



**SPECIAL HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD
AND HAYWARD CITY COUNCIL MEETING**

777 B Street, Hayward, CA 94541

Virtual Platform – Zoom

<https://hayward.zoom.us/j/82499367832?pwd=ZmdwMHZYb0N0eVJURHB6ZklyNkFtQT09>

Tuesday, January 18, 2022, 7:00 p.m.

The concurrent meeting of the Hayward Geologic Hazard Abatement District (GHAD) Board and Hayward City Council was called to order by Mayor/Chair Halliday at 7:06 p.m. The City Council/ GHAD Board held a virtual meeting with teleconference participation by members of the City Council, staff and public.

Pledge of Allegiance: Mayor/GHAD Board Chair Halliday

ROLL CALL

Present: COUNCIL MEMBERS/BOARD MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeno
MAYOR/CHAIR Halliday

Absent: None

Members convened as the Geologic Hazard Abatement District (GHAD) Board, adjourned the GHAD meeting at 7:12 p.m., and reconvened into the meeting of the City Council.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson noted that since the City Council did not discuss all items in Closed Session and was planning to continue discussion after the regular meeting, the public report of any action taken in Closed Session for December 20, 2021, and January 18, 2022, meetings would occur at the January 25, 2022, City Council meeting.

PUBLIC COMMENTS

There were none.

CITY MANAGER'S COMMENTS

City Manager McAdoo made two announcements: 1) the federal government launched its free COVID-19 test distribution program, offering four free at-home COVID-19 tests per household, and residents who had purchased tests at their own expense, could be reimbursed by their health insurance provider, and COVIDtests.gov provided more information; and 2) City Council meetings will be held online only for the month of January and the decision would be re-evaluated at the end of the month.

CONSENT

Council Member Andrews commented on Consent Items 12 and 13.

1. Approve City Council Minutes of the City Council Meeting on December 7, 2021 **MIN 22-001**

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried unanimously, to approve the minutes of the City Council meeting on December 7, 2021.

2. Approve City Council Minutes of the Special City Council Meeting on December 14, 2021 **MIN 22-002**

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried unanimously, to approve the minutes of the Special City Council meeting on December 14, 2021.

3. Adopt a Resolution Accepting Resignation of Ms. Varsha Chauhan from the Community Services Commission **CONS 22-039**

Staff report submitted by City Clerk Lens, dated January 18, 2022,
was filed.

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 22-001, "Resolution Accepting the Resignation of Ms.
Varsha Chauhan from the Community Services Commission"

4. Adopt a Resolution Appointing Ms. Hazel De Leon to the Community Services Commission to Fulfill to Unexpired Term of Ms. Varsha Chauhan **CONS 22-040**

Staff report submitted by City Clerk Lens, dated January 18, 2022,
was filed.

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried by the following roll call vote, to adopt the resolution.

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



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Resolution 22-002 “Resolution Appointing Ms. Hazel De Leon to the Community Services Commission to Fulfill the Unexpired Term of Ms. Varsha Chauhan”

5. Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconference Public Meetings Pursuant to Assembly Bill 361 **CONS 22-044**

Staff report submitted by City Manager McAdoo and City Clerk Lens, dated January 18, 2022, was filed.

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 22-003, “Resolution Making the Required Findings Pursuant to AB 361 to Continue to Hold Teleconferenced Public Meetings During the COVID 19 State of Emergency”

6. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$242,865 in Grant Funding from the Federal Emergency Management Agency for the Creation of Defensible Space in the Hayward Hills Project **CONS 22-001**

Staff report submitted by Fire Chief Contreras, dated January 18, 2022, was filed.

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 22-004, “Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$242,865 in Grant Funding from the Federal Emergency Management Agency for the Creation of Defensible Space in Hayward Hills Project”

7. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with HydroScience Engineers, Inc., Increasing Project Design and Engineering Services for the Sewer and Water Line Improvements Project by \$175,000, for a Total Not-to-Exceed Contract Amount of \$1,642,865 **CONS 22-010**

Staff report submitted by Director of Public Works Ameri, dated January 18, 2022, was filed.

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

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

Resolution 22-005, “Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with HydroScience Engineers, Inc. in an Amount of \$175,000, for Project Design and Engineering Services for the Sewer and Water Line Improvements Projects for a Total Not to Exceed Amount of \$1,642,865”

8. Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement for Materials Testing and Special Inspection Services with Consolidated Engineering Laboratories for the Fire Station 6 and Fire Training Center Project by \$450,000 for a Not-to-Exceed Amount of \$1,125,000 **CONS 22-017**

Staff report submitted by Director of Public Works Ameri, dated January 18, 2022, was filed.

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

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



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Resolution 22-006, “Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Consolidated Engineering Laboratories for Additional Services Associated with the Fire Station 6 and Fire Training Center Improvement Project”

9. Adopt a Resolution Authorizing the Sole Source Purchase of Specialized Laboratory Equipment for Use at the Water and Wastewater Laboratory at the Water Pollution Control Facility in an Amount Not-to-Exceed \$90,000 **CONS 22-018**

Staff report submitted by Director of Public Works Ameri, dated January 18, 2022, was filed.

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 22-007, “Resolution Authorizing the City Manager to Execute a Sole Source Purchase of Specialized Laboratory Equipment from Thermo Electron North America, LLC for Use at the Water and Wastewater Laboratory at the Water Pollution Control Facility in an Amount Not-to-Exceed \$90,000”

10. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Cooperative Procurement Contract with Dell Technologies for Microsoft Software, Subscriptions, and Services for a Three-Year Contract in an Amount Not-to-Exceed \$328,114.40 Annually, for a Total Contract Amount of \$984,343.21 **CONS 22-024**

Staff report submitted by CIO/Director of Information Technology Kostrzak, dated January 18, 2022, was filed.

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 22-008, “Resolution of the Council of the City of Hayward to Execute a Cooperative Procurement Contract with Dell Technologies for Microsoft Software, Subscriptions, and Services”

11. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$238,130.94 from the Federal Communications Commission Emergency Connectivity Fund to Purchase Eligible Equipment and Services **CONS 22-033**

Staff report submitted by Director of Library Services Addleman, dated January 18, 2022, was filed.

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

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

Resolution 22-009, “Resolution Authorizing the City Manager to Accept and Appropriate \$238,130.94 from the Federal Communications Commission (FCC) Emergency Connectivity Fund (ECF) to Purchase Eligible Equipment and Services”

12. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$15,000 from the Kaiser Foundation Health Plan, Inc. to Support the Purchase of a Lactation Pod for the Downtown Library **CONS 22-034**

Staff report submitted by Director of Library Services Addleman, dated January 18, 2022, was filed.

Council Member Andrews thanked Kaiser for funding toward the purchase of a lactation pod and encouraged staff to consider similar spaces and family rooms for future projects and consider requesting changing tables for babies in men’s rooms.

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



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Zermeño
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 22-010, “Resolution Authorizing the City Manager to Accept and Appropriate \$15,000 from the Kaiser Foundation Health Plan Inc. to Support the Purchase of a Lactation Pod for the Downtown Library”

13. Adopt Two Resolutions: 1) Authorizing the City Manager to Continue Exclusive Negotiations with Waste Management of Alameda County for a New Solid Waste and Recycling Franchise Agreement until June 30, 2022; and 2) Authorizing the City Manager to Extend the Current Franchise Agreement with Waste Management of Alameda County by One Year to Expire February 28, 2023 **CONS 22-021**

Staff report submitted by Director of Public Works Ameri, dated January 18, 2022, was filed.

Council Member Andrews hoped that trash receptacles could include public art to deter graffiti and staff could work with partners to incorporate more public art throughout Hayward.

It was moved by Council Member Zermeño, seconded by Council Member Andrews, and carried by the following roll call vote, to adopt two resolutions.

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

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 22-011, “Resolution Finding and Determining the Need to Extend the Franchise Agreement Between the City of Hayward and Waste Management of Alameda County for Solid Waste, Recyclable Materials, and Organics Material Services for one 12-Month Period Ending February 28, 2023”

Resolution 22-012, “Resolution Authorizing the City Manager to Continue Exclusive Negotiations with Waste Management of Alameda County to Extend the Solid Waste and Recycling Franchise Agreement”

14. Adopt a Resolution: 1) Authorizing the City Manager to Accept and Appropriate \$5,236 in Private Community Donations for the Hayward Navigation Center; and 2) Amend the Professional Services Agreement with Bay Area Community Services to Increase the Hayward Navigation Center Contract Amount by \$5,236 for a Not-to-Exceed Amount of \$2,453,356 to Provide Additional Flexible Funds for Hayward Navigation Center Residents **CONS 22-038**

Staff report submitted by City Manager McAdoo, dated January 18, 2022, was filed.

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 22-013, “Resolution Authorizing the City Manager to Accept and Appropriate \$5,236 in Private Community Donations for the Hayward Navigation Center and Amend the Professional Services Agreement with Bay Area Community Services to Increase the Hayward Navigation Center Contract Amount by \$5,236 for a Not-To-Exceed Amount of \$2,453,356”

15. Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the Safe Routes for Seniors Project **CONS 22-022**

Staff report submitted by Director of Public Works Ameri, dated January 18, 2022, was filed.

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried by the following roll call vote, to adopt the resolution.

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



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Resolution 22-014, “Resolution Approving Plans and Specifications and Call for Bids for the Safe Routes for Seniors Project”

16. Adopt a Resolution Rejecting All Bids, Approving Addendum No. 1 and Revised Plans and Specifications, and Calling for Bids for the Mission Boulevard Linear Park Project, Project No. 05288 **CONS 22-016**

Staff report submitted by Director of Public Works Ameri, dated January 18, 2022, was filed.

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 22-015, “Resolution Rejecting All Bids, Approval of Addendum No. 1 and Revised Plans and Specifications, and Calling for Bids for the Mission Boulevard Linear Park Project, Project No. 05288”

17. Adopt a Resolution Opposing the California Public Utilities Commission’s Proposed Decision Threatening Net Energy Metering and Supporting a Net Energy Metering Policy that Continues the Growth of Local and Rooftop Solar **CONS 22-048**

Staff report submitted by Director of Public Works Ameri, dated January 18, 2022, was filed.

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 22-016, “Resolution in Opposition to the Net Energy Metering 3.0 Proposed Decision and in Support of a Net Energy Metering Policy that Continues the Growth of Local and Rooftop Solar”

18. Adopt a Resolution Approving the Memorandum of Understanding Between the City of Hayward and the Hayward Association of Management Employees and Authorizing Staff to Execute the Agreement **CONS 22-049**

Staff report submitted by Director of Human Resources Sangy, dated January 18, 2022, was filed.

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 22-017, “Resolution Approving the Successor Memorandum of Understanding Between the City of Hayward and Hayward Association of Management Employees and Authorizing the City Manager to Execute the Agreement”

19. Adopt a Resolution Approving the Memorandum of Understanding Between the City of Hayward and the Service Employees International Union, Local 1021 and Authorizing Staff to Execute the Agreement **CONS 22-050**

Staff report submitted by Director of Human Resources Sangy, dated January 18, 2022, was filed.

It was moved by Council Member Zermeno, seconded by Council Member Andrews, and carried by the following roll call vote, to adopt the resolution.

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



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Tuesday, January 18, 2022, 7:00 p.m.

Resolution 22-018, “Resolution Approving the Successor Memorandum of Understanding Between the City of Hayward and the Service Employees International Union, Local 1021 and Authorizing the City Manager to Execute the Agreement”

20. Adopt a Resolution Approving Annexation of the Hayward SoMi (Tracts 8502 and 8614) into the Hayward Geologic Hazard Abatement District **CONS 22-053**

Staff report submitted by GHAD Manager Harrell and GHAD Attorney Morrison, dated January 18, 2022, was filed.

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

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

Resolution 22-019, “Resolution Approving the Annexation of the Hayward SOMI Development into the Hayward Geologic Hazard Abatement District”

PUBLIC HEARING

21. Appeal of Planning Commission Denial to Develop a New Approximately 116,844 Square Foot Industrial Building for U-Haul at 4150 Point Eden Way (Assessor Parcel Number 461-0085-020-02) Requiring Approval of Site Plan Review and Historic Resources Demolition Permit Application No. 201901039 Including Certification of an Environmental Impact Report, Adoption of a Statement of Overriding Considerations, and Approval of a Mitigation, Monitoring and reporting Program. Jerry Owen on Behalf of U-Haul; Amerco Real Estate Co. (Applicant/Property Owner) ****Item Continued to 2/15/22 at the Request of Applicant**** **PH 22-001**

Mayor Halliday announced the public hearing was continued to the February 15, 2022, City Council meeting at the request of the applicant.

LEGISLATIVE BUSINESS

22. Legislative Program: Adopt a Resolution Updating the City of Hayward's Legislative Program **LB 21-053**

Staff report submitted by City Manager McAdoo, dated January 18, 2022, was filed.

City Manager McAdoo introduced Management Analyst James who provided a synopsis of the staff report.

Discussion ensued among members of the City Council and City staff regarding: the dedicated webpage for the Legislative Program which is found under the "Your Government – Legislative Program" section; the practice for the Mayor to submit a letter of support or opposition to a piece of legislation involves vetting by City staff to ensure it fits the City's approved legislative priorities, staff could also initiate a letter based on the City's lobbyist, and if not consistent with Council policy/direction, the item would be agendaized for Council action; the practice for supporting ballot measures involves bringing it to Council for action and resolution; clarification about the process for submitting letters could be included in the Council Member Handbook under the Hayward Legislative Program section; in subsections C, D, and E of Section 1.9 Voting Rights, the City's position would be taken by ballot initiatives as opposed to legislation; and a process for incorporating comments when the Council may be divided on a particular legislation which might involve staff sending a draft letter to Council and allowing 48 hours to review or a member submitting a separate letter to highlight areas of concern.

There being no public comments, Mayor Halliday opened and closed the public comment section at 8:44 p.m.

Council Member Wahab indicated she understood the time sensitivity when sending urgent letters to legislators but appreciated the opportunity for members of the Council to review letters prior to sending them to ensure they include language/terms agreed upon by Council.

Council Member Lamnin made a motion, with two language recommendations: 1) amend Section 1.6 (E) as follows: "Support legislation... entities that provide vocational and supportive services and housing for people who are homeless, seniors, veterans and others with special needs."; and 2) amend Section 1.9 (A) to read as follows, "Support legislation... voting accessibility for voters who are elderly and/or have disabilities."

Council Member Zermeño seconded the motion. In response to his suggestion to clarify the difference between a resolution and proclamation within the document, City Manager McAdoo indicated the Council Member Handbook addressed the different types of recognitions.

Council Member Andrews asked staff to ensure the terms used in the document were appropriate, for example the term "unhoused" v. "homeless."

In response to Mayor Halliday's inquiry, Ms. James confirmed the Legislative Program was reviewed by members of the Government Alliance on Race and Equity (GARE) cohort.



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Mayor Halliday suggested replacing the Council priorities “clean” with “healthy” and “green” with “sustainable” and adding “equitable” to the list of priorities and recommended having them reviewed during the Strategic Roadmap work session and having the Legislative Program updated afterwards. Mayor Halliday also requested adding safety language to the Program and offered the following, “giving local government greater resources and authority to increase traffic and pedestrian safety.”

Council Member Lamnin was amenable to the recommendation and suggested adding it to Section 1.4 as subsection “I”. Council Member Zermeño concurred with the amendment.

Management Analyst James noted the new subsection “I” would read, “Support measures that give local government more authority and resources to implement measures that improve pedestrian and traffic safety.”

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, and carried by the following roll call vote, to approve the resolution with three amendments to the Legislative Program: (1) amend Section 1.6(E) to read: “Support legislation that aids or helps to fund the City and/or non-profit entities that provide vocational services, support services and housing for people who are homeless, seniors, veterans and others with special needs.”; (2) amend Section 1.9(A) to read: “Support legislation that establishes or expands early voting opportunities and increases physical accessibility for voters who are elderly or have disabilities.”; and (3) amend Section 1.4 by adding sub-section (I) to read: “Support measures that give local government more authority and resources to implement measures that improve pedestrian and traffic safety.”

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

Resolution 22-020, “Resolution Adopting Updates to the City’s
Official Legislative Program”

INFORMATIONAL ITEM

23. Informational Report Regarding Hayward Water Bills RPT 22-001

Staff report submitted by Director of Public Works Ameri, dated
January 18, 2022, was filed.

City Manager McAdoo noted the item was presented as general information only and if Council wished to discuss or take action, staff could bring it back at the next Council agenda.

Mayor Halliday noted the Council Sustainability Committee had reviewed and discussed the report, suggested that future bill examples show a reduction in water usage when comparing data from a prior year, and she thanked City staff and her colleagues on the Council Sustainability Committee, Council Members Zermeno and Márquez, for the work on the water bill design which will help residents make decisions about water use.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Wahab reported someone had observed that Kwanzaa was not included in the banners hanging in the City Hall Rotunda for the holiday season. Council Member Lamnin noted that banners were created by people who celebrated the specific holiday and while outreach was done, no one was identified for that holiday and asked to be contacted if there was a desire to make a banner.

Council Member Andrews noted the Keep Hayward Clean and Green Task Force would not hold a clean-up event over the upcoming weekend due to the Omicron COVID variant, reminded residents could participate in the Adopt a Block program, and announced the Task Force was organizing the Beautiful Yard contest.

Council Member Salinas recognized Council Member Andrews for her continued work during the pandemic with Keep Hayward Clean and Green Task Force efforts.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:07 p.m., noting the City Council would reconvene in Closed Session to continue discussion of remaining items and the public reporting would occur on January 25, 2022, which would be held virtually only.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward