



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 2, 2019, 7:00 p.m.

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

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Wahab, Salinas
MAYOR Halliday
Absent: COUNCIL MEMBER Lamnin

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 6:00 p.m., regarding conference with legal counsel pursuant to Government Code 54956.9(d)(2) regarding one anticipated litigation. City Attorney Lawson announced there was no reportable action.

Mayor Halliday, with Council's concurrence, moved Legislative Business Item 13 after the Consent Calendar and Public Hearing Item 12 before Public Hearing Item 11.

PRESENTATION

The City of Hayward was recognized with the League of California Cities' City Managers' Department Award for the Advancement of Diverse Communities. The award was presented by California City Managers to City Manager Kelly McAdoo for the work and commitment to an inclusive, equitable and compassionate community through the Community Task Force. Ms. Samantha Caygill, Regional Public Affairs Manager at the League of California Cities presented the award to City Manager McAdoo and the City of Hayward. Ms. Caygill also noted that Assistant City Manager, Maria Hurtado, was recognized with the John H. Nail Memorial Award for being an outstanding Assistant City Manager at the League City Managers Conference.

PUBLIC COMMENTS

Mr. Charlie Peters, Clean Air Performance Professionals representative, submitted articles related to ethanol in gasoline and reduction of global warming and reduction in price of gasoline.

The following Bunker Hill neighborhood group spoke about an upcoming agenda item related to the Request for Proposal (RFP) for the development of Parcel Group 5 and expressed concerns with community input not represented in the RFP related to lot size and coverage, spoke about traffic patterns and Carlos Bee Boulevard access, and asked the

Council to review the report that will be presented to Council and to reach out to Planning Commission members to address concerns expressed.

Ms. Mary Ann Higgs
Mr. Eric Morkve
Mr. Thomas Birt

Mr. Jim Drake, Hayward resident, spoke about various items regarding safety in the Downtown, fees and taxes, and cannabis retail.

Mr. Bryan Roy, with Erik's DeliCafe, reported on an incident in front of his store where a gentleman was assaulted and expressed concern for the safety of his patrons and employees.

CONSENT

1. Minutes of the Special Joint City Council and Hayward Area Recreation and Park District Board of Directors Meeting on June 18, 2019 **MIN 19-089**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special Joint City Council and Hayward Area Recreation and Park District Board of Directors Meeting on June 18, 2019.

2. Minutes of the City Council Meeting on June 18, 2019 **MIN 19-090**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on June 18, 2019.

3. Adoption of an Ordinance Adding Article 7 to Chapter 9 of the City of Hayward Municipal Code to Require Seismic Screening of Certain Residential Buildings **CONS 19-490**

Staff report submitted by City Clerk Lens, dated July 2, 2019, was filed.

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

Ordinance 19-14, "An Ordinance Adding Article 7 to Chapter 9 of the City of Hayward Municipal Code to Require Seismic Screening of Certain Residential Buildings"

4. Adopt a Resolution Confirming the Report of Non-Abatable Code Violations and Penalty Liens Associated with the Community Preservation and Rental Housing Programs **CONS 19-458**

Staff report submitted by Development Services Director Simpson, dated July 2, 2019, was filed.



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

Resolution 19-145, “Resolution Confirming the Report and Non-Abatable Code Violations and Penalties Liens List Associated with the Code Enforcement Division and Community Preservation/Rental Housing Programs”

5. Adopt a Resolution Confirming the Report and Special Assessment for Past Due Residential Rental Inspection Program Fees for the Period from January 1, 2018 Through May 4, 2019 and Authorize the Assessment to Become a Special Assessment Against the Properties if Not Paid on or Before August 1, 2019 **CONS 19-461**

Staff report submitted by Development Services Director Simpson, dated July 2, 2019, was filed.

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

Resolution 19-146, “Resolution Confirming the Report and Special Assessment List and Authorizing Transmittal of Assessments to the County Auditor for Collection Associated with Overdue Residential Rental Inspection and Program Fees for Calendar Year January 1, 2018 through May 4, 2019”

6. Adopt a Resolution Confirming the Report and Assessment for Community Preservation Fees Past Due **CONS 19-462**

Staff report submitted by Development Services Director Simpson, dated July 2, 2019, was filed.

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

Resolution 19-147, “Resolution Confirming the Report and Special Assessment List and Authorizing Transmittal of Assessments to the County Auditor for Collection Associated with Overdue Community Preservation Charges for Calendar Year January 1, 2018 through May 4, 2019”

7. Adopt a Resolution Authorizing the City Manager to Execute Professional Services Agreements with Consolidated Engineering Laboratories, Signet, and Applied Materials & Engineering for On-Call Material Testing and Special Inspection Services for a Term of Three-Years and a Not-to-Exceed Amount of \$200,000 per Firm **CONS 19-470**

Staff report submitted by Public Works Director Ameri, dated July 2, 2019, was filed.

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

Resolution 19-148, "Resolution Authorizing the City Manager to Negotiate and Execute Agreements for Materials Testing & Special Inspection Services"

8. Adoption of a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Dutchover & Associates for Landscape Architect Services **CONS 19-483**

Staff report submitted by Development Services Director Simpson, dated July 2, 2019, was filed.

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

Resolution 19-149, "Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Agreement with Dutchover & Associates, for Landscape Architect Services"

PUBLIC HEARING

9. Introduction of an Ordinance of the City of Hayward Amending the Downtown Specific Plan and Development Code (Report from Development Services Director Simpson) **PH 19-060**

Staff report submitted by Development Services Director Simpson, dated July 2, 2019, was filed.

Development Services Director Simpson announced the report and introduced Senior Planner Golubics who provided a synopsis of the report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:17 p.m.

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



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Introduction of Ordinance 19-_, “An Ordinance of the Council of the City of Hayward Amending the City’s Downtown Specific Plan and Code Related to the Parking Provisions in the Adopted Plan and Code Documents”

AYES: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Wahab, Salinas
MAYOR Halliday

NOES: NONE

ABSENT: COUNCIL MEMBER Lamnin

ABSTAIN: NONE

10. Amendment of the Fiscal Year 2020 Master Fee Schedule to Update the Fees Associated with Administration of the New Residential Rent Stabilization and Tenant Protection Ordinance and the Mobilehome Space Rent Stabilization Ordinance (Report from Deputy City Manager Ott) **PH 19-066**

Staff report submitted by Deputy City Manager Ott, dated July 2, 2019, was filed.

Deputy City Manager Ott announced the item and introduced Housing Manager Morales who provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding the proposed minimal fee increase; past and future notification and communication with Mobilehome Park residents; educational workshops for Mobilehome Park residents and outreach via representatives of the Mobilehome Park residents.

Mayor Halliday opened the public hearing at 8:30 p.m.

Ms. Kathryn Morris, Hayward Mobilehome Park Association President, voiced the Association’s concern about more efficient communication with the City, spoke about the proposed fee increase, and requested a more efficient approach to communicating information to all stakeholders in a timely manner.

Ms. Rose Rivera, Hayward resident, protested a notice she received related to the Residential Rental Inspection Program – Item 5 on the agenda. As the item had already passed, City Manager McAdoo stated staff would meet with Ms. Rivera to address the assessment fee.

Mayor Halliday closed the public hearing at 8:38 p.m.

Council Member Salinas made a motion per staff's recommendation and asked staff to ensure that information that is sent out and added to the website be printed in large font that is easy to read and process.

Council Member Márquez seconded the item.

Members of the City Council apologized to the Hayward Mobilehome Park Association for the shortcoming in communication due to various items related to the Residential Rent Stabilization and Tenant Protection Ordinance. It was noted the item related to the fee increase for Mobilehome Space, while minimal, was held over for one week to allow for proper communication to the Mobilehome Park community. As the Council did not hear a protest about the fee increase, Council members supported the motion and acknowledged there would be improved communication moving forward.

It was moved by Council Member Salinas, seconded by Council Member Márquez, and carried with the following vote, to approve:

Resolution 19-151, "Resolution Authorizing the Amendment to Resolution 19-059, the Resolution for the City of Hayward Fiscal Year 2020 Master Fee Schedule Associated with the Administration of Chapter 12, Article 1, of the Hayward Municipal Code Regarding the New Residential Rent Stabilization and Tenant Protection Ordinance and the Mobilehome Space Rent Stabilization Ordinance"

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

11. Adopt a Resolution Amending the Master Fee Schedule and Approving the Proposed Recycled Water Rates and Connection Fees (Report from Public Works Director Ameri)
PH 19-064

Staff report submitted by Public Works Director Ameri, dated July 2, 2019, was filed.

Public Works Director Ameri provided a synopsis of the staff report, reported there were no protests received and indicated that the Council could not adopt the proposed rates if 15 protests (a majority of property owners) were received.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:22 p.m.

Mayor Halliday confirmed that no protests were received during the public hearing.



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

Resolution 19-153, "Resolution Amending the Master Fee Schedule and Approving Recycled Water Rates and Connection Fees"

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

12. Adopt a Resolution Amending the Master Fee Schedule and Approving the Proposed Water and Sewer Service Rates and Connection Fees (Report from Public Works Director Ameri) **PH 19-065**

Staff report submitted by Public Works Director Ameri, dated July 2, 2019, was filed.

Public Works Director Ameri provided a synopsis of the report and clarified questions. Director Ameri reported the City had received 132 protests and indicated that the Council could not adopt the proposed rates if 19,000 protests (a majority of property owners) were received.

Mayor Halliday opened the public hearing at 9:04 p.m.

Ms. Annette De Julio, Hayward resident, expressed she did not have concerns with the water fee but objected to the percentage of the fee related to meter service and sewer charges.

Mayor Halliday closed the public hearing at 9:09 p.m.

Mayor Halliday confirmed that no protests were received during the public hearing.

Council Member Mendall offered a motion per staff's recommendation noting the proposed fee increase was a fairly modest increase.

Council Member Zermeño seconded the item.

Council Member Márquez offered a friendly amendment to the motion requesting that staff add an insert in water bills to educate the public about fees.

Council Member Mendall and Council Member Zermeño were amenable to the friendly amendment.

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

Resolution 19-152, “Resolution Amending the Master Fee Schedule and Approving Water and Sewer Rates”

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

LEGISLATIVE BUSINESS

13. Adopt a Resolution to Appropriate \$30,000 Towards Public Heritage Art and Interpretive Signage and Receive an Update on Hayward Heritage Plaza Construction (Report from Public Works Director Ameri) **LB 19-037**

Staff report submitted by Public Works Director Ameri, dated July 2, 2019, was filed.

Management Analyst Thomas provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding: opportunities to research and commemorate additional history and cultural heritage while collaborating with the Hayward Area Historical Society; Library Commission oversight before final installation of art, heritage and interpretative features occur; location of heritage monuments; selection process for exhibits and artifacts contemplated for installation; temporary exhibits; and historic elements depicting the history of the Downtown.

Mayor Halliday opened the public hearing at 7:57 p.m.

Mr. Victor Fujii, Japanese American Internment Memorial group member, read a statement from the Japanese American community thanking the City for its support of a historical marker commemorating the forced removal, detention and incarceration of Japanese Americans during WWII.

Ms. Veronica Martinez, Chabot College teacher and Amah Mutsun Tribal Band member, supported a collaborative effort for artwork that would represent the Ohlone Nation and demonstrate respect for the indigenous community.

Mayor Halliday closed the public hearing at 8:02 p.m.



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Council Member Salinas made a motion to name the plaza Hayward Heritage Plaza and appropriate \$30,000 toward public heritage art and interpretive signage.

Council Member Marquez seconded the motion.

There was general Council consensus in support of naming the plaza Heritage Plaza and appropriation of \$30,000 for public heritage art and interpretive signage.

Members of the Council offered the following recommendations: continue the work with the Hayward Area Historical Society to commemorate the history of the Downtown including the house of Don Guillermo Castro; be mindful of exhibits and key historical events and help manage programming in the plaza; ensure there is an interpretive element that provides historical context; consider a program for installation of temporary art; consider technology for the plaza; have the community working groups and the Library Commission vet any additional heritage elements for the plaza and if necessary have the City Council review any controversial matters; have good space planning and equal treatment for heritage features; do not repeat pieces of art that have been erected in other parts of the City to ensure Hayward's history is well and equally represented; and ensure the plaza is available for different cultural and gathering events.

Members of the community were thanked for their contributions and for helping highlight history for future generations.

City Manager McAdoo disclosed that while her personal residence was within 500 feet of the plaza, her participation on the item was not a conflict of interest. Council Member Márquez also disclosed that while her family had a business in close proximity to the plaza, she did not have a conflict of interest and could participate and vote on the item.

It was moved by Council Member Salinas, seconded by Council Member Márquez, and carried with the following vote, to approve:

Resolution 19-150, "Resolution Appropriating \$30,000 from the General Fund to Measure C Capital for Design and Fabrication of Heritage Art and Interpretive Signage at the Heritage Plaza, Project No. 06988"

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

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Wahab asked City staff to remind the public to send emails instead of hard copy materials when sharing information with the City Council.

Council Member Márquez announced the last day to apply for service on any City commission and Keep Hayward Clean and Green Task Force was July 5, 2019.

Council Member Márquez and Council Member Zermeño spoke about the successful 6th Annual Tennyson All America Festival on June 29, 2019 at the Mt. Eden Mansion and thanked all participants including the partnership of Hayward Area Recreation and Park District.

Mayor Halliday thanked Council Members Márquez and Zermeño for organizing the All America Festival.

On behalf of the City Council, Mayor Halliday wished everyone a safe and happy Fourth of July and pleaded all to not use fireworks for the safety of the community.

COUNCIL REFERRALS

None submitted.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 9:28 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward