



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 3, 2019, 7:00 p.m.

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Lamnin.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 6:00 p.m., regarding two items: 1) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding City of Hayward v. Russell City Energy Company, Alameda County Superior Court, No. RG 14752278; and 2) conference with legal counsel pursuant to Government Code 54956.9 regarding one anticipated litigation case. City Attorney Lawson noted there was no reportable action related to Item 1 and Mayor Halliday noted there was no reportable action related to Item 2. City Attorney Lawson noted the City Council unanimously approved, pursuant to Government Code 54954.2(b)(2) and with Council Member Mendall moving, Council Member Zermeño seconding and Council Member Wahab absent, to add one anticipated litigation case to the closed session agenda because the item came to the City's attention after the agenda was posted; and further noted there was no reportable action.

PUBLIC COMMENTS

Ms. Wynn Grcich, Hayward resident, expressed concern about the negative impact of 5G radiation on human health and the correlation between human remains disposal (AB967) and cancer.

Ms. Mary Boutté, Hayward resident, expressed concern about the extensive construction noise at the Leisure Terrace apartment complex and Reliant Group's lack of noticing to tenants; and issues with nonworking appliances and asbestos.

Ms. "Kay", Hayward resident, expressed concern about various issues at the Leisure Terrace apartment complex and the disrespectful treatment of tenants.

The City Council took a brief recess at 7:14 p.m., because someone in the Council Chambers collapsed. The meeting resumed at 7:20 p.m.

Ms. Kevah Maund, Hayward resident, expressed concern about continued delays with renovating her unit at the Leisure Terrace apartment complex and spoke about the inconvenience this has caused her.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about the delivery of smog checks, ethanol mandates, and global warming.

Consent Items 4, 7 and 10 were removed from the Consent Calendar for separate vote.

CONSENT

1. Minutes of the Special Joint Meeting of the City Council/ Hayward Housing Authority Board/Hayward Redevelopment Successor Agency Board/Hayward Public Financing Authority Board on November 19, 2019 **MIN 19-145**

It was moved by Council Member Mendall, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the Special Joint Meeting of the City Council/ Hayward Housing Authority Board/Hayward Redevelopment Successor Agency Board/Hayward Public Financing Authority Board on November 19, 2019

2. Adoption of Ordinance Establishing a Fire Prevention Code for the City of Hayward; Adopting the California Fire Code, 2019 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. 16-23, As Amended, and All Other Ordinances and Parts of Ordinances in Conflict Therewith **CONS 19-779**

Staff report submitted by City Clerk Lens, dated December 3, 2019, was filed.

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

Ordinance 19-20, "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"

3. Adoption of 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 **CONS 19-780**

Staff report submitted by City Clerk Lens, dated December 3, 2019, was filed.



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

Ordinance 19-21, “An Ordinance Establishing a Fire Prevention Code for the City of Hayward; Adopting the California Fire Code, 2019 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. 16-23, as Amended, and all other Ordinances and Parts of Ordinances in Conflict Therewith”

4. Adopt Resolutions Authorizing the City Manager to Execute an Agreement with Silverado Contractors, Inc. in an Amount Not-to-Exceed \$3,901,150, for the Deconstruction of the City Center Building and Appropriate Funds **CONS 19-762**

Staff report submitted by Public Works Director Ameri, dated December 3, 2019, was filed.

In response to Council Member Wahab’s inquiry, City Manager McAdoo noted it was more cost effective to demolish the City Center building and rebuild. Council Member Wahab asked that there be community outreach to solicit input on the property.

Mayor Halliday opened the public comments section at 7:30 p.m.

Ms. Peggy Guernsey, Hayward resident, expressed concern about building on a fault zone and noted that prior developers/owners should have shared in the site expense caused by the transactions rather than the taxpayers.

Mayor Halliday closed the public comments section at 7:33 p.m.

Council Member Mendall noted that demolishing the building will enable the City to redevelop the property and benefit to the community.

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

Resolution 19-228, “Resolution Authorizing the City Manager to Negotiate and Execute a Contract with Silverado Contractors, Inc., for the City Center Building Deconstruction Project, Project No. 06911”

Resolution 19-229, “Resolution Amending the Fiscal Year 2020 Budget Resolution Related to an Appropriation of Funds from the

General Fund (Fund 101) to the Capital Fund (Fund 405) in the Amount of \$4,401,150 for the City Center Building Deconstruction Project, Project No. 06911”

5. Transmittal of the Annual Mitigation Fee Act Report (AB1600) **CONS 19-623**

Staff report submitted by Finance Director Claussen, dated December 3, 2019, was filed.

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

Resolution 19-222, “Resolution Accepting the Report and Adopting Findings Related to Fees Collected for the Development Projects Subject to the Requirements of the Mitigation Fee Act”

6. Adopt a Resolution Authorizing the City Manager to Execute Three Agreements Related to the Bay Area Water Supply and Conservation Agency Pilot Water Transfer **CONS 19-759**

Staff report submitted by Public Works Director Ameri, dated December 3, 2019, was filed.

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

Resolution 19-223, “Resolution Authorizing the City Manager to Execute Agreements Related to the Bay Area Water Supply and Conservation Agency Pilot Water Transfer”

7. Adopt a Resolution Authorizing the City Manager to Purchase the Tax-Delinquent Real Property Located at 1032 Central Boulevard and Enter into a Purchase and Sale Agreement with the County of Alameda **CONS 19-754**

Staff report submitted by Deputy City Manager Ott, dated December 3, 2019, was filed.

Mayor Halliday allowed public comments at 7:35 p.m.

Ms. Peggy Guernsey, Hayward resident, asked why the property at Central Boulevard was being purchased when it was her understanding that it was unable to be built upon.

Mayor Halliday closed the public comments section at 7:36 p.m.



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Deputy City Manager Ott responded that the tax delinquent property was offered to the city by the county for only \$57,000, and that the lot will be worked into the Parcel Group 5 Bunker Hill project adjacent to it.

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

Resolution 19-230, “Resolution of the City Council of the City of Hayward Authorizing the City Manager to Object to Public Sale and Authorizing the City Manager to Enter into an Agreement to Purchase Fee Interest in Tax-Delinquent Real Property Located at 1032 Central Boulevard (APN 445-270-7-1) from the Alameda County Tax Collector’s Office”

8. Adopt Resolutions Authorizing the City Manager to Execute a Professional Services Agreement with Black & Veatch Corporation to Prepare a Water System Risk and Resilience Assessment and Emergency Response Plan and Appropriate \$228,000 **CONS 19-761**

Staff report submitted by Public Works Director Ameri, dated December 3, 2019, was filed.

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

Resolution 19-224, “Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Black & Veatch Corporation to Prepare a Water System Risk and Resilience Assessment and Emergency Response Plan, in an Amount not to Exceed \$198,000”

Resolution 19-225, “Resolution Authorizing Appropriation of \$228,000 from the Water System Replacement Fund to Prepare a Water System Risk and Resilience Assessment and Emergency Response Plan”

9. Adopt a Resolution Authorizing for the City Manager to Execute a Professional Services Agreement (PSA) with Pavement Engineering Inc., (PEI) for the Preliminary Cost Impact Estimate and the Preparation of the Plans, Specifications, and Final Estimates for the Old Highlands Homeowners Association (OHHA) Pavement Rehabilitation Project in an Amount Not-to-Exceed \$205,000 **CONS 19-763**

Staff report submitted by Public Works Director Ameri, dated December 3, 2019, was filed.

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

Resolution 19-226, “Resolution Authorizing the City Manager to Execute a Professional Services Agreement (PSA) with Pavement Engineering Inc., (PEI) for the Preliminary Cost Impact Estimate and the Preparation of the Plans, Specifications and Final Estimates for the Old Highlands Homeowners Association (OHHA) Pavement Rehabilitation Project, not to Exceed \$205,000”

10. Adopt a Resolution Authorizing the City Manager to Enter into an Exclusive Negotiating Rights Agreement with Trumark Properties, LLC, for the Proposed Development of Parcel Group 5: Bunker Hill **CONS 19-772**

Staff report submitted by Deputy City Manager Ott, dated December 3, 2019, was filed.

Mayor Halliday opened the public comments section at 7:38 p.m.

Ms. Peggy Guernsey, Hayward resident, expressed she was not aware of any earthquake and safety regulations for the proposed property and was concerned about protections for the endangered species when building a trail and disrupting the natural asbestos.

Mayor Halliday closed the public comments section at 7:41 p.m.

Community Services Manager Davis responded the City conducted a preliminary geotechnical analysis, and the developer would conduct further analysis to ensure that any seismic issues are addressed before development, and that a biological analysis was approved as part of the plans previously approved by the City Council.

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

Resolution 19-231, “Resolution of the City Council of the City of Hayward Authorizing the City Manager to Negotiate and Execute an Exclusive Negotiating Rights Agreement between the City of Hayward and Trumark Properties, LLC for a Proposed Development Located on Parcel Group 5: Bunker Hill”

11. Adopt a Resolution Approving the Memorandum of Understanding between the City of Hayward and the Hayward Police Management Unit (HPMU) for the period of July 1, 2019 through June 30, 2023 **CONS 19-789**



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Staff report submitted by Assistant City Manager Hurtado, dated December 3, 2019, was filed.

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

Resolution 19-227, "Resolution Approving the Memorandum of Understanding between the City of Hayward and the Hayward Police Management Unit"

WORK SESSION

12. East Bay Dischargers Authority - Discussion of Amended and Restated Joint Exercise of Powers Agreement (Report from Public Works Director Ameri) **WS 19-062**

Staff report submitted by Public Works Director Ameri, dated December 3, 2019, was filed.

Public Works Director Ameri announced the report and introduced Assistant Director of Public Works Lee who provided a synopsis of the report.

There being no public comments, Mayor Halliday opened and closed the public comments section at 7:52 p.m.

Council Member Mendall was acknowledged for his service on the East Bay Dischargers Authority (EBDA) Board as the representative for the City of Hayward.

Discussion ensued among Council Members and City staff regarding capacity rights and the City's proposal to reduce its maximum flow rate capacity from 35.0 million gallons per day (MGD) to 15.0 MGD, and EBDA's costs apportioned to member agencies.

It was noted the East Bay Dischargers Authority Commission meets monthly the third Thursday at the Oro Loma Sanitary District in San Lorenzo. There was support for extending the current EBDA's Joint Exercise of Powers Agreement (JPA) by six months to align with the start of the fiscal year and extend through June 30, 2040.

PUBLIC HEARING

13. Adopt an Ordinance Approving an Amendment to the City of Hayward Contract with the California Public Employees Retirement System (CalPERS) for Local Safety – Police Employees and Authorize the City Manager to Execute the Contract (Report from Assistant City Manager Hurtado) **PH 19-096**

Staff report submitted by Assistant City Manager Hurtado, dated December 3, 2019, was filed.

Assistant City Manager Hurtado provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 8:20 p.m.

Mr. Victor Arellano, Hayward resident, asked how much the added benefit would cost taxpayers. Staff responded that the amended cost was \$143,000 annually, but the overall cost of the negotiated contract for Local Safety-Police Employees had net savings to the City over the five-year contract period.

Mayor Halliday closed the public hearing at 8:22 p.m.

Council Member Wahab noted the police force has a more difficult job, the officers safety is always at risk, their retirement age is different, and they are treated differently because they have different standards of work.

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

Ordinance 19-22, “An Ordinance Authorizing the Amendment of the Contract between the City of Hayward and the Board of Administration of the California Public Employees’ Retirement System”

LEGISLATIVE BUSINESS

14. Election of Mayor Pro Tempore for 2020 (Report from City Clerk Lens) **LB 19-053**

Staff report submitted by City Clerk Lens, dated December 3, 2019, was filed.

City Clerk Lens provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:10 p.m.

Council Member Zermeño was acknowledged for his service as Mayor Pro Tempore for year 2019.



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It was moved by Council Member Zermeño, seconded by Council Member Márquez, and carried unanimously, to approve the following and elect Council Member Salinas as Mayor Pro Tempore for 2020:

Resolution 19-232, "Resolution Authorizing the Election of Mayor Pro Tempore of the City of Hayward for 2020"

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Márquez made three announcements: 1) the Light Up the Season holiday event on December 7, 2019 in downtown Hayward; 2) the Downtown Passport Shopping Program in downtown Hayward and encouraged all to shop locally; and 3) noted she will not attend the December 17, 2019 Council meeting due to a family commitment.

Council Member Salinas encouraged all to consider patronizing Erik's Deli Cafe on December 5, 2019 because a percentage of the proceeds earned that day will go to the Kids' Breakfast Club.

Council Member Zermeño noted the grand opening of Bon Mange on December 6, 2019; and recognized AC Transit Board Member Williams and a boy scout who were attending the meeting.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:34 p.m., in memory of Mr. John Sands.

Mr. John Sands was a longtime member of Hayward, was an active member of the Longwood community, taught at Tennyson High School, was a founding member of the Hayward Area Democratic Club and in July 2019 he, along with his wife and son, were recognized as Democrats of the Year for 2019. Mayor Halliday asked City staff to work with the Sands family to plant a tree in memory of John Sands.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward