



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Hybrid (Council Chamber) Virtual Platform (Zoom)

<https://hayward.zoom.us/j/85407475291?pwd=MzZiVDdBWjNjSTV0dFkrOTYwVnhLUT09>

Tuesday, October 25, 2022, 7:00 p.m.

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m. The City Council held a hybrid meeting in Council Chambers and virtually via Zoom.

Pledge of Allegiance: Council Member Zermeño

Present

Council Chamber: Council Members Lamnin, Zermeño
Mayor Halliday

Virtual Platform (Zoom): Council Members Márquez, Salinas, Wahab

Absent: Council Member Andrews

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:30 p.m., with Council Member Andrews absent and no public comment, regarding the City Manager's performance evaluation pursuant to Government Code 54957. Mayor Halliday announced there was no reportable action.

PRESENTATIONS

Mayor Halliday read a certificate of commendation presented to Assemblymember Bill Quirk, PhD, upon his retirement after having served on the California State Assembly for ten years and the Hayward community through many organizations; and in honor of his dedication and commitment to the City of Hayward and State of California.

Assemblymember Bill Quirk presented his last legislative update on: highlights of the 2022-2023 budget, legislative successes which included Community Assistance, Recovery, and Empowerment (CARE) court for homeless individuals, extension of Bagley-Keene suspension until 7/1/23, and climate pillars package; provided highlights of 2022-2023 bills passed which included AB 847 (Metallic Foil Balloons), AB 1787 (Pesticide Poisoning Prevention Program Update), AB 1954 (Cannabis: Chronic Pain Management), AB 2188 (Cannabis: Employment Discrimination); gave highlights of his ten-year legislation which included AB 57 (Telecommunications) and AB 1786 (Vehicles: use of wireless electronic devices); spoke about the Muslim Appreciation and Awareness Month recognition; and shared personal reflections and future endeavors.

PUBLIC COMMENTS

Mr. Jim Drake shared he observed a city employee removing campaign signs posted throughout the Jackson Triangle and he believed that candidates should be able to

advertise; emphasized the need for more police officers and firefighters; and expressed concerns about donations made to Ukraine.

The following small business owners expressed concerns about the unfair competition of street vendors that are hurting small businesses, do not have business permits, do not follow public health inspection/sanitary regulations, block street sidewalks, leave behind garbage, do not comply with laws on disuse of plastic and foam, and do not pay taxes; shared it was difficult for licensed businesses to retain employees because street vendors pay them higher wages in cash; noted businesses closed during the pandemic and the current competition might force them to close their businesses permanently; and urged the City to meet with business owners to find a solution and perhaps consider relocating street vendors to a particular area.

Mr. Jose Huitron, El Pastorcito

Mr. Pepe, Metro

Mr. Jorge Flores, Don Polvoron Bakery

Ms. Haydee Martinez, Don Gaspacho Ice Cream Shop

Mr. David Franco, Taqueria Arandas

Ms. Elena Lepe, El Puente Comunitario representative, was joined by residents of an apartment complex on Cypress Avenue and noted the property owner was passing along the electricity bill over to tenants; and the tenants were requesting assistance.

Ms. Nancy Munoz, resident of an apartment complex located on Cypress Avenue, indicated that property management was charging its residents for gas and electricity, taking rent money to pay for the bills, and refusing to share the information with tenants; noted that when residents attempted to collect signatures, the property management threatened to evict them.

City Manager McAdoo provided her contact and invited affected members to get in touch with her office so that Housing Division staff could review the matter.

Ms. Suzanne Luther stated that street vendors were unlicensed, and it was an unfair competition for restaurant owners who were paying taxes, payroll and conducting their businesses legitimately; and hoped the City would investigate the matter.

Mr. Tom Ferreira expressed that his campaign signs and banners placed along Hesperian Boulevard had been removed even though they had been placed on private property.

Council Member Zermeño empathized with small restaurant owners, acknowledged the challenges facing small businesses, and concurred with Mr. Franco's comments that designating a space for street vendors would make it easier to enforce regulations.

Council Member Márquez asked the City Manager to speak to policies on street vendors being on the list of strategic initiatives, shared information on why the City was prohibited



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from acting on the matter during the shelter in place order, and advised there were plans underway to address the concerns raised.

Council Member Wahab concurred that the topic of street vendors was on the City's Strategic Roadmap and agreed that a set location be established for street vendors but away from brick-and-mortar businesses.

City Manager McAdoo stated that to improve access and employment opportunities for community members, the state had passed laws limiting cities' abilities to regulate street vendors; confirmed a sidewalk vendor ordinance was a part of the City's Strategic Roadmap; and encouraged the public to contact her office to ensure they are notified as the City conducts outreach to businesses during the development of the ordinance.

Mr. Gabriel Altamirano shared that AB 626 establishes microenterprise home kitchen and vendor type operation and gives cities the ability to regulate by ordinance for health and safety purposes, added that SB 946 indicates that local jurisdictions cannot discriminate sidewalk vendors but could regulate them, added that AB 1616 permits the preparation of food in home kitchens for sales at a retail level, and urged small businesses to look into the legislation and advocate with the City.

CITY MANAGER'S COMMENTS

City Manager McAdoo spoke about an officer involved shooting (OIS) incident which occurred on October 24, 2022. Deputy Police Chief Matthews shared preliminary information about the tragic incident which resulted in a man deceased and two officers injured. It was noted that since the incident ended in Castro Valley, the Alameda County Sheriff's Office would serve as the lead agency, the Alameda County District Attorney's Office would conduct a criminal investigation, an independent consulting firm would conduct an administrative investigation and the incident would be referred to the California Department of Justice office of the Attorney General for review. They stressed that the incident was tragic and offered sympathy to everyone involved.

CONSENT

Consent Item No. 10 was pulled from the Consent Calendar to allow for public input.

1. Approve the City Council Minutes of the Special City Council Meeting on October 11, 2022 **MIN 22-123**

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously with Council Member Andrews absent, to approve the minutes of the special City Council Meeting on October 11, 2022.

2. Adopt a Resolution Accepting the Resignation of Pooja Rathaur from the Hayward Youth Commission and Appointing Ronak Sharma to Fulfill the Unexpired Term which Will Expire June 30, 2023 **CONS 22-574**

Staff report submitted by City Clerk Lens, dated October 25, 2022, was filed.

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

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

Resolution 22-255, “Resolution Accepting the Resignation of Pooja Rathaur from the Hayward Youth Commission and Appointing Ronak Sharma to Fulfill the Unexpired Term which will Expire June 30, 2023”

3. Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361 **CONS 22-575**

Staff report submitted by City Clerk Lens, dated October 25, 2022, was filed.

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

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

Resolution 22-256, “Resolution Making the Required Findings Pursuant to AB 361 to Continue to Hold Teleconferenced Public Meetings During the COVID 19 State of Emergency”

4. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 7 Increasing the Professional Services Agreement with Advanced Mobility Group, Inc., by \$200,000 for a Total Not-to-Exceed Amount of \$832,500 **CONS 22-565**

Staff report submitted by Public Works Director Ameri, dated October 25, 2022, was filed.



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

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

Resolution 22-257, "Resolution Authorizing the City Manager to Execute Amendment no. 7 Increasing the Professional Services Agreement with Advanced Mobility Group, inc., by \$200,000 for a Total not-to-Exceed Amount of \$832,500 for on-call Traffic Engineering Design and Other Related Services"

5. Adopt a Resolution Approving Addendum No. 01, and Awarding a Construction Contract to W. Bradley Electric, Inc., for the Traffic Signal Upgrade at Huntwood Avenue, Project No. 05737 in a Not-to-Exceed Amount of \$861,000 **CONS 22-568**

Staff report submitted by Public Works Director Ameri, dated October 25, 2022, was filed.

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

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

Resolution 22-258, "Resolution Approving Addendum No. 01 for the Traffic Signal Upgrade at Huntwood Avenue, Project No. 05737 and Awarding the Construction Contract to W. Bradley Electric, Inc."

6. Adopt a Resolution Approving Plans and Specifications, Purchasing Continuous Deflective Separator Units, and Calling for Bids for a Trash Capture Device Installation on Tennyson Road, Project No. 07746 **CONS 22-601**

Staff report submitted by Public Works Director Ameri, dated October 25, 2022, was filed.

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

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

Resolution 22-259, “Resolution Approving Plans and Specifications, Purchasing Continuous Deflective Separator Units, and Calling for Bids for a Trash Capture Device Installation on Tennyson Road, Project No. 07746”

7. Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Strategic Economics Inc. for an Additional \$13,710 to Provide Additional Technical Expertise to Support Staff in Refining Policy Recommendations Related to Modifications of the Affordable Housing Ordinance for a Total Agreement Amount Not-To-Exceed \$88,620 **CONS 22-591**

Staff report submitted Assistant City Manager Ott, dated October 25, 2022, was filed.

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

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

Resolution 22-260, “Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Strategic Economics Inc for an Additional \$13,710 to Provide Additional Technical Expertise to Support Staff in Refining Policy Recommendations Related to Modifications of the Affordable Housing Ordinance for a Total Contract Not-to-Exceed Amount of \$88,620”

8. Adopt Resolutions Authorizing the City Manager to Accept \$1,500,000 in Federal Grant Funds and to Execute Grant Agreements for Federal and State Funds for the Stack Center **CONS 22-600**

Staff report submitted Assistant City Manager Ott, dated October 25, 2022, was filed.



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

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

NOES: None

ABSENT: COUNCIL MEMBER Andrews

ABSTAIN: None

Resolution 22-261, “Resolution Authorizing the City Manager to Accept and Appropriate \$1,500,000 in Community Project Funding from the Department of Housing and Urban Development for the Stack Youth and Family Center”

Resolution 22-262, “Resolution of the City Council of the City of Hayward Authorizing the City Manager to Execute Agreements with the California Department of Transportation for the City of Hayward’s Stack Center Site Work and Plaza”

9. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Staples Construction Company for the City Hall First Floor Restroom Renovations in an Amount Not-to-Exceed \$199,211 **CONS 22-611**

Staff report submitted Maintenance Service Director Rullman, dated October 25, 2022, was filed.

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

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

NOES: None

ABSENT: COUNCIL MEMBER Andrews

ABSTAIN: None

ABSTAIN: None

Resolution 22-263, “Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Staples Construction Company for the City Hall First Floor Restroom Renovations in An Amount Not-to-Exceed \$199,211 and Making Associated Findings Authorizing Procurement of the Work Through a Cooperatively Purchased Contract”

10. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Newton Construction & Management for the Hayward Police Department Building Improvement Project in an Amount Not-to-Exceed \$246,326.65 Pursuant to a Cooperative Purchasing Agreement **CONS 22-612**

Staff report submitted Maintenance Service Director Rullman, dated October 25, 2022, was filed.

Ms. TJ, with Hayward Concerned Citizens, indicated assessments were conducted for seismic retrofitting and restructure, roof patching, locker room with a breastfeeding area; underscored the Hayward Police Department needed a new building; and urged the City to consider a new state-of-the-art building for the Police Department.

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

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

Resolution 22-264, “Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Newton Construction & Management for the Hayward Police Building Facilities Project in an Amount Not-to-Exceed \$246,326.65 and Making Associated Findings Authorizing Procurement of the Work Through a Cooperatively Purchased Contract”

WORK SESSION

11. Hayward Food Action Plan: Provide Input on the Hayward Food Action Plan Scope and Timeline (Report from City Manager McAdoo) **WS 22-034**

Staff report submitted by City Manager McAdoo, dated October 25, 2022, was filed.

City Manager McAdoo announced the item and introduced Management Analyst Thomas and Management Fellow Hwang who provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public comment section at 8:46 p.m.

Members of the Council thanked staff for the work on the Hayward Food Action Plan and meeting with community partners; and expressed general agreement with the goal of the Hayward Food Action Plan planned to be completed in the spring of 2023.



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Council Member Salinas suggested investing in a designated site where food distribution could be led by one model agency or multiple agencies taking turns distributing food on different days; noted the challenges with existing organizations that distribute food included traffic impact on neighborhoods and lack of food storage space; suggested studying the feasibility of using the parking lot at the City Center Building, former City Hall, for food distribution and a place to park a refrigerator container; shared that UC Davis's School of Agriculture had been a great partner for coordinating food activities, had a great curriculum developed and was comprised of local professional nutritionists; and noted that the mission of organizations to have healthy communities was adapted to include food distribution.

Council Member Zermeño underscored the need for a Food Action Plan; recommended planting fruit trees on railroad track intersections near Tennyson Road, A Street and B Street, away from the sidewalk to mitigate liability concerns; requested that staff look into expansion of school farms, exemplifying that the one at Tennyson High School was a good program to expand to other high schools and middle schools; and favored continuing to provide a diverse mix of foods at food distributions.

Council Member Márquez expressed interest in career pathways and entrepreneurship opportunities and how the Plan falls in the City's Strategic Roadmap initiatives to get to the issues of food scarcity and address concerns raised by local businesses during public comments; asked staff to look into the eligibility requirement for SSI and CalFresh Food benefit recipients and legislation that can help those in need to qualify; recommended partnering with HUSD to determine which schools have capacity to grow fruits and vegetables and add an educational component that can be passed from students to their families; suggested exploring ways to ration food according to family size or return excess to avoid food wastage; and wondered if community partners could survey their clients to find the top 7-10 food staple to best meet the needs of demographic groups and ensure food banks get them in their inventory.

Council Member Lamnin suggested engaging the Hayward Youth Commission and Community Services Commission; echoed comments about legislation related to SSI no food benefit; indicated that with green credits, there was available funding for carbon capture and this could help pay for community fruit trees; noted that Alameda County was working on a good food purchasing policy and stressed the importance of creating local economic opportunities by growing food and purchasing locally; appreciated the career pathways at different educational institutions and wondered if that would create an opportunity for high school students to return to elementary schools and teach; and suggested exploring food crops that could be grown at school sites.

Council Member Wahab stated that South Hayward residents need healthier food options; noted that individuals who were receiving food from Chabot College during the pandemic

were not redirected to new providers when the service concluded; urged the City to partner with existing agencies that are experts in food service delivery such as Spectrum, Davis Street Family Resource Center, and Salvation Army; suggested creating a strategic plan that would address how grocery stores handle food wastage; noted the digital divide and language barrier can disenfranchise individuals in need of food; recommended reaching out to Sikh gurdwaras and mosques which provide free meals; noted the Plan could be a catalyst to develop a community infrastructure on food security capable of reaching out through their networks in the top spoken languages; and suggested exploring how to integrate the Food Action Plan within existing agencies that provide food and community resources and provide a reporting mechanism through their meetings.

Mayor Halliday noted the food distribution at Chabot College during COVID-19 was a City initiative; supported the idea of the Hayward Youth Commission being engaged; hoped the Project Eat, a program of Alameda County Office of Education, would be reinstated because it was beneficial for children to learn at an early age about good nutrition; urged staff to focus on minimizing food wastage as statistics indicate that enormous amounts of food are wasted across the country annually; and suggested the idea of organizing a food sharing fair.

LEGISLATIVE BUSINESS

12. Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2023 LB 22-021

Staff report submitted by Assistant City Manager/Interim Human Resources Director Youngblood, dated October 25, 2022, was filed.

Assistant City Manager/Interim Human Resources Director Youngblood introduced Acting Human Resources Deputy Director Master who provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:34 p.m.

Council Member Wahab made a motion to approve staff's recommendation, highlighted the importance of having competitive salaries to recruit and retain the best candidates, emphasized the work done by the Hayward Fire Department, especially around COVID-19, mental health, and homeless calls, and expressed she looked forward to getting a new Human Resources Manager to fill vacancies in public safety.

Council Member Lamnin seconded the motion.

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



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MAYOR Halliday

NOES: None

ABSENT: COUNCIL MEMBERS Andrews

ABSTAIN: None

Resolution 22-265 "Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2023 Designating Positions of Employment in the City of Hayward and Corresponding Salary Ranges; and Superseding Resolution No. 22-237 and All Amendments Thereto"

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Salinas announced the Trunk or Treat event on October 29, 2022 at the Hayward Heritage Plaza.

Council Member Lamnin shared that she attended the launch celebration of CSUEB's Disability Research and Advocacy Center which will offer integrated arts programs and would be a resource for policies on universal design accommodations; and led a tour throughout East County covering concepts such as tiny homes, live-work farm opportunities, and housing insecurity among others.

Council Member Márquez thanked those who attended the Keep Hayward Clean and Green Task Force's Clean-Up event on October 22, 2022, noting that it was also Make a Difference Day in partnership with CSUEB; and shared that she did a ride along with HPD District Command Sgt. Maloney and commended her work with the community.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 9:45 p.m., in honor and memory of Farid Ramezanzadeh, longtime City of Hayward Laboratory Supervisor with the Public Works Department who passed away in an unfortunate incident while vacationing in Ecuador. It was noted he was hardworking and easygoing, forward thinking and striving to stay ahead of the curve, had recently helped the City to be the first in northern California to complete the laboratory accreditation program one year ahead of the deadline, was beloved throughout the city as well as the region; and individuals could make donations to his favorite water charity - charitywater.org/farid.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward