Appropriation from the Asset Forfeiture Fund (265) to the General Fund (100) **CONS 22-296**

Staff report submitted by Chief of Police Chaplin, dated May 24,
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 ordinance.

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

Resolution 22-131, "Adopt a Resolution Authorizing the City
Manager to Appropriate \$8,394.29 in Asset Forfeiture Fund
Balance and Transfer the Appropriation from the Asset
Forfeiture Fund (265) to the General Fund (100)"

5. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 8 to the Professional Services Agreement with CSG Consultants, Inc., for Private Development Review Services in the Amount of \$400,000 for a Total Not-To-Exceed Amount of \$2.1 Million and Extending the Date of the Agreement to June 30, 2023 **CONS 22-297**

Staff report submitted by Director of Public Works Ameri, dated May 24, 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 ordinance.

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

Resolution 22-132, “Resolution Authorizing the City Manager to Execute Amendment No. 8 to the Professional Services Agreement with CSG Consultants, Inc., for Private Development Review Services in the Amount of \$400,000 for a Not-to-Exceed Amount of \$2.1 Million and Extending the Date of the Agreement to June 30, 2023”

6. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with EKI Environment & Water for As-Needed Technical Support Related to Implementation of a Groundwater Management Plan Increasing the Contract Amount by \$35,000 for a Total Not-to-Exceed Amount of \$95,000 **CONS 22-313**

Staff report submitted by Director of Public Works Ameri, dated May 24, 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 ordinance.

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



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Resolution 22-133, "Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Agreement with EKI Environment & Water for as needed Technical Support Related to Groundwater Management at a Cost of \$35,000 for a Total Not-to-Exceed Amount of \$95,000"

7. Adopt a Resolution Adopting the Traffic Impact Fee, Setting Initial Fee Rates for FY23, and Amending the FY23 Master Fee Schedule **CONS 22-335**

Staff report submitted by Director of Public Works Ameri, dated May 24, 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 ordinance.

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

Resolution 22-134, "Resolution of the City Council of the City of Hayward Adopting the Traffic Impact Fee, Setting the Initial Fee Rates, and Amending the FY23 Master Fee Schedule"

WORK SESSION

8. Presentation Regarding 2021 Explosion at Russell City Energy Center and Follow Up Investigation and Actions **WS 22-019**

Staff report submitted by City Manager McAdoo and Fire Chief Contreras, dated May 24, 2022, was filed.

City Manager McAdoo and Fire Chief Contreras provided an overview of the May 27, 2021 Russell City Energy Center (RCEC) explosion and fire; and spoke about the collaboration with the California Energy Commission (CEC) and California Public Utilities Commission (CPUC) as part of a Joint Agency Working Group and the Root Case Analysis (RCA) report commissioned by RCEC's owner, Calpine Corporation, and the secondary gap analysis and investigation.

City Manager McAdoo introduced Elizabeth Huber, Safety and Reliability Office Manager and Geoff Lesh, Engineering Office Manager with the Environmental Protection Division, California Energy Commission, who provided an overview of the Russell City Energy Center secondary gap analysis and investigation.

Mayor Halliday opened public comment at 8:41 p.m.

Ms. Suzanne Luther, Hayward resident, expressed the email notifications sent to residents close to the area was not effective because residents do not usually check email in the middle of the night; noted the plant should be monitored often; and suggested the RCEC contribution be used to repair the Navigation Center.

City Manager McAdoo noted the Navigation Center had been repaired already, staff plans to improve the notification procedures and protocol for the emergency alerting system and CPUC inspections will occur on a more regular basis.

TJ, Hayward Concerned Citizens' member, opposed connecting the power plant explosion to the compensation for Russell City descendant; and suggested using RCEC's contribution toward mental health programs such as HEART (Hayward Evaluation and Response Team) since this had an impact on mental health.

Mayor Halliday closed the public comment section at 8:48 p.m.

Members of the City Council thanked City staff and CEC members for their presentation and collaborating efforts regarding the RCEC incident.

Discussion ensued among members of the City Council, City staff, and CEC team regarding: email notifications to affected neighborhoods, the emergency alerting system and IPAWS (Integrated Public Alert and Warning System) which is planned to be released to cities enabling them to send IPAWS alerts and ping appropriate cell phone towers within the area; community conversations to get stakeholders involved regarding the forced relocation of Russell City residents from their homes; staff has not received any concerns or complaints from residents, Navigation Center residents/employees who may have been impacted by the incident and the City was available to offer support as needed; monetary contribution from Calpine toward a potential HazMat response vehicle and ongoing maintenance costs; notifications to the City regarding update to the power plant process or equipment and option to subscribe to RCEC listserv to be notified of any modifications; the reciprocal mutual aid agreement with the City of Fremont and no reimbursement required for the response to the incident; there were no reports of injuries or illnesses as result of the incident; there will be a report confirming that everything requested to be fixed has been addressed which will include the recommendations from the CEC and CPUC, prior to the RCEC resuming operations; and Calpine's root cause analysis and CEC gap analysis and positive changes within the CPUC to engage local governments and positive collaboration with CEC, CPUC and Calpine.

Council Member Salinas requested instant notification to affected neighborhoods and/or individuals travelling through the city in the event of another major incident and that the notification be provided in multiple languages.



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Council Member Andrews stated that RCEC should be a part of community conversations related to Russell City; suggested the City provide notifications via mail or doorhangers in the aftermath of an emergency to keep the community informed.

Council Member Márquez requested that the information on the City website include the history of the Russell City power plant and information on the regulatory bodies that have oversight over the plant; and emphasized the importance of informing the public of safety protocols, ongoing monitoring, and ongoing communication to ensure such incidents do not happen again.

Council Member Zermeño recommended having a meeting with Chabot College, California Crosspoint Academy, Life Chiropractic College West, and the surrounding community to share information about the RCEC investigation and protocols in place to ensure another incident does not happen again.

Council Member Lamnin agreed that since the power plant was named after Russell City, that it made sense for some of the contribution to go toward community conversations about Russell City, and perhaps toward a People's Budget item that did not get funded, especially if the item would benefit the community surrounding the power plant.

Council Member Wahab emphasized the need for investing in newer and more efficient infrastructure, perhaps alternative efforts; and noted the City was willing to be a partner in providing safety and security for the community.

Mayor Halliday commented that City staff and State regulatory partners learned from the incident and their working relationship has improved, and the cooperation between the Fire Department and Calpine has also greatly improved.

9. Climate Action Plan and Environmental Justice: Considerations for New General Plan Policies and Programs WS 22-018

Staff report submitted by Director of Public Works Ameri, dated May 24, 2022, was filed.

Public Works Director Ameri and Environmental Services Manager Pearson announced the report and introduced Sustainability Specialist Grucky and Climate Corps Fellow Weisman who provided a synopsis of the staff report which covered the Climate Action Plan and Environmental Justice Element updates.

There being no public comments, Mayor Halliday opened and closed the public comment section at 9:50 p.m.

Discussion ensued among members of the City Council and City staff regarding: public outreach for the Climate Action Plan and Environmental Justice Element; it was noted that as efficiency improves and electrical vehicles on the road increase, emissions will be reduced; the Hayward Youth Commission was a part of the public outreach; there is a safety component in the CAP in the event of a natural disaster on the hillside or related to sea level rising; and the Hayward Area Shoreline Planning Agency and the East Bay Community Energy will be engaged in the work the City has been doing on the Climate Action Plan and Environmental Justice.

Members of the City Council thanked City staff for their efforts with the Climate Action Plan and Environmental Justice Element.

Council Member Andrews asked that the Climate Action Plan be presented to the Keep Hayward Clean and Green Task Force; suggested staff coordinate with the Economic Development division to address the limited stores with affordable healthy food options and bring fast casual dining options.

Council Member Salinas suggested that staff identify religious centers in the community that have active congregations for further outreach opportunities and to also reach Spanish speaking communities; consider partnering with HUSD, CSUEB and Chabot College teachers to build the Climate Action Plan into the curriculum early on in the education process as this will help embed the plan into the everyday life of neighborhoods to cover issues such as food desserts and the need to plant more trees; and ensure the information collected is disseminated in multiple languages.

Council Member Zermeno cautioned staff on compensating community members for their time and participation in focused groups and shared those funds could be used for green initiatives; recommended approaching Hayward middle, high schools, and colleges to start green clubs and join community school/church meetings on regarding green initiatives.

Council Member Lamnin suggested that Earth Day poster and essay contests participants may be another group of individuals interested in the topic; stated that there may be value in talking about career pathways and creating awareness among future generations and engaging science teachers who have national recognition; noted there are programs for low-cost car repair and clean vehicles; asked to consider exploring corporate accountability for high greenhouse gas contributors and whether taxes and additional fees should be considered; urged to explore increasing access to healthy economical quick access food; and noted that Cesar Chavez Middle School and Moreau Catholic High School have environmental justice teams and may be good resources.

Council Member Márquez encouraged staff to increase the number of The Leaflet subscribers, adding that perhaps this could be accomplished through The Stack newsletter which had a higher volume of subscribers; stressed the importance of including green infrastructure and encouraged the City to partner with the Save the Bay organization.



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Mayor Halliday stated that businesses will come to Hayward if residents patronize them; noted previous outreach efforts at street fairs had an educational component; noted a personal carbon footprint calculator would be a great tool to share; asked to consider holding an annual earth day event in the fall; noted there are public transit options but not enough riders using them; noted that multifamily housing units could benefit by having a few shared electric vehicles for residents; and encourage staff to continue to look for ways to reduce carbon footprint.

Council Member Wahab suggested that projects being considered be mindful of the environmental impact, suggested that Council staff reports include in depth environmental analysis; and underscored the importance of holding large carbon emitters accountable.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Zermeño shared that a delegation of Hayward's sister city in Arandas, Jalisco, Mexico would be visiting the city from June 5 through June 9, 2022, to tour the Davis Street Resource Recovery facility, Tri-CED Community Recycling and Ruby's Place to learn recycling and green initiatives and how to operate a women's shelter.

Council Member Salinas congratulated Hayward students who are among the graduating class of 2022.

Council Member Lamnin shared the Hayward Rotary Club was celebrating its 100th Anniversary at Hayward City Hall Rotunda on June 17, 2022, and invited all to participate.

Council Member Andrews announced the Juneteenth event will be held on June 18, 2022, at the Heritage Plaza and invited all to participate.

Mayor Halliday mentioned that Hayward Neighborhood Alert was holding a meeting on May 25, 2022; shared that Council Member Salinas, City Manager McAdoo and herself were participating in a Hayward Promise Neighborhood team and stated the second grant would come to an end and the organization was looking for ways to continue its program.

Council Member Márquez shared that the Hayward Public Library has a Tech Lending Library available to all age groups; and announced, on behalf of Library Chair Patterson, the City's Hayward Russell City Art Committee was accepting proposals for the installation of permanent artwork honoring the descendants of Russell City.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:43 p.m., in honor of Edward E. Phillips, former Public Works Director.

Mayor Halliday highlighted that Edward E. Phillips started his career in Hayward as a civil engineer and later promoted to Public Works Director where he served until his retirement after 38 years. His accomplishments included the construction of the trans-bay connection from Hayward to San Mateo; negotiated Hayward's early access to the Hetch Hetchy water supply; was instrumental in the project supplying water to San Francisco and East Bay Area and establishing EBMUD and completing the expansion of the wastewater treatment plant; and was a longtime member of the Hayward Rotary Club. Mayor Halliday requested that staff work with the Phillips family to plant a tree in his memory.

Mayor Halliday also expressed sympathy and thoughts for the loved ones of the people who died in a shooting at Robb Elementary School in Uvalde, Texas.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward