



**CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
Tuesday, February 2, 2021, 7:00 p.m.**

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The City Council meeting was called to order by Mayor Halliday at 7:00 p.m. The special 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 the Zoom platform.

**Pledge of Allegiance:** Council Member Andrews

**ROLL CALL**

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

**PRESENTATION**

Mayor Halliday read a Proclamation recognizing February as Black History Month and celebrating the strong African American history and roots within Hayward. The Proclamation was accepted by Bridget Lowe on behalf of the Southern Alameda County chapter of the National Association for the Advancement of Colored People. Council Members expressed support for the Proclamation, thanked the Hayward Public Library for its events celebrating Black History Month, and acknowledged milestones in the 2020 November election, including the election of the nation's first African American vice president of the United States, Kamala Harris, and Hayward's first African American member of the City Council, Council Member Andrews.

**CLOSED SESSION ANNOUNCEMENT**

The City Council convened in closed session at 5:30 p.m., with all members present, regarding conference with property negotiators pursuant to Government Code section 54956.8 regarding MYL Restaurant Concepts LLC (dba "Playt") at 1036 B Street. City Attorney Lawson indicated there was no reportable action. City Attorney Lawson also announced the City Council, by unanimous vote with Council Member Zermeño motioning and Council Member Lamnin seconding, added two items to the agenda pursuant to Government Code section 54954.2(b)(2); and there was no reportable action.

## PUBLIC COMMENTS

Mr. Jesse Gunn expressed a desire for the City's \$1.2 million vested in the Student Resource Officer program to be redirected toward preventative mental health and social services for youth; and he also brought to Council's attention that the cost of apartment rents continue to increase amidst a pandemic.

Mr. Joseph Marino, St. Rose Hospital's Pulmonary Department Manager, expressed gratitude for the City's donation of 15 new ventilators, noting these are needed during the pandemic.

City Manager McAdoo noted the funds for the ventilators came from unused CDBG funds from capital projects.

Council Member Lamnin noted the Hayward Local Agencies Committee would be meeting on February 4, 2021, to further discuss the Student Resource Officer program and COVID related issues.

Council Member Zermeño, as a member of the St. Rose Hospital Foundation, thanked City Manager McAdoo and staff for the ventilators.

Council Member Wahab acknowledged Fire Chief Contreras and the Fire Department for setting up a vaccination site, their leadership in the county, and equity efforts.

Fire Chief Contreras reminded the public they will be queued to the site based on the scheduling tools to prevent overcrowding and thanked community-based organizations for their assistance in ensuring equitable access.

## CONSENT

1. Adopt a Resolution Authorizing the City Manager to Amend the Agreement with OpenGov, Inc. in an Amount Not to Exceed \$294,654 for Financial Reporting and Budgeting Services **CONS 21-011**

Staff report submitted by Director of Finance Claussen dated February 2, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Márquez, 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



**CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
Tuesday, February 2, 2021, 7:00 p.m.**

---

Resolution 21-016, "Resolution Authorizing Execution of a Professional Services Agreement with OpenGov, Inc. for Financial Reporting and Budgeting Services in an Amount Not-to-Exceed \$294,654"

2. Adopt a Resolution Approving Garbage and Recycling Rates for 2021-2022 **CONS 21-054**

Staff report submitted by Director of Public Works Ameri dated February 2, 2021, was filed.

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

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

Resolution 21-017, "Resolution Approving the Garbage & Recycling Rate Adjustment for 2021-2022"

3. Adopt a Resolution Authorizing the City Manager to Approve the Sole Source Purchase of Self-Contained Breathing Apparatuses, and Execute a Three-year Lease Agreement with L.N. Curtis and Sons in an Amount Not to Exceed \$1,116,606 **CONS 21-071**

Staff report submitted by Fire Chief Contreras dated February 2, 2021, was filed.

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

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

Resolution 21-018, “Resolution to Authorize and Approve the Sole Source Purchase of Self-Contained Breathing Apparatuses and Execute a Three-Year Lease Agreement with L.N. Curtis and Sons in an Amount Not to Exceed \$1,116,606”

4. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$21,132 in Grant Funding from the Federal Emergency Management Agency for the Creation of Defensible Space in the Hayward Hills Project **CONS 21-072**

Staff report submitted by Fire Chief Contreras dated February 2, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Márquez, 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 21-019, “Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$21,132 in Grant Funding from the Federal Emergency Management Agency (FEMA) for the Creation of Defensible Space in Hayward Hills Project”

Mayor Halliday disclosed her residence is near the Ward Creek area and noted that in discussing with the City Attorney she would not be receiving any benefit different from property owners in the area that would prevent her from voting on the item.

## **PUBLIC HEARING**

5. OHHA Prop. 218 Hearing: Proposition 218 Public Hearing to Receive and Tabulate Property Owner Ballots Regarding Formation and Levying of Assessments for the Old Highlands Area (OHHA) Road Improvement Assessment District, adopt a Resolution Establishing the Old Highlands Area Road Improvement Assessment District, Approve the Final Engineer’s Report, and Order Levy and Collection of Assessments for Fiscal Year 2022 **PH 21-001**

Staff report submitted by Director of Public Works Ameri, dated February 2, 2021, was filed.

Director of Public Works Ameri introduced Deputy Director of Public Works Garcia who provided a synopsis of the staff report.



**CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
Tuesday, February 2, 2021, 7:00 p.m.**

---

Deputy Public Works Director Garcia clarified for members of the City Council that the item was presented to the Council Infrastructure Committee at least twice; staff had attended Old Highlands Homeowners Association (OHHA) Board meetings and sent notices to property owners; and anticipated the project would be completed in five to six years.

Mayor Halliday opened the public hearing at 7:44 p.m.

Ms. Valerie Caveglia noted she was waiting for the vote to be counted.

Parkside resident asked about the scope of work and total project cost and how current tax dollars are spent. City staff noted the project includes pavement improvements only, total cost of project was estimated at \$5-6 million and was a partnership between homeowners and the City; and property taxes do not pay for road repairs.

Mr. Robert Carlson, OHHA Board President, noted the issues raised by the previous speaker had been addressed in prior discussions, added the agreement reached included the water control would be maintained and not diminished with road improvements; and the project entailed a full reconstruction of the streets.

Mr. Alexis Villalobos asked for implications of the project on sidewalks or bike lanes in the area; and how much input came from renters. City staff noted the project involved pavement improvement, shared bike lanes would be encouraged, and homeowners were engaged in meetings as they will be paying for half of the improvement costs.

Mr. William Wakeman asked about next steps and for an opt-out, exemption or appeal process. Staff noted that if Council approved the assessment, there would not be exemptions from the district; and if the assessment failed, the item would not come back for a vote, unless directed otherwise by the Council.

Mr. Joseph Marino asked if the deferred agreement on the property would be voided and if there would be a written notice releasing property owners. City staff responded in the affirmative.

Mr. Grant noted the lack of sidewalks was a compromise to get streets repaved and approval of pavement improvements did not preclude owners from considering sidewalks in the future.

Assistant City Attorney Vigilia indicated, in response to the appeal process, that under Prop 218, the validity of an assessment can be appealed.

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

Mayor Halliday directed City Clerk Lens to tabulate the ballots received and noted that Council would take the next item on the agenda in the interim.

## **LEGISLATIVE BUSINESS**

6. Negotiations Guiding Principles: Adopt a Resolution Approving the Policy/Goal Statements for Contract Negotiations as the Guiding Principles Document for 2021 Negotiations Between the City of Hayward and HAME, SEIU Local 1021 Maintenance and Clerical Units, and IFPTE Local 21 **LB 21-003**

Staff report submitted by Director of Finance Claussen dated February 2, 2021, was filed.

Finance Director Claussen provided a synopsis of the staff report. City Manager McAdoo noted the item was a minor update to a Council resolution adopted on December 5, 2017, which included overarching policy statements that do not directly impact wage and benefit proposals; indicated a complaint letter was received from Weinberg Roger & Rosenfeld on behalf of SEIU Local 1021 alleging the guiding principles are subject to a meet and confer process and the Council's adoption of the resolution would be in violation of the Meyers-Milias Brown Act (MMBA); confirmed with the legal team the claim was not accurate; and added the Council did not have to adopt the resolution if it felt uncomfortable doing so.

In response to questions from members of the City Council, City Manager McAdoo explained how the City had approached negotiations in terms of transparency and posting information in the past, the timeline for hiring a Human Resources Director, and the hiring of outside legal counsel for labor negotiations.

Council Member Márquez noted her preference was to accept the staff report as an informational item.

Council Member Wahab expressed concerns about discussion of benefits in the guiding principles and wanted to ensure proper legal analysis of the letter was done.

Mayor Halliday opened the public hearing at 8:23 p.m.

Mr. Saad M, SEIU 1021 representative, noted the guidance given to bargaining teams infers mandatory subjects; and added the resolution violates MMBA and PERB guidelines as it takes definite positions on salary and benefits and attempts to prejudice Council by pre-ordaining their bargaining stance.

Mr. Alexis Villalobos urged the Council not to pass the resolution as he is a supporter of the labor movement and SEIU.

Ms. Suzanne Philis, SEIU 1021 President of Hayward's Clerical Chapter, acknowledged the City's efforts to be transparent and noted there were positive changes in their relationship; asked for the opportunity to discuss the guiding principles and provide input before they are approved; and asked Council to not approve the resolution.



**CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
Tuesday, February 2, 2021, 7:00 p.m.**

---

Mayor Halliday closed the public hearing at 8:32 p.m.

Council Member Márquez offered a motion to accept the item as an informational item.

Council Member Salinas seconded the motion.

Council Member Márquez concurred with Ms. Philis' comments that things have improved, noted she wants to focus on mutual respect and working with integrity and in partnership, and added the Council does not have a seat at the table during negotiations.

Council Member Salinas thanked Ms. Philis for her comments and noted the City has been successful with fiscal matters because of the partnership of labor groups.

In response to Council Member Wahab's inquiry, City Attorney Lawson clarified that by accepting the report as an informational item, the Council does not take a position and the report becomes a matter of public record.

Council Member Wahab suggested the City make a priority to hire a Human Resources Director considering upcoming negotiations, appreciated comments received, and urged for constructive partnerships with buy in from all stakeholders.

Council Member Lamnin echoed appreciation for the comments; wants to continue the progress made from previous contract negotiations; wants a process to be open and consistent as possible; reiterated Council does not have a seat at the table; and added the document serves to assist the Council in supporting employees.

Council Member Zermeño noted the document serves as a philosophy for good negotiations, trust in leadership, and respect for staff; and should be viewed as an informational tool.

Mayor Halliday stated it was appropriate to accept the item as an informational report, appreciated the input provided, believed the report was a well-intentioned effort of transparency, and noted the City will continue to have discussions as it develops the 2022 fiscal budget and reviews impacts of the pandemic.

It was moved by Council Member Márquez, seconded by Council Member Salinas, and carried by the following roll call vote, to accept the report as an informational item:

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

The City Council took a five-minute recess and reconvened the meeting at about 8:55 p.m.

### **CITY MANAGER'S COMMENTS**

There were none.

### **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Salinas, Council Member Márquez, and Council Member Zermelo reminded all to take advantage of the free bulky pickup service offered by Waste Management for property owners and apartment dwellers.

Council Member Márquez encouraged everyone to subscribe to the City's newsletter, and asked staff to remind report writers to ensure reports that have been vetted by a Council Standing Committee include language to that effect.

Council Member Andrews announced the first Black Business Roundtable was scheduled for February 5, 2021, sponsored by the Hayward Chamber of Commerce featuring Business Consultant Margaret Jackson; and thanked the Library for organizing the "My Voice, My Experience" Art & Writing contest to celebrate Black History Month, and noted she was invited to be a judge.

In response to Council Member Wahab's inquiry, City Manager McAdoo noted that housing assistance for tenants and landlords could be provided by contacting the Housing Division at (510) 583-4454; and added the City's food distribution, under Chabot College's management, continued Thursdays at Chabot College.

Council Member Wahab noted staff has been working around COVID relief efforts and reported attending a Council Economic Development Committee meeting where the Hayward Chamber of Commerce participated regarding vacancy rates.

### **PUBLIC HEARING**

#### **Item 5. OHHA Prop. 218 Public Hearing: Continued.**

Mayor Halliday reopened the public hearing.





**CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
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---

City Clerk Lens indicated she had counted all ballots received and reported that ballots submitted in favor of the assessment exceeded the ballots submitted against; and the tabulation of weighted ballots included \$34,109.50 in favor of the assessment, and \$9,317 in opposition of the assessment.

Deputy Director of Public Works Garcia announced that with the majority voting to support the establishment of the assessment district, Council was empowered to approve the benefit assessment district, approve the final engineer's report, form the Old Highlands Area Road Improvement Assessment District, and order the levy and collection of assessments for Fiscal Year 2022, to be collected at the same time as property taxes.

Council Member Salinas congratulated the OHHA neighborhood and Dr. Carlson for their efforts and thanked staff members from Public Works and City Manager's office.

Council Member Márquez appreciated Dr. Carlson's efforts informing the neighborhood, organizing meetings, and thanked staff for the patience and creativity in reaching a solution.

Council Member Wahab offered a motion to approve staff's recommendation.

Council Member Zermeño seconded the motion.

Council Member Wahab expressed appreciation for the OHHA Board and Dr Carlson; asked the Public Works department to provide as much information as possible for transparency in the process; raised the need for future discussions related to additional infrastructure improvements in the community; and thanked City staff and all who participated and voted.

Council Member Zermeño noted he has walked the area and is happy to see improvements and future road improvements, and thanked Dr. Carlson and all City staff for their work.

Council Member Andrews thanked staff for answering questions, thanked community members for their engagement, and highlighted the need to provide information to the neighborhood and be realistic about easements and timing to develop sidewalks to ensure residents understand what it takes to move forward.

Council Member Márquez encouraged everyone to attend Council Infrastructure Committee meetings to stay up to date with capital improvement projects throughout the City, and noted the next meeting was April 28, 2021.

Mayor Halliday stated the road improvement was a community-driven effort with OHHA and Dr. Carlson's leadership; added the improvement will help to have safer roads; noted the history of the neighborhood was unique; and thanked staff members past and present who worked on the project.

It was moved by Council Member Wahab, seconded by Council Member Zermeño, 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 21-020, “A Resolution of the City Council of the City of Hayward Establishing the Old Highlands Area Road Improvement Assessment District, Approving the Final Engineer’s Report, and Ordering Levy and Collection of Assessments for Fiscal Year 2022”

#### **COUNCIL REFERRALS**

There were none.

#### **ADJOURNMENT**

Mayor Halliday adjourned the meeting at 9:30 p.m., in memory of Mr. John D. White Jr.

Mr. John D. White Jr. was a longtime resident of Hayward, was founder and Adjutant/Finance Officer of the American Legion’s Hayward Post 870 serving in many capacities, served as a member of the Keep Hayward Clean and Green Task Force and a member of the African American Genealogy Society of Northern California. Mayor Halliday asked staff to work with the White family and American Legion’s Hayward Post 870 to plant a tree in his memory.

#### **APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

#### **ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward