



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, June 15, 2021, 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, regarding the COVID-19 pandemic. Members of the City Council, City Staff, and members of the public participated via Zoom platform.

Pledge of Allegiance: Council Member Salinas

ROLL CALL

Present: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session, with all Council Members present, on June 8, 2021, at 5:00 p.m., regarding two items: (1) City Attorney's annual performance evaluation pursuant to Government Code 54957; and (2) conference with labor negotiators pursuant to Government Code section 54957.6 regarding all labor groups. Mayor Halliday announced there was no reportable action related to Item 1, and City Attorney Lawson reported there was no action related to item 2.

The City Council convened in closed session, with all Council Members present, on June 15, 2021, at 5:00 p.m., regarding three items: (1) conference with labor negotiators pursuant to Government Code section 54957.6 regarding all labor groups; (2) conference with property negotiators pursuant to Government Code 54956.8 regarding Master Lease Renewal - Hayward Area Recreation and Park District; 28846 Bay Heights Rd, N Third St at Crescent Ave, 27020 Fielding Dr, 19501 Hesperian Blvd, 26780 Chiplay Ave, 22325 N 3rd St, 30504 Vanderbilt St, 27182 Patrick Ave, 275 Industrial Parkway West, Farm Hill Dr and Daisy Ct, N 3rd St and Crescent Ave, Colette St & Luvena Dr, Ward Creek Canyon, Eden Ave & Middle Ln, 27600 Decatur Way, Dickens Ave and Folsom Ave, 25610 Spring Dr, Stratford Rd & Canterbury Ln, Hamrick Ln and Rieger Ave, E 10th and Jefferson St, 301 Arrowhead Way, Santa Clara St and Winton Ave, 275 Goodwin St, 2580 Eden Park Pl, Tahoe Ave and Morningside Dr, 22798 Ross Pl, Panjon St and Huntwood Ave, 24176 Mission Blvd, Leonardo Way and Reed Way, 2841 Seahaven Ct, 22737 Main St, Bush Ln, 25625 Cypress Ave; and (3) conference with legal counsel pursuant to Government Code section 54956.9 regarding two anticipated litigation cases. City Attorney Lawson announced the Council took no reportable action related to the items.

PUBLIC COMMENTS

Ms. TJ, Hayward Concerned Citizens member, expressed concern about an increase in illegal firework activity and urged the City Council to agendaize an item about the matter and approve drone use for the Police and Fire departments.

Mayor Halliday endorsed the comments made by Ms. TJ.

City Manager McAdoo stated that residents can call the Hayward Police Department (HPD) non-emergency line to report incidents so staff can gather data, and noted staff is planning to have a work session on July 13, 2021, to discuss illegal fireworks in conjunction with the drone's program.

In response to Council Member Wahab's inquiry about a report from HPD about illegal fireworks and resident's video footage of individuals deploying illegal fireworks, City Manager McAdoo noted the July 13th staff report can include HPD's report and there can be further conversation to discuss when video footage can be used.

HAYWARD YOUTH COMMISSION

1. Hayward Youth Commission: Adopt a Resolution Confirming the Appointment and Reappointment of Members of the Hayward Youth Commission **APPT 21-001**

Staff report submitted by City Clerk Lens dated June 15, 2021, was filed.

City Clerk Lens provided a synopsis of the staff report.

Mayor Halliday opened public comment at 7:24 p.m.

Hayward Recreation and Park District (HARD) Board Director Peter Rosen noted he served on the Hayward Youth Commission interview panel, was impressed with the quality of candidates, and congratulated the appointed members.

Mayor Halliday closed public comment at 7:25 p.m.

Members of the City Council thanked City Clerk Lens and her team for facilitating the Hayward Youth Commission recruitment and interview process; thanked the interview panel members comprising members of City Council, Hayward Unified School District Board of Trustees and Hayward Area Recreation and Park District Board of Directors; and congratulated the Hayward Youth Commission (HYC) appointed members.

Council Member Zermeño thanked the parents and teachers for their support.



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Council Member Andrews invited the appointed Hayward Youth Commission members to participate in Keep Hayward Clean and Green Task Force activities and encouraged them to spread the message that there are positive activities for youth to do in Hayward.

Council Member Salinas offered a motion per staff's recommendation.

Council Member Wahab seconded the motion.

Council Member Márquez thanked Council Member Zermeño for serving as the HYC liaison, thanked the HYC for their work on the recent youth conference, and encouraged them to continue to engage youth to be active members of the community.

Council Member Wahab stressed the importance of making sure that youth have a voice and get involved at an early age.

Mayor Halliday recognized students who were not selected and encouraged them to apply again and thanked those who continue to serve on the commission into their college years.

It was noted that the oath of affirmation would be administered to newly appointed and reappointed members on June 18, 2021.

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

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

Resolution 21-103, "Resolution Confirming the Appointment and Reappointment of Members of the Hayward Youth Commission"

CONSENT

Item 6 was removed from the Consent Calendar for separate vote. Council Member Andrews disclosed she had to recuse herself from discussing and voting on Item No. 6 due to her previous affiliation with the project proponent.

2. Approve City Council Minutes of the City Council Meeting on May 25, 2021 **MINS 21-081**

It was moved by Council Member Zermeño, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on May 25, 2021.

3. Approve City Council Minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority Meeting on June 1, 2021 **MINS 21-082**

It was moved by Council/HRSA/HHA Member Zermeño, seconded by Council/HRSA/HHA Member Lamnin, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority meeting on June 1, 2021.

4. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Avidex Industries LLC, to Retrofit the Council Chambers and City Hall Conference Room 2A Audio and Visual Systems to Allow for Hybrid Council and Commission Meetings **CONS 21-301**

Staff report submitted by Chief Information Officer Kostrzak dated June 15, 2021, was filed.

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

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

Resolution 21-104, “Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Avidex Industries, LLC, to Retrofit the Council Chambers and City Hall Conference Room 2A Audio and Visual Systems to Allow for Hybrid Council and Commission Meetings”

5. Adopt a Resolution Approving Waste Management of Alameda County’s Plan to Adjust Recycling Rates for Multi-Family Customers and Issue Refunds for Overcharges **CONS 21-303**

Staff report submitted by Director of Public Works Ameri dated June 15, 2021, was filed.



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

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

Resolution 21-105, "Resolution Approving Waste Management of Alameda County's Plan to Adjust Recycling Rates for Multi-Family Customers and Issue Refunds for Overcharges"

6. Adopt a Resolution Authorizing the City Manager to Negotiate and Enter into an Amendment to Extend the Exclusive Negotiating Rights Agreement with Eden Housing Inc. and Pacific Companies (Parcel Groups 3 and 4) **CONS 21-312**

Staff report submitted by Assistant City Manager/Development Services Director Ott dated June 15, 2021, was filed.

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

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

Resolution 21-109, "Resolution Authorizing the City Manager to Negotiate and Execute an Extension of the Exclusive Negotiating Rights Agreement Between the City of Hayward and Eden Housing and the Pacific Companies for a Proposed Development Located on Parcel Groups 3 and 4"

7. Adopt a Resolution Accepting and Confirming Report for Delinquent Sewer and Water Bills Incurred by Property Owners and Authorizing Collection of Delinquent Charges on Property Tax Roll **CONS 21-313**

Staff report submitted by Director of Public Works Ameri dated June 15, 2021, was filed.

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

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

Resolution 21-106, "Resolution Accepting and Confirming the Report Regarding Delinquent Water and Sewer Bills and Authorizing Collection of the Delinquent Charges by Special Assessment Against the Properties on the Alameda County Property Tax Roll if not Paid by August 1, 2021"

8. Adopt a Resolution Authorizing the City Manager to Enter into a City Partnership with East Bay Community Energy for the Energy Resilient Public Facilities Program **CONS 21-320**

Staff report submitted by Director of Public Works Ameri dated June 15, 2021, was filed.

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

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

Resolution 21-107, "Resolution Authorizing the City Manager to Pursue Deployment of Solar and Battery Energy Systems at Critical Municipal Facilities in Partnership with EBCE"

9. Adopt a Resolution Authorizing the City Manager to Continue Exclusive Negotiations with Waste Management of Alameda County through December 31, 2021 to Extend the Solid Waste and Recycling Franchise Agreement **CONS 21-330**

Staff report submitted by Director of Public Works Ameri dated June 15, 2021, was filed.



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

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

Resolution 21-108, “Resolution Authorizing the City Manager to Continue Exclusive Negotiations with Waste Management of Alameda County to Extend the Solid Waste and Recycling Franchise Agreement”

LEGISLATIVE BUSINESS

10. East Bay Community Energy Default Product: Adopt a Resolution Selecting a Default Electricity Product from East Bay Community Energy **LB 21-023**

Staff report submitted by Director of Public Works Ameri dated June 15, 2021, was filed.

Public Works Director Ameri announced the item and introduced Environmental Services Manager Pearson who provided a synopsis of the staff report and acknowledged an email received in support of selecting Bright Choice as the default electricity product.

East Bay Community Energy representatives Dan Lieberman, Director of Marketing, and Danny Kelly, Account Services Analyst were available for questions.

Discussion ensued among Council Members, City staff, and East Bay Community Energy (EBCE) representatives regarding: community outreach efforts for customers’ ability to opt down to a cheaper product; supply of renewable energy available; Bright Choice electricity product and revenue generated to make it cleaner energy; EBCE’s COVID relief efforts and moratorium on PG&E disconnecting customers; opt out of EBCE rate and variance based on default service, demographic data and customers energy consumption; outreach plan for large commercial customers; equity and impact on lower income residential customers and senior population on fixed income; and Bright Choice and Renewable 100 electricity products and survey results.

Mayor Halliday opened the public hearing at 8:13 p.m.

Ms. Jessica Tovar, with East Bay Clean Power Alliance, noted she was opposed to increasing bills of people in utility debt due to COVID, noted that survey respondents interested in Renewable 100 should have had given the option to sign up rather than introducing a top-down design that requires people to opt down to a cheaper product, and noted the road to renewable energy should be to build clean energy on top of homes, businesses and municipal buildings.

Mr. Tom Kelly supported selecting Renewable 100 as the new default product, noted it may be more expensive initially and likely to get California Alternate Rates for Energy (CARE) and Family Electric Rate Assistance (FERA) customers signed up to Renewable 100 with a model demonstrated by Clean Power Alliance.

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

Members of the City Council expressed appreciation of the work done by City staff.

Council Member Zermeño noted the survey informed how to educate the public on what it means to be renewable and the possibility of opting out, noted that as more cities select Renewable 100 the cost will reduce, added the proposal will decrease carbon footprint, and encouraged his colleagues to support selecting Renewable 100 as the default electricity product.

Council Member Márquez appreciated the work done by staff surveying the community but was concerned with the low response rate, noted she wanted to meet the City's Climate Action Plan targets, and wanted further deliberation before making a motion.

Council Member Salinas thanked Council Member Márquez for her work as a delegate to EBCE, recalled when Council chose Brilliant 100 as the default product for Hayward, and noted renewable energy should not be only the privileged can afford.

Council Member Andrews expressed support for a layered approach as opposed to raising rates and preferred working with companies prior to establishing rates for residents; was concerned about residents not understanding what they are signing up for; suggested revising the outreach plan and rethinking the strategy by going to trusted community locations such as libraries, healthcare providers, churches, and schools; and noted she understood goals of getting to zero emission but did not agree with the proposal.

Council Member Lamnin offered a consideration for a tiered approach such as selecting Bright Choice electricity product for a year or two then Renewable 100 electricity product the following year or two; was concerned the default product represented a significant increase; wondered how the City could tie those responsible for emissions to costs; and mentioned there are delayed health equity impacts by choosing a cheaper and less clean option.



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Council Member Wahab noted she was concerned with rates for residential accounts and asked if there was a plan to use EBCE's reserves to offset some of the cost increases for customers.

Public Works Director Ameri offered as an alternate recommendation to select Renewable 100 for commercial customers and Bright Choice as the default for residential customers; and conduct a robust outreach to offer options to residential customers including opting up to Renewable 100. City Manager McAdoo noted this would help address the concerns about impacts on residential accounts and give staff additional time to do outreach.

Council Member Wahab noted it was a suitable approach and would get more information around the survey and noted TOU rates were alarming especially for the senior population and low-income individuals as protections were removed.

Mayor Halliday expressed her disappointment in the discussion and backing off the strength in addressing environmental issues and was concerned the City would not be able to reach greenhouse gas reduction goals. Mayor Halliday offered a motion per staff's recommendation noting she also favored outreaching and educating residents so they could understand their choices and wanted to explore options to help make Bright Choice more renewable.

Council Member Zermeño seconded the motion.

Council Member Márquez disagreed with the motion, noted she wanted to meet the City's Climate Action goals, but considering residents were just getting out of the pandemic, she thought residents were being asked for increases in sewer, water and waste management fees and was concerned they might opt out instead of opting down, and did not want to reverse efforts rather than spend time educating the public.

Council Member Andrews suggested an amendment to the motion to focus on companies first and revisit the residential accounts at a future date.

Mayor Halliday did not accept the amendment.

Discussion ensued about the motion on the floor.

It was moved by Mayor Halliday, seconded by Council Member Zermeno, and failed by the following roll call vote, to select Renewable 100 as the new default product for Hayward customers served by East Bay Community Energy to take effect January 1, 2022.

AYES: COUNCIL MEMBERS Wahab, Zermeño
MAYOR Halliday

NOES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
ABSENT: None
ABSTAIN: None

In response to Council Member Márquez's request, Public Works Director Ameri reinstated an alternative recommendation to select Renewable 100 for commercial customers and select Bright Choice as the default for residential customers; and conduct robust outreach to offer different options to customers.

In response to Council Member Márquez's inquiry about how often the City can make changes and if this could be done in April 2022, EBCE Account Services Analyst Kelly confirmed the policy allows for two times per year where changes could be made.

Council Member Márquez offered a motion for commercial and residential accounts to default to Bright Choice effective January 1, 2022, with a commitment that the City will work on revisiting Renewable 100 for commercial accounts during the first opportunity in 2022.

Council Member Salinas seconded the motion noting it was a compromise and it gave staff time to conduct outreach and education.

Council Member Lamnin offered a friendly amendment to the motion that the City will revisit Renewable 100 for both commercial and residential accounts during the first opportunity in 2022.

Council Member Márquez and Council Member Salinas accepted the friendly amendment.

Public Works Director Ameri clarified there are only two dates in which the change in rate can go into effect, decisions must be provided to EBCE six months in advance, and jurisdictions can make one change every two years.

Council Member Márquez confirmed the motion was to select Bright Choice as the default product for commercial and residential account holders and revisit options for all accounts with the goal of moving to Renewable 100 for all accounts.

Council Member Salinas concurred.

Council Member Wahab confirmed that customers can opt up or down at any time; noted she supported Renewable 100 with significant education to opt down and suggested that a portion of reserves be dedicated to help customers in need.

Mayor Halliday noted that Council can give direction to Council Member Márquez to bring it to the EBCE Board but the City does not have a say in EBCE spending.



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Council Member Zermeño offered an amendment to select Bright Choice for residential accounts and Renewable 100 for all other accounts.

Council Member Márquez did not accept the amendment.

It was moved by Council Member Márquez, seconded by Council Member Salinas, and carried by the following roll call vote, to select Bright Choice as the default product for Hayward customers served by East Bay Community Energy effective January 1, 2022, reconsider options for all users in April 2022, and direct staff to conduct outreach and education efforts to inform the public.

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

Resolution 21-110, "Resolution Selecting Bright Choice as the New Default Product for Hayward Customers Served by East Bay Community Energy to take Effect January 1, 2022, and to Reconsider Options for all Customers in April 2022"

CITY MANAGER'S COMMENTS

City Manager McAdoo shared the City's plans for returning to worksite noting the City is in discussions with bargaining unit representatives about the proposed plan, mentioned that beginning July 6, 2021, City Hall will be open to the public for limited services from 9am to 1pm and back to regular business hours from 8am to 5pm on September 13, 2021; and added that face coverings are still required in all City facilities until further Cal/OSHA guidance is provided.

In response to Council Member Wahab's inquiry about the moratorium on residential evictions, City Manager McAdoo noted the statewide moratorium expires June 30, 2021, and staff will present an item to Council on June 22, 2021, for consideration to establish a temporary moratorium on residential evictions effective July 1, 2021, through September 30, 2021.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews reminded all about the business closure in observance of Juneteenth and invited all to the Juneteenth Freedom Celebration on June 19, 2021, at City Hall Plaza and thanked all who supported to make the event possible.

Mayor Halliday and Council Member Wahab thanked Council Member Andrews for her work on organizing the event and acknowledged the participation of City staff and the Hayward Chamber of Commerce.

Council Member Salinas congratulated all graduating seniors and acknowledged all teachers and administrators for their efforts.

Council Member Lamnin shared the federal stimulus package included housing vouchers targeted for folks fleeing domestic violence or at risk of homelessness and directed folks to call 2-1-1 for information.

Mayor Halliday shared there were two ribbon-cutting celebrations on June 12, 2021, for The Stacks Record Shop and Ska Dog Records, located in downtown Hayward.

COUNCIL REFERRALS

None received.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 9:40 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward