



# CITY OF HAYWARD

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

## Action Minutes City Council

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**Tuesday, November 10, 2020**

**7:00 PM**

**Remote Participation**

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### SPECIAL CITY COUNCIL MEETING

COVID-19 Notice: Consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, the City Council will be participating in public meetings via phone/video conferencing.

#### **CALL TO ORDER: Mayor Halliday**

#### **Pledge of Allegiance: Council Member Zermeño**

#### **ROLL CALL**

**Present:** 7 - Council Member Francisco Zermeno, Council Member Elisa Marquez, Council Member Al Mendall, Council Member Sara Lamnin, Council Member Aisha Wahab, Council Member Mark Salinas, and Mayor Barbara Halliday

#### **CLOSED SESSION ANNOUNCEMENT**

The City Council convened in closed session at 6:00 p.m., regarding public employment for City Manager, City Attorney, and City Clerk pursuant to Government Code 54957(b)(1). Mayor Halliday reported there was no reportable action.

City Attorney Lawson reported the City Council unanimously by acclamation with all members present, pursuant to Government Code 54954.2 (b)(2), added to the closed session agenda the case City of Hayward v. Villegas; and noted the City Council gave staff direction related to the matter.

#### **PRESENTATION**

Sikh American Awareness and Appreciation Month

#### **PUBLIC COMMENTS**

Ms. Jatinderpaul (JP) Sahi  
Ms. Crystal Araujo  
Mr. Javier Araujo  
Mr. Jesse Gunn  
Mr. Massood Habibian  
Mr. Carl Gorringer  
Council Member Mendall  
Council Member Salinas

**CONSENT**

Consent Item 4 was removed from the Consent Calendar for separate vote.

Approval of the Consent Calendar

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

Aye: 7 - Council Member Zermeno, Council Member Marquez, Council Member Mendall, Council Member Lamnin, Council Member Wahab, Council Member Salinas, and Mayor Halliday

1. [Approve City Council Minutes of the City Council Meeting on October 20, 2020](#)

Consent item approved.

2. [Approve City Council Minutes of the City Council Meeting on October 27, 2020](#)

Consent item approved.

3. [Adopt a Resolution Approving Plans and Specifications and Call for Bids for the FY 2020 Median Landscape Improvement Project Nos. 05255 & 07482](#)

Consent item approved.

4. [Adopt a Resolution Approving the Deferment of Hanger Rent Increase and Reinstatement of the 2021 Hangar Rent Increase at Hayward Executive Airport](#)

A motion was made by Council Member Mendall, seconded by Council Member Salinas, to approve staff's recommendation. The motion carried by the following vote:

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

Nay: 1 - Council Member Lamnin

5. [Adopt a Resolution Authorizing the City Manager to Continue Exclusive Negotiations with Waste Management of Alameda County to Extend the Solid Waste and Recycling Franchise Agreement](#)

Consent item approved.

6. [Adopt a Resolution Approving the Cessation of Late Fees at Hayward Public Library](#)

Consent item approved.

7. [Adopt a Resolution Authorizing and Appropriating CARES Act Funding for Emergency Response to Novel \(New\) Coronavirus \(COVID-19\) in the Amount of \\$1,979,381](#)

Consent item approved.

**LEGISLATIVE BUSINESS**

8. [Residential Rent Stabilization and Tenant Protections: Introduce an Ordinance Amending Chapter 12, Article 1 of the Hayward Municipal Code Relating to Residential Rent Stabilization and Tenant Protections to Modify the Rent Increase Threshold to the Annual Change in the Consumer Price Index \(CPI\) with a Maximum and Minimum \(Report from Deputy City Manager Ott\)](#)

A motion was made by Council Member Salinas, seconded by Council Member Wahab, to approve staff's recommendation. The motion failed by the following vote:

Aye: 3 - Council Member Zermeno, Council Member Wahab, and Council Member Salinas

Nay: 4 - Council Member Marquez, Council Member Mendall, Council Member Lamnin, and Mayor Halliday

9. [East Bay Community Energy: Provide East Bay Community Energy with a Ranking of Preferred Default Electricity Products \(Report from Director of Public Works Ameri\)](#)

A motion was made by Council Member Wahab, seconded by Council Member Márquez, to approve staff's recommendation ranking the preferred electricity options for the default products for Hayward customers as follows: 1) Brilliant 100 with subsidy; 2) Renewable 100; and 3) Brilliant 100 with rate increase; and renewable 100 as the electricity product for the City's municipal accounts. The motion carried by the following vote:

Aye: 7 - Council Member Zermeno, Council Member Marquez, Council Member Mendall, Council Member Lamnin, Council Member Wahab, Council Member Salinas, and Mayor Halliday

**PUBLIC HEARING**

10. [Costco Business Center Fuel Facility: Proposed Development of a Fuel Facility with Related Site Improvements at the Costco Business Center Located at 22330 Hathaway Avenue \(Assessor Parcel No. 429-0082-003-00\) Requiring Approval of a Major Modification to an Existing Planned Development Zoning District \(Application No. 201706217\) and Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Barghausen Engineering on Behalf of Costco Wholesale Corporation \(Applicant/Owner\) \(Report from Development Services Director Simpson\)](#)

A motion was made by Council Member Salinas, seconded by Council Member Lamnin, to direct staff to come back with findings of denial. The motion failed by the following vote:

Aye: 3 - Council Member Mendall, Council Member Lamnin, and Council Member Salinas

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

A motion was made by Council Member Zermeño, seconded by Council Member Márquez, to approve staff's recommendation including a Condition of Approval such that should the Costco Business Center cease operations, then the fuel facility (gas station) shall be required to cease operations. The motion carried by the following vote:

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

Nay: 3 - Council Member Mendall, Council Member Lamnin, and Council Member Salinas

**ADJOURNMENT**

Mayor Halliday adjourned the special meeting on November 11, 2020 at 12:14 a.m. in memory of Ms. Marylin Bender and Ms. Peggy Hora.

**NEXT MEETING, November 17, 2020, 7:00 PM**