



CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88531878204?pwd=ZjgrdFlIRStmSmZMa2ZqVHcvNFp6UT09>

Tuesday, March 22, 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 which included in-person and teleconference participation by members of the City Council, staff and public.

Pledge of Allegiance: Council Member Lamnin

ROLL CALL

Present

Council Chamber: Council Member Lamnin
Mayor Halliday

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

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on March 22, 2022, at 5:30 p.m., with all members present, regarding a conference with property negotiators pursuant to Government Code section 54956.8 regarding Cargill Salt; 7220 Central Avenue, Newark, CA 94560, APN: 537-751-7-1. City Attorney Lawson announced there was no reportable action related to the item and the closed session adjourned at 6:35 p.m.

PRESENTATIONS

Mayor Halliday read a certificate of commendation presented to Avellino Labs, a private company that worked closely with the Hayward Fire Department in March 2020 to implement Polymerase Chain Reaction (PCR) testing and develop protocol COVID-19 testing. Avellino Lab's executive team, Jon Robson, John Hong, Scott Korney, and Angela Lapré, along with Hayward Fire Chief Contreras, were present in the Council Chamber to accept the commendation. Fire Chief Contreras indicated Avellino Labs offered to provide two paramedic program scholarships per year for the next three years,

Mayor Halliday read the proclamation declaring March 2022, as "Women's History Month" in Hayward recognizing women's contributions toward equality and social justice for girls and women. Mayor Halliday highlighted a program held by the Eden Area League of Women Voters honoring long-time women leaders in Alameda County.

PUBLIC COMMENTS

There were none.

CITY MANAGER'S COMMENTS

City Manager McAdoo thanked Avellino Labs and Fire Chief Contreras, for his foresight, innovation, and leadership at the start of the COVID-19 pandemic, including rapid implementation of COVID-19 testing. Mayor Halliday recognized City Manager McAdoo for contributing to advancing women in government.

CONSENT

1. Adopt a Resolution Accepting the Resignation of Ms. Kelly Peterson from the Library Commission, Effective Immediately **CONS 22-142**

Staff report submitted by City Clerk Lens, dated March 22, 2022, was filed.

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

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

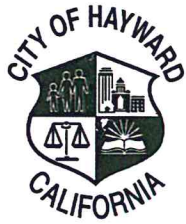
Resolution 22-058, "Resolution Accepting the Resignation of Ms. Kelly Peterson from the Library Commission"

2. Adopt a Resolution Appointing Ms. Shareen Purcell to the Library Commission to Fulfill the Unexpired Term of Ms. Kelly Peterson **CONS 22-169**

Staff report submitted by City Clerk Lens, dated March 22, 2022, was filed.

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

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



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Resolution 22-059, "Resolution Appointing Ms. Shareen Purcell to the Library Commission to Fulfill the Unexpired Term of Ms. Kelly Peterson"

3. Adopt a Resolution of Intention to Amend the Precise Plan Line for Rockaway Lane from "A" Street to Russell Way, Reducing the Right-of-Way Width Requirement from 68 Feet to 56 Feet; Applicant/Owner: William Frankel, 22422 Rockaway LLC, Application No. 202105041 **CONS 22-151**

Staff report submitted by Director of Public Works Ameri, dated March 22, 2022, was filed.

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

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

Resolution 22-060, "Resolution of Intention to Amend Precise Plan Lines for Rockaway Lane from "A" Street to Russell Way"

4. Adopt a Resolution Authorizing the City Manager to Execute the Amended and Restated Water Supply Agreement with the City and County of San Francisco and Wholesale Customers and Approving a Minimum Purchase Transfer from the City of Mountain View to the City of East Palo Alto **CONS 22-154**

Staff report submitted by Director of Public Works Ameri, dated March 22, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt two resolutions.

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

Resolution 22-061, "Resolution Authorizing the City Manager to Execute the Amended and Restated Water Supply Agreement with the City and County of San Francisco and Wholesale Customers"

Resolution 22-062, "Resolution Approving a Minimum Purchase Transfer from City of Mountain View to City of East Palo Alto"

5. Adopt Resolutions 1) Awarding a Contract to Sposeto Engineering, Inc. for the Safe Routes for Seniors Project, Project No. 05309, in the Amount of \$2,366,608, and Authorizing a Contingency Budget of \$233,000 for Administrative Change Orders; 2) Appropriating Measure BB Paratransit Funds, in the Amount of \$250,000 to Project No. 05309; and 3) Transferring Funds in the Amount of \$400,000 from the Main Street Complete Streets Project, Project No. 05283, to SR4S Project No. 05309 **CONS 22-155**

Staff report submitted by Director of Public Works Ameri, dated March 22, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt three resolutions.

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

Resolution 22-063, "Resolution Approving Award of Contract for the Safe Routes for Seniors Project, Project No. 05309 to Sposeto Engineering, Inc."

Resolution 22-064, "Resolution to Appropriate Additional Authorized Measure BB Paratransit Funds, in an Amount of \$250,000, for the Safe Routes for Seniors (SR4S) Project, Project No. 05309, Within Measure BB Paratransit Operating Fund (Fund 214) and Authorize the Transfer of Funds from Fund 214 to Measure BB Paratransit Cip Fund (Fund 219)"

Resolution 22-065, "Resolution to Transfer Funds, in the Amount of \$400,000, from Main Street Complete Street Project, Project No. 05283, to the Safe Routes for Seniors (SR4S) Project, Project No. 05309"



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6. Adopt Resolutions 1) Authorizing the City Manager to Execute an Amendment Increasing the Professional Services Agreement with SurfaceDesign, Inc., by \$122,975 for a Total Not-to-Exceed Amount of \$637,975 for Additional Design and Consultant Services; and, 2) Authorizing the City Manager to Execute an Amendment Increasing the Professional Services Agreement with Langan Engineering and Environmental Services by \$200,026 for a Total Not-to-Exceed Amount of \$493,426 for Additional Design and Consultant Services for the La Vista Park Project, Project No. 06914 **CONS 22-158**

Staff report submitted by Director of Public Works Ameri, dated March 22, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt two resolutions.

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

Resolution 22-066, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with SurfaceDesign, Inc. for the La Vista Park Project, Project No. 06914"

Resolution 22-067, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Langan Engineering and Environmental Services for the La Vista Park Project, Project No. 06914"

7. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with LookingPoint for Cisco Unified Computing System (UCS) and VMWare Refresh in an Amount Not-to-Exceed \$300,000 **CONS 22-170**

Staff report submitted by Chief Information Officer/Director of Information Technology Kostrzak, dated March 22, 2022, was filed.

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

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

Resolution 22-068, "Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with LookingPoint for Cisco UCS and VMware Refresh in an Amount Not to Exceed \$300,000"

8. Adopt a Resolution Authorizing the City Manager to Reestablish a Police Trainee/ Entry Level/Academy Graduate (TEAG) Hiring Bonus Program & Lateral Hiring Bonus Program and Reestablish a Hiring Incentive Referral Program (HIRP) for City Employees **CONS 22-172**

Staff report submitted by Chief of Police Chaplin, dated March 22, 2022, was filed.

Council Member Lamnin recommended evaluating a Hiring Bonus Program for dispatch and other difficult to fill classifications in various City departments if offset by vacancy savings.

It was moved by Council Member Lamnin, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt three resolutions.

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

Resolution 22-069, "Resolution Authorizing the City Manager to Reestablish a Hayward Police Department Trainee/Entry Level/ Academy Graduate (TEAG) Hiring Bonus Program"

Resolution 22-070, "Resolution Authorizing the City Manager to Reestablish a Hayward Police Department Lateral Officer Hiring Bonus Program in the Amount of \$20,000 Per Qualified Candidate Hired"

Resolution 22-071, "Resolution Authorizing the City Manager to Reestablish a Hayward Police Department Hiring Incentive Referral Program (HIRP) in the Amount of \$2,000 to Qualified Referring Employees"



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LEGISLATIVE BUSINESS

9. Fireworks Ban Education and Enforcement: Introduction of Two Ordinances Amending Chapter 4 Article 15 of the Hayward Municipal Code Relating to Social Nuisance by Specifically Including Fireworks and Chapter 3 Article 3 of the Hayward Municipal Code Relating to Fireworks by Specifically Identifying Property Owners Accountable for Fireworks **LB 22-009**

Staff report submitted by Assistant City Manager/Development Services Director Ott, dated March 22, 2022, was filed.

Assistant City Manager Ott and Management Analyst Thomas provided a synopsis of the staff report indicating a staff interdepartmental taskforce, comprising Deputy Fire Chief Vollmer, Police Sergeant Maloney, and Code Enforcement Manager Nichols, was created to address the issue of illegal fireworks.

Discussion ensued among members of the City Council and City staff regarding: \$30,000 estimated costs to staff enforcement activities and a portion offset through fines collected; fireworks enhanced enforcement process including appointed officers and assigned staff involvement; proposed enforcement process specific to property owners and not private properties; sale of fireworks in Union City represents significant fundraising for non-profit groups and a regional partnership related to sale of fireworks might be best approach; plan to use the month of April for educational approach; administrative hearing appeal process including written legal notifications to property owners; and illegal fireworks activity at intersections of two streets would be handled by dispersing the group in a safe manner.

Council Member Márquez suggested outreaching to Hayward Area Recreation and Park District (HARD) and Hayward Unified School District (HUSD) and having a report to Council on the implementation of the workplan to enhance enforcement related to the fireworks ban in the fall.

Council Member Salinas asked if the use of illegal fireworks was going to be considered as one criterion to evict tenants and suggested ensuring education is included in multi-unit family housing if the proposal will impact them.

Council Member Andrews suggested using hot spots to evaluate the need to enforce illegal fireworks during other months of the year and consider placing signs at strategic locations such as California State University East Bay and Union Landing Shopping Center.

Mayor Halliday opened public comments at 8:00 p.m.

Mr. Kevin Dowling noted that getting the word out about fines for property owners and renters will be key to the success of the proposal and added that enforcement has become more difficult and dangerous over the years because owners have moved fireworks to backyards.

TJ, Hayward Concerned Citizens member, asked that, as educational announcements go out to the public, to include intermittent posts on the NextDoor media platform.

Mr. Tom Ferreira, Hayward Concerned Citizens member, suggested adding extra patrol units from June 1 into July to discourage big illegal fireworks that happen on July 4th in Hayward.

Mayor Halliday closed public comments at 8:05 p.m.

Members of the City Council expressed appreciation for City staff's efforts and collaboration with the proposal to deal with significant illegal fireworks in Hayward, and for bringing the report to Council in a timely manner.

Council Member Lamnin echoed outreaching to HARD and HUSD, having a report in the fall, posting information on NextDoor; suggested having notices in multi-languages; having enforcement around Memorial Day and New Year's Day; was interested in learning about impacts to the community and techniques for calming pets and individuals experiencing post-traumatic stress disorder (PTSD) symptoms.

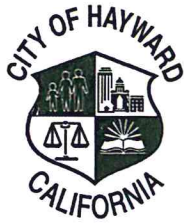
Council Member Lamnin made a motion to move the item with an amendment to Chapter 3 Article 3, Section 3-3.00(1) of the Hayward Municipal Code, by removing the reference, "Chinese or other" from the first paragraph referring to firecrackers.

Council Member Wahab seconded that motion.

Council Member Wahab asked to consider if other City employees could volunteer to work on the program and perhaps be trained to write citations, and suggested collecting data during holidays that seem problematic prior to the 4th of July to set as a baseline prior to the enforcement in July.

Mayor Halliday suggested adding big games such as the Super Bowl to the list of dates of concern about illegal fireworks.

Council Member Zermeño concurred with his colleagues, indicated the proposal will provide some relief for elders, babies, pets and individuals experiencing PTSD, and urged staff to continue to work on a regional solution, educate the community and consider the proposed enforcement approach throughout the year.



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Council Member Andrews acknowledged staff incorporated Council's concerns in the report in a timely manner, concurred with suggestion to engage HARD and partnering with that agency, asked for an update related to regional efforts during the next presentation to Council, and asked to incorporate, in the future, having offenders participate in cleanup of fireworks, in addition to fines.

Council Member Salinas requested that staff include nearby County jurisdictions with the notifications, stating that fireworks are illegal in the county too, especially the Cherryland area, adjacent to the northern City boundary.

Council Member Márquez thanked staff for incorporating Council and public comments, especially related to elders and community members with pets and those suffering PTSD.

Mayor Halliday echoed the appreciation of staff and input from community members and concurred with partnering with HARD and HUSD and asked that, in the future, staff consider offering alternatives to fines for those facing hardship, such as community service for first offense or reduced fines.

It was moved by Council Member Lamnin, seconded by Council Member Wahab, and carried by the following roll call vote, to introduce the two ordinances, with one further amendment to Chapter 3 Article 3, Section 3-3.00(1), by removing the reference, "Chinese or other" from the first paragraph referring to firecrackers.

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

Ordinance 22-__, "Ordinance of the City of Hayward, California Amending Chapter 4, Article 15 of the Hayward Municipal Code Relating to Social Nuisance by Specifically Including Fireworks"

Ordinance 22-__, "Ordinance of the City of Hayward, California Amending Chapter 3, Article 3 of the Hayward Municipal Code Relating to Fireworks by Specifically Identifying Property Owners Accountable for Fireworks"

10. General Plan Annual Progress Report: Accept the Hayward 2040 General Plan Annual Progress Report for Calendar Year 2021 **LB 22-008**

Staff report submitted by Assistant City Manager/Development Services Director Ott, dated March 22, 2022, was filed.

Assistant City Manager Ott introduced Associate Planner Mira Hahn, who provided a synopsis of the staff report.

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

While there was no resolution required on the item, City Manager McAdoo asked the City Council to make a motion to accept the report, and direct staff to send it on to the required state agency.

Council Member Márquez made a motion to move as staff recommended, and Council Member Zermeño seconded the motion.

In response to Council Member Márquez's request for staff to elaborate on the update to the Housing Element of the General Plan, Assistant City Manager Ott noted staff was engaged on the update to that document, with many required sections and staff planned a more concerted outreach process with focus on diversity, equity, and inclusion.

In response to Council Member Andrews' inquiry about outreach for the Parking Strategy, Planning Manager Lorchirco responded that staff was working on the Objective Standards, along with a contracted firm, to develop a robust outreach effort, with a report due to City Council in July.

In response to Council Member Andrews' inquiry about the potential Cultural Commission, City Manager McAdoo noted there will be an informational item that will come the same night as the adoption of the Council Strategic Roadmap and noted her concern for staffing any additional commissions.

Council Member Zermeño expressed support for consideration of a Cultural Commission, asked staff to consider adding the Portuguese Park to the list of National Register of Historical Places, inquired if the City keeps track of why businesses fail and leave Hayward, asked staff to consider a plan for discussing a central location for street vendors, and was pleased the Urban Forest Management Plan was on the list of programs.

Mayor Halliday appreciated the comprehensive report, thanked Council Member Andrews for bringing up the Cultural Commission, with support from Council Member Zermeño.

Council Member Lamnin was pleased to see intersection between the Strategic Plan and the General Plan, alongside work relative to the budget; was excited about the Hire Hayward program; wanted to keep ROP and Chabot College engaged in the incubator program; suggested that as Transit Gaps gets moving to include the Interagency Liaison Committee (AC Transit) and Joint Powers Authority (BART) in the process; asked staff to confirm if M-14 (Transit Rider Information Study) is still needed; suggested having Community Resources for



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Independent Living discuss which standard designs would make housing accessible and could be recommended to developers; was not fully supportive of adding another Commission at this time, but perhaps work with the Sun Gallery, Hayward Area Historical Society and Hayward Arts Council.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried by unanimous vote, to accept the Hayward 2040 General Plan Progress Report for the 2021 Calendar Year, and to direct staff to send it to the State Office of Planning and Research and the State Housing and Community Development Office.

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

11. Salary Plan Amendment: Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2022 **LB 22-010**

Staff report submitted by Director of Human Resources Sangy, dated March 22, 2022, was filed.

City Clerk Lens and City Attorney Lawson recused themselves from the meeting during discussion of the item because their salaries were part of the plan.

Director of Human Resources Sangy provided synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public comment period at 9:16 p.m.

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

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

Resolution 22-072, "Resolution Approving the Amended Fiscal Year 2022 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 22-042 and all Amendments Thereto"

City Clerk Lens and City Attorney Lawson returned to the meeting following Council action.

PUBLIC HEARING

12. Master Fee Schedule: Adopt a Resolution Amending the Fiscal Year 2023 Master Fee Schedule **PH 22-017**

Staff report submitted by Director of Finance Claussen, dated March 22, 2021, was filed.

Finance Director Claussen provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:25 p.m.

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

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

Resolution 22-073, "Resolution Adopting the FY 2023 Master Fee Schedule that Reflects Updated Fees and Charges for Departments in the City of Hayward and Rescinding Resolution No. 21-044 and all Amendments Thereto"

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews announced the Keep Hayward Clean and Green Task Force clean-up event at Mount Eden Park on Saturday, March 26, 2022, and indicated Dante Jackson (murder suspect) was wanted by the police, and if he was seen in the Hayward community, residents should call 9-1-1.

Council Member Zermeño announced that the Puente Project of Chabot College joined by a Tennyson High School Puente Program teacher and class would be out cleaning Hesperian Boulevard in front of the college on March 26, 2022; and announced an upcoming Caltrans



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presentation of clean-up work done around Hayward, on March 25, 2022, where Council Member Lamnin would represent the Council.

Council Member Márquez reported that the Hayward Main Library children's area was fully opened and would resume Story Time and encouraged everyone to enjoy the new Heritage Plaza across the street from the library.

Mayor Halliday announced the City Council would hold a special joint meeting with the Hayward Unified School District Board on March 29, 2022, at 5:30 p.m. via Zoom to discuss school closures and housing plans.

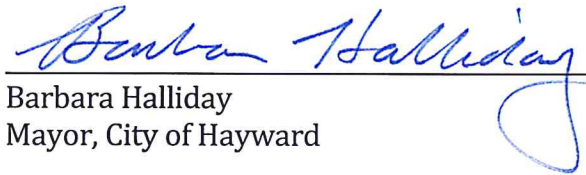
COUNCIL REFERRALS

There were none.

ADJOURNMENT

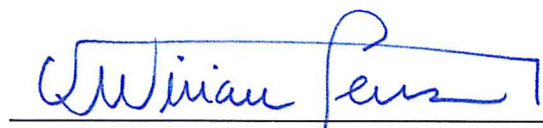
Mayor Halliday adjourned the City Council meeting at 9:32 p.m.

APPROVED



Barbara Halliday
Mayor, City of Hayward

ATTEST:



Miriam Lens
City Clerk, City of Hayward