



**MINUTES OF THE CITY COUNCIL MEETING**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, September 24, 2019, 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, Márquez, Mendall, Lamnin, Wahab, Salinas  
MAYOR Halliday  
Absent: None

**CLOSED SESSION ANNOUNCEMENT**

The City Council convened in closed session at 5:30 p.m., regarding three items: 1) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding Velinda Vasut v. City of Hayward, Workers' Compensation Appeals Board Case No. ADJ8844787; 2) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding City of Hayward v. California State University Trustees, Alameda County Superior Court, No. RG 18895213; and 3) conference with real property negotiators pursuant to Government Code 54956.8 regarding Hayward Area Historical Society and Stonewood Properties, Inc., 22398-22380 Foothill Boulevard, Hayward, APN: 415-0240-001-02; 1154-1166 Russell Way, Hayward, APNs 415-0240-002-00, 415-0240-003-02. City Attorney Lawson reported the City Council unanimously approved, with Council Member Salinas moving and Council Member Zermeño seconding, settlement of the case Velinda Vasut v. City of Hayward in the amount of \$110,000. Regarding Item 2 and Item 3, there was no reportable action.

**PRESENTATIONS**

Mayor Halliday acknowledged the Koshland Opportunity Scholarship granted its second round of funding awarding \$100,000 in scholarships to 21 scholarship recipients of the Jackson Triangle and Harder Tennyson neighborhoods to students who are pursuing certificates in technology, skilled trades and health care. Mr. Gabriel Hernandez, San Francisco Foundation Koshland Program Fellow, spoke about the Koshland Opportunity Scholarship program which was funded with a grant from the San Francisco Foundation. Mayor Halliday and Mr. Gabriel Hernandez recognized recipients who were present at the meeting with certificates.

**PUBLIC COMMENTS**

Mr. Aric Yeverino, owner of the Dirty Bird Lounge, and his business partner Ms. Diana Rodriguez, shared that their project to open a business, Latitude 38 Wine Bar & Bistro, was stalled because of a Conditional Use Permit requirement.

Mr. Kim Huggett, Hayward Chamber of Commerce President, spoke about past successful events and highlighted the upcoming ribbon cutting for Hippies Brew and the groundbreaking ceremony for Lincoln Landing on September 30, 2019.

Ms. Shani Shay urged the Council to allocate funds for a community recreation center in Hayward and encouraged investing in marginalized and communities of color.

Consent Items 2, 3 and 7 were removed from the Consent Calendar for discussion and separate vote.

## **CONSENT**

1. Minutes of the Special City Council Meeting on September 10, 2019 **MIN 19-113**

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried unanimously, to approve the minutes of the Special City Council meeting on September 10, 2019.

2. Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement Extension for Investment Portfolio Management Services with PFM Asset Management LLC **CONS 19-605**

Staff report submitted by Finance Director Clausen, dated September 24, 2019, was filed.

Council Member Wahab expressed concern for the financial accountability and phasing of contracts.

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

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

NOES: COUNCIL MEMBER Wahab

ABSENT: NONE

Resolution 19-185, "Resolution Authorizing the City Manager to Execute Contract with PFM Asset Management LLC for Investment Portfolio Management Services"

3. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Chabot-Las Positas Community College District for PEG Broadcasting Services **CONS 19-624**

Staff report submitted by Director of Information Technology/CIO Kostrzak, dated September 24, 2019, was filed.



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Council Member Wahab asked staff to summarize the report.

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

Mr. Romeo DeCastro submitted a card but did not speak.

Mr. Anthony Hickman and Mr. Joseph Hickman spoke in favor of the PEG (Public, Education and Government) broadcasting service.

Mr. Carlos Archuleta spoke in favor of the proposed agreement with Chabot-Las Positas Community College District for PEG broadcasting service; however, he expressed concerns about the facility and Chabot TV's website, censorship and Community Media Center access for non-Hayward/Fremont users.

Discussion ensued among Council members, City staff and Deonne Kunkel, Dean of Arts, Media and Communications at Chabot College, regarding the facility website, censorship, access, availability of studio hour, and on-demand content.

Ms. Sandra Macias, public access channel producer, asked whether the City was collecting PEG funds from unincorporated areas (94541-Cherryland and 94546-Castro Valley) and providing access to services.

Mayor Halliday closed the public hearing at 7:48 p.m.

Council Member Mendall offered a motion to move staff's recommendation and Council Member Zermeño seconded the motion.

Council Member Wahab offered an amendment to the motion to expand Community Media Center access beyond a non-profit agency or organization by allowing a Hayward resident to serve as a sponsor for a non-resident.

Council Member Márquez offered an amendment to the motion to obtain more information on whether the City is collecting PEG funds from unincorporated 94541 and 94546 zip codes and is providing access. She also requested additional information on whether the City can allow sponsorship through a Hayward resident.

City Manager McAdoo recommended that the Council approve the contract and have staff conduct an audit on how the City is collecting PEG revenue and assess allowing sponsorship via a Hayward resident, and based on findings and legal review, amend the contract if necessary and inform the Council and interested parties.

Council Member Zermeño favored approving the contract and having City and Chabot College staff discuss the proposed amendments to the contract. He further suggested allowing sponsorship via a Chabot College student or club.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried unanimously to approve the following resolution with direction to staff to investigate how the City collects PEG revenue and how it provides access, assess allowing a Hayward resident sponsor a non-resident, and, if needed, amend the contract based on findings and legal review:

Resolution 19-186, "Resolution of the City Council of the City of Hayward Authorizing the City Manager to Negotiate and Execute an Agreement between the City of Hayward and Chabot-Las Positas Community College District for PEG Broadcasting Services"

4. Adopt a Resolution Appointing the Representative and Alternate Representative to the ERMA Board of Directors and to the ERMAC Board of Directors; and Approving Amendments to the ERMAC Joint Powers Agreement **CONS 19-632**

Staff report submitted by City Attorney Lawson, dated September 24, 2019, was filed.

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

Resolution 19-181, "Resolution Appointing the Representative and Alternate to the ERMAC Board of Directors and Appointing the Representative and Alternate to the ERMA Board of Directors"

Resolution 19-182, "Resolution Approving Amendments to the Exclusive Risk Management Authority of California Joint Powers Agreement"

5. Adopt a Resolution Accepting the Resignation of Ms. Sarah Low from the Keep Hayward Clean and Green Task Force, Effective September 22, 2019 **CONS 19-633**

Staff report submitted by City Clerk Lens, dated September 24, 2019, was filed.

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

Resolution 19-183, "Resolution Accepting the Resignation of Sarah Low from the Keep Hayward Clean and Green Task Force"



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6. Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2020 **CONS 19-639**

Staff report submitted by Assistant City Manager/Interim Human Resources Director Hurtado, dated September 24, 2019, was filed.

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

Resolution 19-184, "Resolution Approving the Amended Fiscal Year 2020 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 19-142 and all Amendments thereto"

7. Authorization to Negotiate and Execute an Agreement with Knightscope for Security Robot Subscription Service **CONS 19-643**

Staff report submitted by Director of Information Technology/CIO Kostrzak, dated September 24, 2019, was filed.

Council Member Wahab sought clarification from staff regarding Knightscope's pilot program, crime statistics associated with the pilot program, security robot technology and functionality, data collection and facial recognition feature.

Mayor Halliday opened the public hearing at 8:06 p.m.

Mr. Mike Katz-Lacabe, with Oakland Privacy, posed questions about the security robot's features and advocated for a surveillance transparency ordinance and further discussion with the public to establish policies prior to implementation of surveillance technology.

Ms. Shaney Shane noted that an increase in the quality of life causes crime to go down and recommended that the Council halt spending funds to increase surveillance technology.

Mayor Halliday closed the public hearing at 8:10 p.m.

Council Member Mendall offered a motion to move staff's recommendation acknowledging that further discussion and policies would need to occur before scaling up.

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, Márquez, Mendall, Lamnin, Salinas  
MAYOR Halliday  
NOES: COUNCIL MEMBER Wahab  
ABSENT: NONE

Resolution 19-187, “Resolution of the City Council of the City of Hayward Authorizing the City Manager to Negotiate and Execute an Agreement between the City of Hayward and Knightscope for Security Robot Subscription Service”

## LEGISLATIVE BUSINESS

Council Member Wahab had to leave the Council Chambers due to a personal matter.

8. Adopt a Resolution Supporting Two League of California Cities Policy Resolutions Being Considered at the 2019 League of California Cities Annual Business Meeting (Report from City Manager McAdoo) **LB 19-040**

Staff report submitted by Assistant City Manager Hurtado, dated September 24, 2019, was filed.

Assistant City Manager Hurtado provided an overview of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:18 p.m.

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

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

Resolution 19-188, “Resolution Supporting Two League of California Cities Policy Resolutions Being Considered at the 2019 League of California Cities Annual Meeting”

## CITY MANAGER’S COMMENTS

City Manager McAdoo made four announcements: 1) the library grand opening on September 14, 2019 was a success with over 2,600 people came through the gate, 521 new library cards made, 458 old cards swapped for new designs, and 3,703 library items checked out; 2) the Hayward Executive Airport Open House on September 22, 2019 was also a success with about 5,500 people in attendance; 3) a ground breaking ceremony for the Lincoln Landing project on



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September 30, 2019 at 22301 Foothill Boulevard; and 4) the City Council will hold a special City Council meeting at the Matt Jimenez Community Center on October 15, 2019, starting at 6:00 p.m.

**COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Salinas announced the Hayward Odd Fellows was presenting the last concert of the 10<sup>th</sup> Annual Music & Arts in the Park series at the Hayward Memorial Park on September 29, 2019 and noted proceeds would benefit the Hayward High School Instrumental Music Program.

Council Member Márquez announced the American Legion Post-68 was inviting all to its centennial celebration, which will include a parade in downtown Hayward on September 28, 2019.

**COUNCIL REFERRALS**

9. Consider an Item for Discussion on a Future City Council Agenda Regarding Modifying Regulations on Tobacco Retailers to Reduce Teen Smoking and Vaping (Report from Council Member Mendall, Council Member Márquez and Council Member Zermeño)  
**RPT 19-344**

Referral memorandum submitted by Council Member Mendall, Council Member Márquez and Council Member Zermeño, dated September 24, 2019, was filed.

Council Member Mendall spoke about the proposed referral.

Council Member Wahab returned to the Council Chambers.

Council Member Salinas noted the negative impact of e-cigarettes and cannabis on young people.

Mayor Halliday opened the public comments section at 8:31 p.m.

Mr. Jack Moscardini, Hayward High School student, asked for regulations in place for teens who vape, enforcement for businesses that sell products to minors, and legal action against teen users.

Miss Jessica Fuentes, Youth Advisory Council representative, expressed support for regulating gas stations around schools and suggested placing “juul” detectors in school bathrooms to cut down on e-cigarette use.

Ms. Maria Fernandez Sotomayor, Eden Youth and Family Center representative, favored modifying regulations to reduce teen smoking and vaping.

Mr. Nathan Subramanian, Alameda County Tobacco Control Program representative, offered to partner with Hayward and serve as a resource for drafting tobacco retailer licensing policies.

Ms. Rosalyn Moya, Alameda County Tobacco Control Coalition co-chair and Bay Area Community Resources project director, supported exploring regulation modifications and noted she was reviewing tobacco control policies regarding flavored tobacco.

Mr. Tim Romano-Pugh, Eden Youth and Family Center representative, favored the Council taking into consideration modifying regulations on tobacco retailers.

Mayor Halliday closed the public hearing at 8:39 p.m.

Council Member Mendall offered a motion per the referral and Council Member Zermeño seconded the motion.

Discussion ensued among Council members and staff regarding having the referral vetted by the Council Economic Development Committee and possibly the Hayward Local Agencies Committee, input provided by the Hayward Youth Commission, current tobacco regulations and enforcement, and the black market for cigarettes.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and approved unanimously to move the referral forward.

## **ADJOURNMENT**

Mayor Halliday adjourned the meeting at 8:50 p.m.

## **APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

## **ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward