



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 27, 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 Peixoto.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

Senior Assistant City Attorney Vigilia announced the City Council convened in closed session at 5:00 p.m., concerning five items as reflected on the revised agenda: 1) conference with legal counsel pursuant to Government Code 54956.9, regarding SEIU 1021 v. City of Hayward Case Nos SF-CE-1075-M, S-CE 1117-M, SF-CE-1118-M, SF-CE-1174-M, SF-CE-1186M; and SF-CE-1191-M City of Hayward v. SEIU 1021 Case Nos SF-C0-320-M, SF-C0-321-M; 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; 4) public employment pursuant to Government Code 54957 (b) (1) regarding the City Manager's employment agreement; and 5) conference with legal counsel pursuant to Government Code 54956.9 regarding one anticipated litigation case; and noted there was no reportable action on Items 2, 3, and 5. Senior Assistant City Attorney Vigilia added that pursuant to Government Code 54954.2(b), the Council unanimously approved to add a second case to Item 5 for which there was no reportable action. As of Item 1, Senior Assistant City Attorney Vigilia noted the Council moved unanimously to approve settlement of the litigation with a motion made by Council Member Zermeño and seconded by Council Member Márquez. Mayor Halliday indicated there was no reportable action related to Item 4.

PRESENTATION

Mayor Halliday read a Proclamation recognizing the month of November 2018 as Sikh American Awareness and Appreciation Month in Hayward to condemn hate crimes and discrimination and to afford all residents the opportunity to better understand, recognize, and appreciate their rich diversity. Council Member Lamnin thanked the City for agreeing to craft the Proclamation in acknowledgement of the Sikh community. Mr. Gurmeet Beasley from the Guru Granth Sahib Foundation accepted the Proclamation. Ms. Jatinderpal Sahi and Mr. Santinder Malhi offered words of gratitude to the City Council for the continued advocacy and recognition of diversity on behalf of the Sikh community.

PUBLIC COMMENTS

Ms. Davida Scott, Hayward Adult School teacher, thanked the City for partnering with the Hayward Adult School's Youth Enrichment Services Program and noted the second cohort of Raising Leaders in Hayward Workshop participants would be recognized at City Hall on November 30, 2018.

Mr. Kim Huggett, Hayward Chamber of Commerce president, invited all to the Downtown Hayward's Annual Light Up the Season on December 1, 2018.

Mr. Charlie Peters, Clean Air Performance Professionals representative, commended the Council for recognizing the contributions of the Sikh community. Mr. Peters noted that the issues with ethanol provided an opportunity for improvement and to provide better options.

Consent Items 3, 6 and 7 were removed from the Consent Calendar for discussion and separate vote.

CONSENT

1. Adoption of an Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map Application No. 201704262 to Accommodate Eight Townhomes at 420 Smalley Avenue **CONS 18-757**

Staff report submitted by Deputy City Clerk Epstein, dated November 27, 2018, was filed.

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

Ordinance 18-13, "An Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code by Rezoning certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map Application No. 201704262 to Accommodate Eight Townhomes at 420 Smalley Avenue"

2. Adoption of a Resolution Approving an Amended Side Letter Agreement between the City of Hayward and the Unrepresented Executives, Management, City Manager, Human Resources and City Attorney Employees to Revise Current Contributions to the Voluntary Employee Beneficiary Association (VEBA) Plan **CONS 18-748**

Staff report submitted by Human Resources Director Collins, dated November 27, 2018, was filed.



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

Resolution 18-237, “Resolution Approving an Amended Side Letter Agreement with the Unrepresented Executives, Management, City Manager, Human Resources and City Attorney Employees to Revise Current Contributions to the Voluntary Employee Beneficiary Association (VEBA) Plan”

Council Member Márquez disclosed she had to recuse herself from discussing and voting on Item 3 due to the proximity of her family business to the parcels of land at the northeast corner of C and Main Streets.

3. Authorization for the City Manager to Negotiate and Execute an Exclusive Negotiating Agreement with Red Bridge Partners for the Purchase of Three Parcels Located at the Northeast Corner of C and Main Streets for a Mixed-Use Housing and Commercial Project. This Action Is Exempt from CEQA Pursuant to Section 15332- In-Fill Development Projects **CONS 18-758**

Staff report submitted by Deputy City Manager Ott, dated November 27, 2018, was filed.

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

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

Resolution 18-240, “Resolution of the City Council of the City of Hayward Authorizing the City Manager to Negotiate and Execute an Exclusive Negotiation Agreement Between the City of Hayward and Red Bridge Partners for a Proposed Mixed-Use Development Located at 1026 C Street”

4. Adoption of a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2019 pursuant to California Government Code Section 22892 of the Public Employees Medical and Hospital Care Act **CONS 18-764**

Staff report submitted by Human Resources Director Collins, dated November 27, 2018, was filed.

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

Resolution 18-238, “Resolution Agreeing to Meet the Minimum Employer Contribution toward Medical Cost as set by California Public Employees Retirement System One Hundred Thirty-Six Dollars (\$136) per Month for Calendar Year 2019”

5. Authorization for the City Manager to Submit a Sustainable Communities Grant application to the California Department of Transportation (Caltrans) Division of Transportation Planning in the amount of \$354,120 **CONS 18-772**

Staff report submitted by Public Works Interim Director Ameri, dated November 27, 2018, was filed.

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

Resolution 18-239, “Resolution Authorizing the City Manager to Apply for a Sustainable Communities Grant from the California Department of Transportation”

6. Authorization to Negotiate and Execute a Design-build Contract with Engie Services U.S. Inc. to Build the First Phase of the Two-Megawatt Solar Photovoltaic Energy System to be Installed at the Water Pollution Control Facility (WPCF) **CONS 18-787**

Staff report submitted by Public Works Interim Director Ameri, dated November 27, 2018, was filed.

In response to Council Member Lamnin’s inquiry, Public Works Interim Director Ameri explained staff’s reasoning in recommending that the solar photovoltaic energy system be built in two phases.

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

Resolution 18-241, “Resolution Authorizing the City Manager to Negotiate and Execute a Contract with Engie Services U.S. Inc. for the First Phase of a Two-Megawatt Solar Photovoltaic Energy System at the Water Pollution Control Facility (WPCF), Project No. 07530 in an Amount Not to Exceed \$2,323,031”



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7. Approval of Final Map Tract 8447 (SoHay), Associated with the Previously Approved Tentative Map for Tract 8428 and Proposed Development of 126 Residential Condominium Units and a Public Trail on a 10.91-acre site Located at 29629 Dixon Street; William Lyon Homes, Inc. (Applicant/Owner) **CONS 18-776**

Staff report submitted by Development Services Director Simpson, dated November 27, 2018, was filed.

Council Member Mendall offered a motion per the amended staff report. Paragraph two, under the Discussion Section of the staff report, was amended to read as follows with changes shown as bold: "SoHay has a condition of approval that requires the mixed-use building located along Mission Boulevard to begin vertical construction prior to the issuance of the certificate of occupancy for the first condominium unit and shall be completed prior to issuance of **the 321st certificate of occupancy for the "for-sale" condominium units.** The mixed-use buildings are comprised of two (2) 55-foot buildings that will have a combined 20,000 square feet of commercial space and 72 apartment units."

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

Resolution 18-242, "Resolution Approving Final Map for Tract 8447 and Authorizing the City Manager to Execute a Subdivision Agreement"

LEGISLATIVE BUSINESS

City Manager McAdoo recused herself from participating on Legislative Business Item 8 as the matter related to her employment agreement and left the Council Chambers.

8. 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 Director of Human Resources Collins)

Staff report submitted by Human Resources Director Collins, dated November 27, 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 8:31 p.m.

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

Resolution 18-243, "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'S COMMENTS

City Manager McAdoo announced the East Bay Community Energy was hosting a community presentation on November 29, 2018, at City Hall to inform the public about sustainable energy options and alternatives to PG&E.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Lamnin, also the City's representative on StopWaste, shared information from StopWaste's Topic Brief about reducing garbage contamination by separating waste effectively.

Council Member Márquez, also the president of the Alameda County Mosquito Abatement District, shared the District had formed a sustainability committee and had plans for the Hayward office to become a solar building.

Council Member Zermeño announced there were four boy scouts from the All Saints 876 Troop in attendance at the meeting and had them introduce themselves.

Mayor Halliday announced that due to a delay in the Alameda County's election results certification, the swearing-in of elected and re-elected members of the City Council was postponed until December 11, 2018. Mayor Halliday added the Council would hold a regular meeting on December 4, 2018.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:45 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward