



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chambers and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVJoVXJBckdmQT09>

Tuesday, November 7, 2023, 7:00 p.m.

The City Council meeting was called to order by Mayor/Chair Salinas at 7:02 p.m. The City Council held a hybrid meeting in Council Chambers and virtually via Zoom.

Pledge of Allegiance: Council Member Zermeño

Present: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas

Absent: None

CLOSED SESSION ANNOUNCEMENTS

The City Council convened in closed session on November 7, 2023, at 5:30 p.m., with all members present and no public speakers, regarding a conference with legal counsel pursuant to Government Code section 54956.9(d)(2) regarding one matter based on facts and circumstances that are likely to result in litigation. City Attorney Lawson indicated the Council discussed the item and took no reportable action. The closed session ended at 6:45 p.m.

PRESENTATIONS

Mayor Salinas read a Proclamation declaring the month of October 2023 as Filipino American History Month in the City of Hayward and acknowledged the following individuals: Ms. Linda Canlas, Retired Principal; former Union City Council Member Pat Gacoscos who was named one of the 100 Most Influential Filipino Women in United States; Union City Vice Mayor Gary Singh; and Hayward Unified School District (HUSD) Board President Peter Bufete. Ms. Linda Canlas, on behalf of East Bay Alameda and Contra Costa counties, thanked the City for the recognition. Mr. Peter Bufete, Vice President of the Filipino American National Historical Society East Bay Chapter, also thanked the City for such recognition. Council Member Zermeño spoke about the contributions of Filipino Americans.

Mayor Salinas read a Proclamation declaring the City of Hayward as an Education City, where Hayward strives to build a community where all residents have access to quality educational opportunities and cradle to career support to achieve life goals. Mayor Salinas indicated Hayward was the first city to issue a proclamation and acknowledged HUSD Superintendent Jason Reimann, Chabot College President Jamal Cooks, Eden Area Regional Occupational Program Superintendent Blaine Torpey, Dean Emeritus of College of Education and Allied Studies, HUSD Board Trustee Prada, HUSD Board President Bufete, Alameda County Board of Education President Janevette Cole, 4Cs Alameda County Chief Executive Officer Renee Herzfeld, and Mayor Salinas' mentor and graduate professor Frank Garcia.

The following individuals thanked the City on behalf of their institutions for the partnership and the benefit of children, neighborhoods and the community: California State University East Bay and Hayward Promise Neighborhood (HPN) Executive Director Edgar Chavez; Hayward resident, educator and 4Cs Board Member Dr. Savitha Moorthy; HUSD Superintendent Jason Reimann; Chabot College President Jamal Cooks; Alameda County Board of Education President and HPN specialist Janevette Cole; HUSD Board President Bufete; and HPN Investigator and CSUEB Dean for the College of Education Dr. Carolyn Nelson.

Alameda County (AC) Transit External Affairs Representative Diann Castleberry and AC Transit Transportation Planner Crystal Wang provided an overview of the AC Transit Realign Project involving a review of routes and schedules; transit service scenarios; key highlights of line changes; and invited all to visit the AC Transit website to take the survey which is also available at public places such as the library and in various languages.

Members of the City Council offered the following input: share survey results relating to Hayward riders; consider frequency over coverage; implement programs that encourage use of public transportation; consider more frequency across Hayward; evaluate the last-mile mode of transportation; and consider bus stop benches to improve service and goals. Jesse Gunn, Jim Robson, and Fernando Rodriguez Perez recommended that AC Transit representatives consider safe routes to schools; increase in frequency of service; and additional service to connect the east and west areas.

PUBLIC COMMENTS

Suzanne Cox, Hayward resident, reported that her neighborhood on O'Neil Avenue was the target of thefts, the Toyota Service Center was vandalized, and an auto body shop on Mission Boulevard was storing damaged cars.

CITY MANGAGER'S COMMENTS

City Manager McAdoo spoke about the successful Hayward Police Department Women in Law Enforcement Career Day event held on November 4, 2023, hosted by the Hayward Police Department, which aimed at attracting more women into law enforcement positions.

CONSENT

1. Approve the Minutes of the City Council Meeting on October 17, 2023 **MIN 23-118**
It was moved by Council Member Bonilla Jr., seconded by Council Member Goldstein, and carried unanimously, to approve the minutes of the City Council Meeting on October 17, 2023, with a change to the reference to the Ava Community Energy (AVA) reference by changing, "parts of San Joaquin Valley" with the "Valley".
2. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$40,235.40 in Grant Funding from the Alameda County Sheriff's Office for the FY 2022 Byrne Justice Assistance Grant for Hayward Police Department Operations **CONS 23-538**



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Staff report submitted by Acting Police Chief Matthews, dated November 7, 2023, was filed.

Council Member Andrews acknowledged the efforts of the Hayward Police Department in obtaining grant funds to minimize the impact on the General Fund and was pleased that funds would be used for additional training and community engagement.

It was moved by Council Member Bonilla Jr., seconded by Council Member Goldstein, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-242, "Resolution Authorizing the City Manager to Accept and Appropriate \$40,235.40 in Grant Funding from the Alameda County Sheriff's Office for the FY 2022 Byrne Justice Assistance Grant for Hayward Police Department Operations"

3. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$43,336.80 in Grant Funding from the Alameda County Sheriff's Office for the FY 2023 Byrne Justice Assistance Grant for Hayward Police Department Operations **CONS 23-539**

Staff report submitted by Acting Police Chief Matthews, dated November 7, 2023, was filed.

It was moved by Council Member Bonilla Jr., seconded by Council Member Goldstein, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-243, “Resolution Authorizing the City Manager to Accept and Appropriate \$43,336.80 in Grant Funding from the Alameda County Sheriff’s Office for The FY 2023 Byrne Justice Assistance Grant for Hayward Police Department Operations”

4. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Staples Construction Company for the Corporation Yard Complete Restroom & Locker Room Remodel Project RP230 in an Amount Not-to-Exceed \$1,004,000

Staff report submitted by Maintenance Services Director Rullman, dated November 7, 2023, was filed.

It was moved by Council Member Bonilla Jr., seconded by Council Member Goldstein, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-244, “Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Staples Construction for the Corporation Yard Complete Restroom and Locker Room Remodel Project Rp230 in an Amount Not-To-Exceed \$1,004,000 and Making Associated Findings Authorizing Procurement of the Work Through a Cooperatively Purchased Contract”

5. Adopt a Resolution Authorizing the City Manager to Amend the Professional Services Agreement with First Presbyterian Church of Hayward to Increase the Winter Warming Shelter at South Hayward Parish Contract Amount by \$495,000 for a Total Not-To-Exceed Amount of \$2,545,000 **CONS 23-584**

Staff report submitted by Community Services Manager Cole-Bloom, dated November 7, 2023, was filed.

Council Member Bonilla Jr. was pleased the City was able to find \$495,000 in funding to continue the operations of the Winter Warming Shelter, and also thanked Alameda County, specifically Supervisor Márquez, for assisting with the remaining \$150,000 funding gap towards the \$645,000.

Council Member Roche was also pleased with the increase in allocation towards the Winter Warming Shelter and recommended that staff consider the funding needed to maintain the level of service that the funds will allow them to provide this year.



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It was moved by Council Member Bonilla Jr., seconded by Council Member Goldstein, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-245, "Resolution Authorizing the City Manager to Amend the Professional Services Agreement with First Presbyterian Church of Hayward to Increase the Winter Warming Shelter at South Hayward Parish Contract Amount by \$495,000 for an Amount Not-to-Exceed \$2,545,000"

6. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Third Amendment to the Existing Ground Lease with Mahabal Hospitality, LLC **CONS 23-591**

Staff report submitted by Director of Public Works Ameri, dated November 7, 2023, was filed.

It was moved by Council Member Bonilla Jr., seconded by Council Member Goldstein, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-246, "Resolution Authorizing the City Manager to Negotiate and Execute a Third Amendment to the Ground Lease with Mahabal Hospitality, LLC"

LEGISLATIVE BUSINESS

7. Council Member Handbook: Adopt a Resolution Approving Modifications and Edits to the Council Member Handbook **LB 23-040**

Staff report submitted by City Attorney Lawson, City Clerk Lens, Assistant City Manager Youngblood, and Sr. Assistant City Attorney Vigilia, dated November 7, 2023, was filed.

Assistant City Manager Youngblood provided a synopsis of the staff report.

Mayor Salinas thanked City staff and Council Members Syrop and Goldstein for serving on the Ad Hoc Committee with him and shared that Council Member Handbook changes involved a thoughtful process.

Council Member Andrews requested that the Keep Hayward Clean and Green Task Force's monthly clean-up events reference on page 11 of the City's Appointed Officials Handbook be amended to reflect the current frequency of clean-up events and include outside events.

Council Member Bonilla Jr. suggested that language for members who fail to meet the performance criteria should be changed from "encouraged to submit an application" to "required to submit an application" and added that members should be required to appear in an interview and address why they were unable to meet the attendance requirement and should be considered like any other new applicant. Council Member Bonilla Jr. also suggested that language be added to the section referencing the City Clerk will notify the Council of situations when members fail to maintain attendance requirements to indicate next steps after the Council is notified.

Discussion ensued among members of the City Council and City staff regarding: the seventy-five percent attendance requirement for Council appointed members and their removal for failing to meet such requirement; and compensation for members of the City Council.

In response to inquiries from Council members, staff clarified a few points: the alternate list expires at the start of the next recruitment process which commences in April of each year; appointments made by the Mayor to outside county agencies via a consent item would be considered at the same time appointments were made to Council standing committees and commissions; and if the Council were to consider compensation Option 2, the new pay rate would be established in Fiscal Year 2025 and the formula applied starting in August 2024 and moving forward in each subsequent year, and Option 2 would not include a retroactive paycheck.

Mayor Salinas opened the public hearing at 8:54 p.m.

Alameda County Board Supervisor Márquez commended the Council for their dedication and hard work in their role on behalf of Hayward residents; and expressed her support for Council compensation option two or three.

Alexis expressed his support for Council compensation option two; noted he was proud of the work done by the current/former City Council; and indicated his support was for the accessibility of the Council role to everyday working-class residents so that anyone who wants to be a representative had the option to do it and that cost of living was not prohibitive.

Mayor Salinas closed the public hearing at 8:57 p.m.



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Members of the City Council thanked Ad Hoc Committee members Salinas, Goldstein and Syrop for the Handbook review and unanimous recommendations.

Council Member Syrop concurred with the proposed language for attendance requirement of Council appointed members as the goal was to take a tougher posture on performance and attendance; supported Council compensation option two which was recommended unanimously by the Ad Hoc Committee and represented less than the living wage and would expand the candidate pool of residents who want to serve the community; and made a motion to approve the recommendations.

Council Member Goldstein seconded the motion.

Council Member Goldstein expressed that the Ad Hoc Committee's recommendation was not at all radical, but a mechanism that had been approved years ago and in recognition of what it would take for someone to serve on the Council the least that could be done was to make it affordable; noted that in addition to paying regular bills, members of the Council made contributions to various events paid out of their personal funds; and the proposed would give the average Hayward resident the economic ability and fighting chance to be able to serve.

Council Member Bonilla Jr. noted, given the Council's consensus, there should be consistent language throughout the Handbook indicating that the Council will take action to remove commissioners who fall below the seventy-five percent attendance threshold; suggested having stronger language in the City's Appointed Officials Handbook to indicate that bylaws will be approved by Council action via a consent item and that commissioners should not oversee subject matter already overseen by other commissions, task force, or committees; expressed support for Council compensation option two indicating the proposal would be applied consistently as reflected in the Municipal Code, would keep up with the pace of inflation and CPI, and constituted a negligible amount considering the number of hours and dedication put in by members of the Council; and approved the recommendation including word changes reflected in his prior comments.

Council Member Roche noted that the Ad Hoc Committee's unanimous recommendations made it easier to support them; indicated that members of the Council were committed to public service and were inclined to accept their role as a glorified volunteer job with a stipend but should not be a burden on a family; underscored they were out of compliance with the Municipal Code and appreciated that in the future residents could make calculations when they decide to run for office; and appreciated the amendment to the Motion to Amend section as this would assist with future instances when there are several layers of motions.

Council Member Zermeño concurred with proposed Handbook language modifications; agreed with comments on compensation but did not want to call it a raise as it was an application of the provisions of the Municipal Code; and supported Council compensation option two which

reminded him of equity as certain individuals could now consider serving on the Council who could not previously do so.

Council Member Andrews supported the proposed changes to the Handbook particularly those related to Council appointed members' attendance emphasizing that decisions made by commissions such as the Planning Commission are important for the community and current attendance rates were appalling, bad for morale; supported Council compensation option three because she was concerned about setting a precedent with the proposal; recognized it was important for residents to feel they have an opportunity to serve despite their background; acknowledged Supervisor Márquez for her public comment and recognized Mayor Salinas and Council Member Zermeño for their long-time service; stressed that Council members serve on additional committees and attend events which require time away from their families, and acknowledged City employees who made concessions during tough economic times.

Mayor Salinas expressed that he and Council Member Zermeño were elected at a time when the Council was required to be a good steward of the budget and keep the City moving forward while being solvent; acknowledged that a majority of members of the Council had Master degrees, represent the City well, were committed to the community, and constituted one of the most competent Councils in Alameda County; and expressed support for Council compensation option two and additional language changes to the Handbook. Mayor Salinas added that the Council was directing staff to return to Council with an action item related to Council compensation option two and the salary plan.

City Attorney Lawson asked if the amendments offered by Council Member Bonilla Jr., by way of friendly amendments, which included attendance language, bylaw changes, and language indicating that commissions and task forces would follow their mission direction without attempting to move into subject matter areas of other advisory bodies, were acceptable to the seconder. Council Member Goldstein confirmed he was amenable to the friendly amendments.

Council Member Andrews confirmed that her recommendation of bimonthly meetings for the KHCGTF would be incorporated into the amendments to the Handbook.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried by the following roll call vote, to adopt the resolution with friendly amendments.

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 23-247, "Resolution Approving Modifications to the Council Member Handbook"



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COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Goldstein shared that the Alameda County Mayor's Conference would be held on November 8, 2023. Mayor Salinas clarified that the public could participate in the public comment section of the conference.

Council Member Goldstein shared that on November 9, 2023, an award ceremony and acknowledgment was being held at City Hall for individuals who completed fiscal responsibility classes through the Alameda County Housing Authority and on November 13, 2023, the Hayward Rotary Club was organizing a Brunch Community Fundraiser at Chabot College.

Council Member Andrews acknowledged City staff for creating a chart for the Hayward Evaluation and Response Team (HEART) which was helpful in explaining the difference between HEART versus the Mobile Integrated Health Unit (MIHU) and added that anyone experiencing mental illness or who would like to report an incident could dial 9-8-8 or 510-293-7048 for more information.

Council Member Bonilla Jr. shared that establishing a Council Public Safety Committee had been discussed at a previous Council meeting, and hoped this would be available for Council review on December 5, 2023.

Mayor Salinas stated that on November 2, 2023, he hosted the Northern California College Promise Coalition at Chabot College where former mayors, educational administrators, and HUSD, Chabot and Las Positas College, and CSUEB executives met to discuss how they could work better with their local municipal government; and was pleased that Hayward was declared an Education City and urged his colleagues throughout Alameda County and the Bay Area to declare their city education cities.

ADJOURNMENT

Mayor Salinas adjourned the City Council meeting at 8:33 p.m.

APPROVED

Mark Salinas
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward