

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, October 13, 2015, 7:00 p.m.**

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The Special 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, Jones, Peixoto, Lamnin  
MAYOR Halliday  
Absent: COUNCIL MEMBERS Mendall, Márquez

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS for September 29, 2015**

City Manager David noted that the October 20, 2015 Council meeting was canceled because Mayor Halliday and Mayor Pro Tempore Mendall were going to be away.

Mayor Halliday announced that the City's delegates to the Alameda-Contra Costa Transit District Policy Advisory Committee were Council Members Lamnin and Zermeño.

Council Member Márquez spoke about a press release related to the Adulticiding treatment planned for Skywest Golf Course in Hayward and Oro Loma Sanitary District in San Lorenzo.

Council Member Lamnin announced the Hayward Homeless Count would be held November 8<sup>th</sup>-14<sup>th</sup>, 2015.

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS for October 13, 2015**

Council Member Jones noted that areas of the parking lot and stairways at the movie theater need to be cleaned on a regular basis.

Mayor Halliday noted she was leaving for China and Council Member Jones would attend, on her behalf, an upcoming meeting to address the proposed merger of ABAG and MTC Boards.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced that the Council convened in closed session regarding three items: 1) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; 2) conference with legal counsel pursuant to Government Code 54956.9 regarding a) C.E.W. (Shah), et al. v. City of Hayward, et al., Federal District Court CV-13-4516, and b) Simmons, et al. v. City of Hayward, et al., CA Superior Court HG14742558; and 3) conference with property negotiators pursuant to Government Code 54956 regarding 22300 Foothill Blvd., 22292 Foothill Blvd. and 22321 City Center Drive, APNs.: 415-0250-111-02, 415-0250-113-00, 415-0250-112-00. There was no reportable action on Item No. 1 or No. 3.

Related to Item No. 2 a) Council Member Zermeño moved and Council Member Lamnin seconded with Council Members Mendall and Márquez absent to approve and settle the case; related to Item 2 b), Council Member Lamnin moved and Council Member Zermeño seconded with Council Members Mendall and Márquez absent to settle the case.

## **PRESENTATION**

Mayor Halliday read a Certificate of Commendation presented to the Life West Gladiators from the Life Chiropractic College. Dr. Brian Flannery, on behalf of the Life West Gladiators, accepted the commendation and thanked the Council.

## **PUBLIC COMMENTS**

Mr. Jim Drake, Hayward resident, referred to a San Francisco Chronicle article entitled, "Hayward Fire Chief allowed to keep his job."

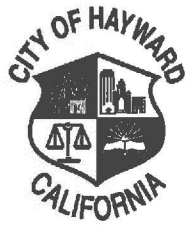
Mr. Charlie Peters, Hayward resident, provided documentation for the record related to fossil fuel and GMO fuel waiver and elimination of E-85 flex fuel credit.

Ms. Anna May, Hayward resident, made two announcements: the Mt. Eden High School Alumni Association and Educational Foundation Leadership Hayward Scholarship and the Rotary Club Martini Mixer on October 28, 2015, at Bijou.

## **CONSENT**

1. Approval of Minutes of the City Council Meeting on September 15, 2015 MIN 15-015  
It was moved by Council Member Lamnin, seconded by Council Member Jones, and carried unanimously with Council Members Mendall and Márquez absent, to approve the minutes of the City Council Meeting on September 15, 2015.
2. Approval of Minutes of the Special Joint City Council/Redevelopment Successor Agency Meeting on September 22, 2015 MIN 15-016  
It was moved by Council/RSA Member Lamnin, seconded by Council/RSA Member Jones, and carried unanimously with Council/RSA Members Mendall and Márquez absent, to approve the minutes of the Special Joint City Council/Redevelopment Successor Agency Meeting on September 22, 2015.
3. Adoption of a Resolution Approving a Side Letter Agreement between the City of Hayward and the Hayward Fire Officers Association 1909 ("HFOA") to revise Current Contributions to the Voluntary Employee Beneficiary Association (VEBA) Plan CONS 15-223

Staff report submitted by Senior Human Resources Analyst Lopez, dated October 13, 2015, was filed.



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It was moved by Council Member Lamnin, seconded by Council Member Jones, and carried unanimously with Council Members Mendall and Márquez absent, to adopt the following:

Resolution 15-191, "Resolution Approving A Side Letter Agreement with the Hayward Fire Officers Association 1909 for Revision of Current Contributions to the Voluntary Employee Beneficiary Association (VEBA) Plan"

4. Adoption of Ordinance Amending Hayward Municipal Code Chapter 10, Article 1, Zoning Ordinance, Related to Recycling Facilities for Redemption or Donation of Reusable Materials to Include Regulations for Unattended Collection Boxes CONS 15-225

Staff report submitted by City Clerk Lens, dated October 13, 2015, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Jones, and carried unanimously with Council Members Mendall and Márquez absent, to adopt the following:

Ordinance 15-22, "Ordinance Amending Hayward Municipal Code Chapter 10, Article 1, Zoning Ordinance, Related to Recycling Facilities for Redemption or Donation of Reusable Materials to Include Regulations for Unattended Collection Boxes"

5. Adoption of Ordinance Amending Hayward Municipal Code Section 10-1.3510 et seq., Zoning Ordinance Uses and Activities Defined, Related to Unattended Collection Boxes CONS 15-226

Staff report submitted by City Clerk Lens, dated October 13, 2015, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Jones, and carried unanimously with Council Members Mendall and Márquez absent, to adopt the following:

Ordinance 15-23, "Ordinance Amending Hayward Municipal Code Section 10-1.3510 *Et Seq.*, Zoning Ordinances Uses and Activities Defined, Related to Unattended Collection Boxes"

6. Adoption of Ordinance Amending Hayward Municipal Code Section 5-7.20 et seq., Public Nuisances, to Reference New Zoning Regulations Related to Unattended Collection Boxes CONS 15-227

Staff report submitted by City Clerk Lens, dated October 13, 2015, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Jones, and carried unanimously with Council Members Mendall and Márquez absent, to adopt the following:

Ordinance 15-24, "Ordinance Amending Hayward Municipal Code Section 5-7.20 *Et Seq.*, Public Nuisances, to Reference New Zoning Regulations Related to Unattended Collection Boxes"

7. Authorization for the City Manager to Negotiate and Execute a Professional Services Agreement with Godbe Research for the 2016 Community Input and Feedback Survey CONS 15-228

Staff report submitted by Management Analyst Stefanski dated October 13, 2015, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Jones, and carried unanimously with Council Members Mendall and Márquez absent, to adopt the following:

Resolution 15-192, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Godbe Research, Inc., to Perform the 2016 Community Input and Feedback Survey"

8. Firehouse Clinic Memorandum of Understanding CONS 15-247

Staff report submitted by Management Analyst II Strojny, dated October 13, 2015, was filed.

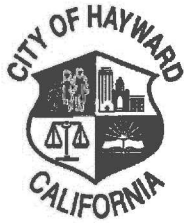
It was moved by Council Member Lamnin, seconded by Council Member Jones, and carried unanimously with Council Members Mendall and Márquez absent, to adopt the following:

Resolution 15-193, "Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Tiburcio Vasquez Health Center for the Operation of a Firehouse Clinic at the New Fire Station Number 7"

9. Recycled Water Project: Adoption of Reimbursement Resolution and Pledged Revenues and Funds Resolution for the State Revolving Fund Loan Application CONS 15-251

Staff report submitted by Senior Utilities Engineer England, dated October 13, 2015, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Jones, and carried unanimously with Council Members Mendall and Márquez absent, to adopt the following:



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Resolution 15-194, "Recycled Water Project Reimbursement Resolution in Support of State Water Resources Control Board State Revolving Fund Loan Application"

Resolution 15-195, "Recycled Water Project Pledged Revenues and Funds Resolution in Support of State Water Resources Control Board State Revolving Fund Loan Application"

**PUBLIC HEARING**

There was a request to hear Public Hearing Item No. 12 prior to Item No. 11 so Items 10 and 12 could be heard consecutively. There was consensus to move the item as requested.

**10. Approval of Temporary Appointment of Administrative Secretary PH 15-082**

Staff report submitted by Human Resources Analyst I Halverson, dated October 13, 2015, was filed.

Human Resources Director Collins provided a synopsis of the report.

There being no public speakers, Mayor Halliday opened and closed the public hearing at 7:25 p.m.

It was moved by Council Member Peixoto, seconded by Council Member Zermeño, and carried unanimously with Council Members Mendall and Márquez absent, to adopt the following:

Resolution 15-196, "Resolution for Exception to the 180-Day Wait Period and Approval of Temporary Appointment to the Position of Administrative Secretary"

**11. State Model Water Efficient Landscape Ordinance Revisions: Introduction of an Ordinance repealing Article 12 of Chapter 10 of the Hayward Municipal Code (HMC), known as the Bay-Friendly Water Efficient Landscape Ordinance, adding a new Article 12 to Chapter 10 relating to landscape requirements for new and rehabilitated development projects, and amending Section 11-2.46 of the HMC relating to the Hayward Municipal Water System PH 15-085**

Staff report submitted by Senior Management Analyst Ferreyra and Landscape Architect Koo, dated October 13, 2015, was filed.

Public Works- Utilities and Environmental Services Director Ameri provided a synopsis of the report.

Discussion ensued among Council Members and Utilities and Environmental Services Director Ameri regarding: irrigation water service meter, recycled water, landscape and irrigation design restrictions, untreated graywater or rainwater captured, allowance of turf, development standards as they relate to graywater and rainwater systems, and standards to encourage stormwater practices and grading design plans to minimize runoff and increase on-site rainwater retention.

There being no public comments, Mayor Halliday opened and closed the public hearing at 7:51 p.m.

Council Member Zermeño offered a motion per staff recommendation and Council Member Lamnin seconded the item.

It was moved by Council Member Zermeño, seconded by Council Member Lamnin, and carried unanimously with Council Members Mendall and Márquez absent, to adopt the following:

Introduction of Ordinance 15-\_, “Ordinance Repealing and Replacing Chapter 10 Article 12 of the Hayward Municipal Code Relating to Landscape Requirements for New and Rehabilitated Development Projects”

Introduction of Ordinance 15-\_, “Ordinance Amending Chapter 11, Article 2, Section 11.2.46 of the Hayward Municipal Code Related to Dedicated Irrigation Service Meters”

## 12. Approval of Temporary Appointment of Solid Waste Manager PH 15-089

Staff report submitted by Director of Utilities and Environmental Services Ameri and Director of Human Resources Collins, dated October 13, 2015, was filed.

Director of Utilities and Environmental Services Ameri provided a synopsis of the report.

Mayor Halliday noted that Solid Waste Manager Dahle-Lacaze would be missed.

There being no public comments, Mayor Halliday opened and closed the public hearing at 7:28 p.m.

It was moved by Council Member Peixoto, seconded by Council Member Zermeño, and carried unanimously with Council Members Mendall and Márquez absent, to adopt the following:



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Resolution 15-197, "Resolution for Exception to the 180-Day Wait Period, and Approval of Temporary Appointment to the Position of Solid Waste Manager"

**CITY MANAGER'S COMMENTS**

There were none.

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Council Member Lamnin and Mayor Halliday spoke on their attendance at the 2015 League of California Cities Annual Conference held in San Jose from September 30 to October 2, 2015.

Council Member Zermeño acknowledged students from Mt. Eden High School, Hayward High School, and Tennyson High School who were in attendance at the meeting.

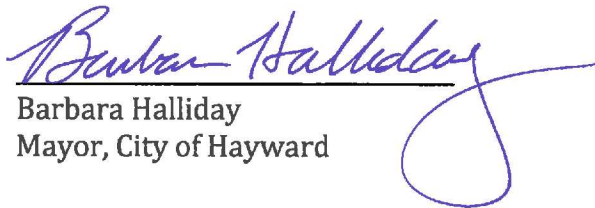
Council Member Zermeño asked for a progress report on Sunday hours for the new library, and an update about the Downtown Specific Plan Task Force.

Mayor Halliday spoke about two successful events: the 21<sup>st</sup> Century Library & Heritage Plaza Arboretum Groundbreaking on October 3, 2015; and the 38<sup>th</sup> Annual Volunteer Recognition & Awards Dinner on October 6, 2015, at the St. Rose Hospital's Grand White Tent.


**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 8:00 p.m.

**APPROVED:**

  
Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

  
Miriam Lens  
City Clerk, City of Hayward