



**MINUTES OF THE CITY COUNCIL MEETING**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, February 5, 2019, 7:00 p.m.**

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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 Márquez.

**ROLL CALL**

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

**CLOSED SESSION**

City Attorney Lawson reported the City Council convened in closed session at 5:30 p.m., concerning three items: 1) conference with property negotiators pursuant to Government Code 54956.8, regarding State owned parcels along the Route 238 Bypass Alignment; 2) conference with property negotiators pursuant to Government Code 54956.8, regarding 175 Fairway Street; APN 78G-2704-2-1; and 3) conference with legal counsel pursuant to Government Code 54956.9(d)(4), regarding three anticipated cases; and noted there was no reportable action related to Items 1 and 3. Related to Item 2, City Attorney Lawson added that the City Council did not have time to discuss the item and would reconvene after the regular meeting.

**PUBLIC COMMENTS**

Ms. Raqueal Hernandez, Hayward resident, spoke about habitability issues, public nuisance and safety concerns at her apartment complex on Russell Way, and asked the City for an update on the reported issues.

Mr. Jim Drake, Hayward resident, spoke about conditions of approval related to eucalyptus trees that were replaced with cypress shrubs at his property.

Ms. Sylvia Brandon Perez, Hayward resident, asked the City to reconsider the City regulations regarding food sharing on city property and camping and storage of personal property.

Consent Item 3 was removed from the Consent Calendar for separate vote.

**CONSENT**

1. Minutes of the City Council Meeting on January 15, 2019 **MIN 19-013**  
It was moved by Council Member Mendall, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on January 15, 2019.

2. Authorization for the City Manager to Accept and Appropriate \$200,000 in Awarded Grant Funding from the State of California Office of Traffic Safety for the Hayward Police Department **CONS 19-041**

Staff report submitted by Police Chief Koller, dated February 5, 2019, was filed.

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

Resolution 19-021, “Resolution Authorizing the City Manager to Accept and Appropriate \$200,000 in Funding from the State of California Office of Traffic Safety for the Hayward Police Department”

3. Amendments to the Water Supply Agreement with the City and County of San Francisco and Wholesale Customers – Approval of Resolution Authorizing the City Manager to Execute the Amended and Restated Agreement **CONS 19-060**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated February 5, 2019, was filed.

Council Member Mendall, also the City’s representative on the Bay Area Water Supply and Conservation Agency (BAWSCA) Board of Directors, shared a short video about BAWSCA and the water service provided to its member agencies, and provided a report on the Bay-Delta Plan Update.

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

Resolution 19-025, “Resolution Approving Amendments to the Water Supply Agreement between the City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County”

4. Approval of Execution of Joint Exercise of Powers Agreement Relating to the California Public Finance Agency to Allow the Existing Leisure Terrace Apartment Complex Located at 1638 E Street to Apply for Four Percent Low Income Housing Tax Credits to Convert All Units to Deed Restricted Affordable Housing Units **CONS 19-068**

Staff report submitted by Deputy City Manager Ott, dated February 5, 2019, was filed.

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



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Resolution 19-022, “Resolution Approving, Authorizing and Directing Execution of a Joint Exercise of Powers Agreement Relating to the California Public Finance Authority”

5. South Hayward Youth and Family Center - Authorization to Negotiate and Execute 1) an Agreement with Alameda County to Accept \$500,000, and 2) a Professional Services Agreement with RossDrulisCusenbery, Inc. (RDC) for Building Program and Design Services  
**CONS 19-069**

Staff report submitted by Fire Chief Contreras and Assistant City Manager Hurtado, dated February 5, 2019, was filed.

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

Resolution 19-023, “Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Alameda County to Accept and Appropriate \$500,000 for Phase I and II Design Expenses for the South Hayward Youth and Family Center Project”

Resolution 19-024, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with RossDrulisCusenbery, Inc. for Community Analysis, Building Program, and Design Services for the South Hayward Youth and Family Center, Not to Exceed \$300,000”

**LEGISLATIVE BUSINESS**

6. Review and Approve Recommended Garbage and Recycling Rates Adjustment for 2019-2020 (Report from Director of Utilities and Environmental Services Ameri) **LB 19-010**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated February 5, 2019, was filed.

Utilities and Environmental Services Director Ameri announced the staff report and introduced Environmental Services Manager Pearson who provided a synopsis of the report.

Mayor Halliday opened the public hearing at 7:49 p.m.

Mr. Richard Valle, Tri-CED’s President, spoke about the landfilling of “unders” (recyclable mixed with non-recyclable material), and noted the California State Association of Counties

would be asking the governor to convene a stakeholder task force of recycling companies to address the recycling crisis and the need for market outlets.

Mayor Halliday closed the public hearing at 7:54 p.m.

Council Member Wahab noted she supported the minimal rate increase per household but did not support the practice of sending waste materials to undeveloped countries that are not equipped to manage the waste and urged for recycling companies and manufacturers to pursue a true recycling program.

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

Council Member Mendall seconded the motion.

Council Member Mendall was optimistic that the stakeholder task force would address how to manage recyclables locally and noted the City could consider reducing the amount of garbage by banning single use plastic.

Council Member Wahab requested that the motion be separated into two parts.

Mayor Halliday clarified the motion would be separated into two parts: 1) approve the rate increase by 2.611% from March 2019 through February 2020 for garbage and recycling rates for residents and businesses in the City of Hayward that are served under the Franchise Agreement; and 2) approve Tri-CED's request to landfill "unders" for a period not to exceed six months from the date of the resolution.

Council Member Zermeño and Council Member Mendall were amenable to separating the motion into two parts.

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

Resolution 19-026, "Resolution Approving the Garbage & Recycling Rate Adjustment for 2019-2020"

Council Member Lamnin shared concerns expressed by her colleagues and echoed the need for a local infrastructure to process recyclables and continue to support regional efforts.

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

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



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Resolution 19-027, "Resolution approving the landfilling of "unders" for a period not to exceed six months from the date of this resolution"

**CITY MANAGER'S COMMENTS**

City Manager McAdoo noted City Hall would be closed on February 12, 2019, in observance of Lincoln's Birthday holiday.

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

Council Member Wahab requested that staff study the possibility of developing a disposable-free dining ordinance and Council Member Mendall suggested that the item be considered in the conversation by the Council Sustainability Committee related to single use disposable waste and plastic ban. There was City Council consensus related to this item.

Mayor Halliday announced the next City Council meeting would be held on February 19, 2019.

**ADJOURNMENT**

Mayor Halliday adjourned the regular meeting at 8:22 p.m., to a Closed Session to continue the discussion of Item 2.

**APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward