



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

Action Minutes City Council

Tuesday, May 28, 2019

7:00 PM

Council Chambers

CITY COUNCIL MEETING

CALL TO ORDER Pledge of Allegiance: Council Member Mendall

ROLL CALL

Present: 6 - Council Member Francisco Zermeno, Council Member Al Mendall, Council Member Sara Lamnin, Council Member Aisha Wahab, Council Member Mark Salinas, and Mayor Barbara Halliday

Absent: 1 - Council Member Elisa Marquez

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:00 p.m., concerning four items: 1) conference with real property negotiators pursuant to Government Code 54956.8 regarding City Center, 22300 Foothill Boulevard, Hayward, APNs: 415-0250-112-00, 415-0250-111-02 and 415-0250-113-00; 2) conference with real property negotiators pursuant to Government Code 54956.8 regarding Caltrans Parcel Group 8: Grove Way APNs: 415-0180-070-00, 415-0180-068-01, 415-0180-076-00, 415-0180-084-01, 415-0180-073-00, 415-0180-074-00, 415-0180-075-00, 415-0180-072-00, 415-0180-071-00, 415-0180-069-01, 415-0190-064-00, 415-0180-083-01, 415-0180-080-00, 415-0180-082-01, 415-0180-081-01; 3) conference with legal counsel pursuant to Government Code 54956.9(d)(2) regarding one anticipated case; and 4) public employment pursuant to Government Code 54957 regarding the City Attorney's annual evaluation. Mayor Halliday reported there was no reportable action related to Item 4 and City Attorney Lawson indicated there was no reportable action related to Items 1, 2 and 3.

PRESENTATION

Lesbian, Gay, Bisexual, Transgender, Questioning, Queer, Intersex, 2-Spirit and Gender Non-Conforming Pride Month

Mayor Halliday, with concurrence from the City Council, moved Public Hearing 9 before public comments as the item was continued from the May 14, 2019 Council meeting.

PUBLIC COMMENTS

Council Member Wahab
Ms. Wynn Grich
Mr. Charlie Peters
Mr. Jim Drake
Ms. Cynthia Nunes
Mr. Gerald Smith
Ms. Karla Gonzalez
Mr. Augie Gonzalez
Mr. Thomas Birt
Ms. Bernadette Chan
Mr. Gilbert Espinoza
Ms. Samantha Watts
Mr. Steve Jacobson
Ms. Maria Nunes
Ms. Tracy Rosenberg
Ms. Lindsay Williams
Ms. Jessica Hernandez

Approval of the Consent Calendar

A motion was made by Council Member Zermeno, seconded by Council Member Mendall, to approve the Consent Calendar. The motion carried by the following vote:

Aye: 6 - Council Member Zermeno, Council Member Mendall, Council Member Lamnin, Council Member Wahab, Council Member Salinas, and Mayor Halliday

Absent: 1 - Council Member Marquez

CONSENT**1. [Minutes of the Special City Council Meeting on May 11, 2019](#)**

Consent item approved.

2. [Approval of FY 2019-2020 Proposed Downtown Business Improvement Area Budget](#)

Consent item approved.

3. [Adoption of a Resolution to Dissolve the Downtown Business Improvement Area Advisory Board](#)

Consent item approved.

4. [Adoption of a Resolution Authorizing the City Manager to Execute Professional Services Agreements with Koff & Associates to Provide Human Resources and Compensation Review Services in an Amount Not to Exceed One Hundred Thousand Dollars \(\\$100,000\)](#)

Consent item approved.

5. [Adoption of a Resolution Authorizing the City Manager to Execute a Lease Agreement with the Federal Aviation Administration for Operational and Administrative Space at Hayward Executive Airport](#)

Consent item approved.

6. [Professional Services Agreement with St. Francis Electric, Inc.: Approval of Amendment No. 2 to Increase the Agreement by \\$200,000 for a Total Not-to-Exceed Amount of \\$475,000](#)

Consent item approved.

7. [Adoption of a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Black & Veatch Corporation to Increase the Contract Amount by \\$98,600 for Additional Engineering Services](#)

Consent item approved.

8. [Adoption of a Resolution Authorizing the City Manager to Execute a New First Responder Advanced Life Support \(FRALS\) Agreement with Alameda County](#)

Consent item approved.

PUBLIC HEARING

9. [Application to Amend Chapter 10, Article 1 \(Zoning Ordinance\) and Article 2 \(Off-Street Parking Regulations\) related to the creation of new Industrial District Regulations within the Hayward Municipal Code and the Adoption of Industrial District Design Guidelines \(Report from Development Services Director Simpson\)](#)

A motion was made by Council Member Salinas, seconded by Council Member Mendall, to approve the Industrial District regulations with a friendly amendment to allow for an increase in height in the IP and IG Districts through Major Site Plan Review approval. The motion carried by the following vote:

Aye: 6 - Council Member Zermeno, Council Member Mendall, Council Member Lamnin, Council Member Wahab, Council Member Salinas, and Mayor Halliday

Absent: 1 - Council Member Marquez

10. [Proposal to Subdivide an Existing 8.88 Acre Parcel into 22 Parcels to Allow the Construction of 19 Single-Family Residences with Common Open Space Areas and Related Site Improvements at 29080 Fairview Avenue \(APN 085A-6428-002-00\) by Erik Hayden of Hayden Land Company, LLC \(Applicant\) on Behalf of Carrie Aitken \(Owner\) Requiring a Tentative Tract Map, Planned Development \(PD\) Rezone, and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program \(MMRP\) Application No. 201603891 \(Report from Development Services Director Simpson\)](#)

A motion was made by Council Member Zermeno, seconded by Council Member Salinas, to approve staff's recommendation with friendly amendments: 1) evaluate the replacement of all 78 trees scheduled for removal, 2) evaluate the possibility of making each new residence an all-electric home, 3) add a condition of approval requiring that garages be used for parking cars; and 4) revise Condition of Approval 50H, 60 and 61. The motion carried by the following vote:

Aye: 6 - Council Member Zermeno, Council Member Mendall, Council Member Lamnin, Council Member Wahab, Council Member Salinas, and Mayor Halliday

Absent: 1 - Council Member Marquez

11. [Proposed Cannabis Retail Dispensary at 1004 B Street \(Assessor Parcel No. 428-0061-056-00\) by Siavash Afshar on Behalf of Hayward Station \(Applicant\); Alfred J. Antonini \(Property Owner\). Requiring Approval of Conditional Use Permit - Application No. 201806005 \(Report from Development Services Director Simpson\)](#)

A motion was made by Council Member Mendall, seconded by Council Member Zermeno, to approve staff's recommendation with modifications to Condition of Approval 9 and Condition of Approval 23. The motion failed by the following vote:

Aye: 2 - Council Member Mendall, and Council Member Lamnin

Nay: 4 - Council Member Zermeno, Council Member Wahab, Council Member Salinas, and Mayor Halliday

Absent: 1 - Council Member Marquez

A motion was made by Mayor Halliday, seconded by Council Member Salinas, directing staff to return with findings for denial. The motion carried by the following vote:

Aye: 4 - Council Member Zermeno, Council Member Wahab, Council Member Salinas, and Mayor Halliday

Nay: 2 - Council Member Mendall, and Council Member Lamnin

Absent: 1 - Council Member Marquez

COUNCIL REFERRALS

12. [Request to Fly the Rainbow Pride Flag on One of the Flagpoles in City Hall Plaza from June 1 to June 30, 2019](#)

A motion was made by Council Member Mendall, seconded by Council Member Wahab, to accept the request with clarifications: 1) fly the flag on the City of Hayward pole, 2) the request is for June of every year, and 3) the City accepted the Commitment to an Inclusive, Equitable, and Compassionate Community. The motion carried by the following vote:

Aye: 6 - Council Member Zermeno, Council Member Mendall, Council Member Lamnin, Council Member Wahab, Council Member Salinas, and Mayor Halliday

Absent: 1 - Council Member Marquez

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:49 p.m., in memory of David "Dave" Tuck.

NEXT MEETING, June 4, 2019, 7:00 PM