

CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88691129303?pwd=MkFVNFNjRmVzNmUrb2pVcmhWTTk1UT09>

Tuesday, April 5, 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 Márquez

ROLL CALL

Present:

Council Chamber: Council Members Lamnin, Zermeño, and Mayor Halliday

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

Absent: None

CLOSED SESSION ANNOUNCEMENTS

The City Council convened in a special closed session on March 29, 2022, at 4:00 p.m., with all members present, regarding conference with legal counsel pursuant to Government Code sections 54956.9(d)(2) and 54956.9(e)(1) regarding anticipated litigation. City Attorney Lawson announced there was no reportable action related to the item and the closed session adjourned at 5:15 p.m.

The City Council convened in closed session on April 5, 2022, at 5:30 p.m., with all members present, regarding the City Attorney's annual performance evaluation pursuant to Government Code section 54957. Mayor Halliday announced there was no reportable action related to the item.

PRESENTATIONS

Mayor Halliday read a proclamation declaring the week of April 10 to 16, 2022, as *National Public Safety Telecommunicators Week* in the City of Hayward. Hayward Police Department Communications Manager DeOrian and Deputy Chief Matthews accepted the proclamation, and Manager DeOrian thanked the City Council for the recognition.

Council Member Márquez and Library Commission Council Liaison read a proclamation declaring the week of April 3 to 9, 2022, as *National Library Week* in the City of Hayward. Library Commission Chair Patterson and Library Director Addleman accepted the proclamation, and Chair Patterson thanked the City Council and staff on behalf of the community.

Mayor Halliday read a proclamation declaring March 2022 as *Art is Education Month* and April 2022 as *Arts, Culture and Creativity Month* in Hayward. Ms. Winda Shimizu, Executive Director

of the Hayward Arts Council, along with seven Board members, accepted the proclamation. Ms. Shimizu thanked the City Council for the recognition.

Mayor Halliday presented a certificate of recognition to Ms. Germani A. Latchison in honor of her selection as the first-ever 2022 *Hayward Youth Poet Laureate*. Mayor Halliday presented a certificate of recognition to Ms. Papi Constantino, the 2nd place runner up, and recognized Ms. Kyri Taylor, the 1st runner up (not in attendance), in the City of Hayward's First Youth Poet Laureate Program. Poet Laureate Bruce Roberts read aloud his poem entitled, "Bookworms," in celebration of National Library Week.

PUBLIC COMMENTS

Ms. Aileen Soullis, from Cal State East Bay, expressed she was pleased to have participated in the selection of the Hayward Youth Poet Laureate and congratulated the winners.

Council Member Lamnin mentioned two upcoming events on April 30, 2022: 1) the first Hayward Lit Hop in Hayward's Heritage Plaza at 3:00 p.m., and (2) 2022 Hayward Youth Conference – Learning Today, Leading Tomorrow from 10:00 a.m. to 1:30 p.m.

Ms. Becky Bruno, Senior Meals Program Manager with Spectrum Community Services, thanked Mayor Halliday for the proclamation, *March for Meals Month* and Council Member Wahab for attending Champions Week at the Josephine Lum Lodge where she helped serve meals to seniors, and invited all to the Show Your Love 2022 fundraising event on May 7, 2022.

Council Member Wahab congratulated all recipients, praised the work done by Spectrum Community Services and asked the City to inform senior citizens of the meals available from Spectrum.

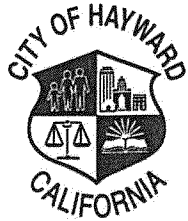
CITY MANAGER'S COMMENTS

City Manager McAdoo announced the City began delivering, on March 24, approximately 260,000 gallons daily of recycled water for irrigation and commercial uses at 30 park, school, and commercial sites, provided details about the project and noted the project would help meet mandated water reductions required during the drought.

CONSENT

1. Approve the City Council Minutes of the City Council Meeting on March 15, 2022 **MIN 22-044**

It was moved by Council Member Wahab, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on March 15, 2022.



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-
2. Approve the City Council Minutes of the City Council Meeting on March 22, 2022 **MIN 22-044**

It was moved by Council Member Wahab, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on March 22, 2022.

3. Adopt an Ordinance of the City of Hayward Amending Chapter 4, Article 15 of the Hayward Municipal Code Relating to Social Nuisance and Specifically Including Fireworks **CONS 22-190**

Staff report submitted by City Clerk Lens, dated April 5, 2022, was filed.

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

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

Ordinance 22-001, "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"

4. Adopt an Ordinance of the City of Hayward Amending Chapter 3, Article 3 of the Hayward Municipal Code Relating to Fireworks by Specifically Identifying Property Owners Accountable for Fireworks **CONS 22-191**

Staff report submitted by City Clerk Lens, dated April 5, 2022, was filed.

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

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

Ordinance 22-002, "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"

5. 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 22-185**

Staff report submitted by City Manager McAdoo and City Clerk Lens, dated April 5, 2022, was filed.

It was moved by Council Member Wahab, 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

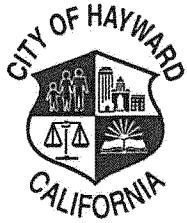
Resolution 22-074, "Resolution Making the Required Findings Pursuant to AB 361 to Continue to Hold Teleconferenced Public Meetings During the COVID 19 State of Emergency"

6. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Gray-Bowen-Scott for Transportation Engineering Services in the Amount of \$80,000 for a Total Not-To-Exceed Amount of \$150,000 and Extending the Date of the Agreement to September 30, 2022 **CONS 22-164**

Staff report submitted by Director of Public Works Ameri, dated April 5, 2022, was filed.

It was moved by Council Member Wahab, 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



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Resolution 22-075, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Gary-Bowen-Scott for Transportation Engineering Services"

7. Adopt a Resolution Authorizing the City Manager to Transfer and Appropriate \$147,719.25 in Abandoned Vehicle Abatement Revenue from the General Fund to the Fleet Capital Fund for the Purchase of Two Outfitted Ford Explorers for the Abandoned Vehicle Abatement Program **CONS 22-182**

Staff report submitted by Chief of Police Chaplin, dated April 5, 2022, was filed.

It was moved by Council Member Wahab, 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 22-076, "Authorization for the City Manager to Transfer and Appropriate \$147,719.25 in Abandoned Vehicle Abatement Revenue from the General Fund to the Fleet Capital Fund for the Purchase of Two Outfitted Ford Explorers for the Abandoned Vehicle Abatement Program"

8. Adopt a Resolution of Intention to Vacate a Public Utilities Easement at 603 A Street and Setting the Date and Time of the Public Hearing **CONS 22-184**

Staff report submitted by Director of Public Works Ameri, dated April 5, 2022, was filed.

It was moved by Council Member Wahab, 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 22-077, "Resolution of Intention to Vacate a Public Utilities Easement at 603 A Street and Setting the Date and Time of the Public Hearing"

9. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate up to \$250,000 in Funding from the California State Library for Library Services Programs, and Superseding Resolution No. 19-046 **CONS 22-186**

Staff report submitted by Director of Library Services Addleman, dated April 5, 2022, was filed.

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

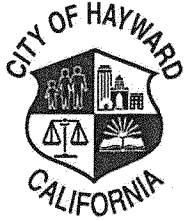
AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 22-078, "Authorize the City Manager to Accept and Appropriate up to \$250,000 in Funding from the California State Library for Library Services Programs, and Supersede Resolution No. 19-046"

10. Adopt a Resolution Approving the FY 2023 Measure B/BB Annual Paratransit Program Plan and Authorizing the City Manager to Execute FY 2023 Service Agreements for the Continued Provision of Measure B/BB Funded Paratransit Services **CONS 22-187**

Staff report submitted by Community Services Manager Davis and Assistant City Manager Ott, dated April 5, 2022, was filed.

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

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 22-079, "Resolution Authorizing the City Manager to Implement an Annual Paratransit Plan and Negotiate and Execute all Documents Related to and in Support of Paratransit Activities Including the Administration of the Hayward Operated Paratransit Program"

WORK SESSION

11. Community Agency Funding: Fiscal Year 2023 Community Agency Funding Recommendations for Services, Arts & Music, and Economic Development and Infrastructure; and Overview of the FY 2023 Annual Action Plan and the City of Hayward Community Development Block Grant Citizen (CDBG) Participation Plan **WS 22-007**

Staff report submitted by Assistant City Manager Ott, dated April 5, 2022, was filed.

Development Services Director Ott introduced Community Services Manager Davis and Management Analyst Lee who provided an overview of FY 2023 Annual Action Plan, City of Hayward Community Development Block Grant (CDBG) Citizen Participation Plan updates and FY 2023 Community Agency Funding process. It was noted that the Community Agency Funding recommendations would be separated into two sections: I) General Fund/American Rescue Plan Act (ARPA) (Arts and Music and Services) and II) CDBG (Public Services and Economic Development & Infrastructure).

Community Services Manager Davis and Management Analyst Lee provided an overview of General Fund/American Rescue Plan Act (ARPA) (Arts and Music and Services) funding recommendations.

Mayor Halliday opened the public comment section at 8:05 p.m. to allow for comments on the Annual Action Plan, Citizen Participation Pan, and FY 2023 Arts & Music and Services (General Fund/ARPA) funding recommendations.

Ms. Heather Reyes, Hayward Arts Council President, was pleased with changes in the recommendations for funding, expressed she was not in agreement with seeing arts grouped together with special events, and spoke in favor of prioritizing funds for arts.

Ms. Suzanne Philis, Hayward Arts Council Board member, commented that art was a way for all community members to come together, and urged keeping the funds for arts and events separate.

Mr. Gerald Thompson, Hayward Arts Council Board member, asked the Council to increase the Arts & Music annual funding allocation to \$150,000 to adequately serve the needs of the community.

Ms. Carol Morgan, East Bay Youth Orchestra representative, thanked the Council for funding the agency over the years, and urged continued funding for music.

Ms. Arti Garg, Community Services Commission (CSC) Vice Chair, thanked the Council for reviewing CSC recommendations, and noted the demand for services funding has been outpacing funding availability.

Ms. Artavia Berry, Community Services Commission Chair, expressed the great need to expand the pot of available funds for growing social service and other needs in Hayward.

Mayor Halliday closed the public comments section at 8:21 p.m.

Members of the City Council thanked City staff and members of the Community Services Commission for their work relating to funding recommendations.

Discussion ensued among members of the City Council and City staff regarding the following: process for clarifying which organizations serve Hayward residents; Family Education Program (Library Program) and funding source (Community Agency Funding vs. General Fund); cannabis tax savings; FY 2022 available funding for arts and music; legal services funding; the new Mercy Brown Bag program; Crisis Support Services of Alameda County agency; social service awards infused with ARPA funding; Newcomer Navigation Center project for undocumented immigrant youth; clearinghouse of grants for agency funding such as for addressing human trafficking; staff's technical assistance for supporting agencies to be in CDBG category.

Members of the City Council provided the following recommendations: include the Library tutoring program in the budget discussion; provide details on how Blues Society funds for the Russell City Blues Festival were spent; continue the dialogue for funding arts & music, culture and special events; engage the Hayward Local Agency Committee (HLAC) and other community partners in discussion about arts to leverage different funds; consider prioritizing arts and removing them from events or setting a protected amount of funds for arts; consider partnering with the Hayward Chamber of Commerce to host and sponsor events; evaluate reprioritizing the use of City resources supporting for-profit events; evaluate programs that provide similar services to ensure there is not redundancy in service delivery; provide more detailed data from 2-1-1 reports related to Hayward calls; encourage public participation in funding process; explore how to incorporate public art as



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a blight mitigation tool and give people a sense of place; explore how to expand cannabis funds and perhaps sooner than reaching the 1 million mark; evaluate reallocating funding to the appropriate source; reimagine economic development; think about public art parallel to economic development; consider an Art and Culture Commission to promote the diversity of cultures so the Community Services Commission can focus on CDBG and social service funding.

Council Members Salinas and Zermeño recused themselves for the remainder of the work session due to service on the St. Rose Hospital Foundation Board. Council Member Zermeño left the Council Chamber and Council Member Salinas disconnected from the Zoom webinar.

Management Analyst Lee provided a synopsis of Section II of the Community Agency Funding recommendations, CDBG (Public Services and Economic Development & Infrastructure).

There being no comments on this segment of funding, Mayor Halliday opened and closed the public comment section at 9:24 p.m.

Members of the City Council reiterated their appreciation for staff and the work done by members of the Community Services Commission. Council Member Andrews urged community members to donate to organizations seeking funding.

Staff noted the public hearing on CDBG funding allocations for FY 2023 would be held during the April 26, 2022, Council meeting.

Following the conclusion of the work session, Council Member Salinas rejoined the Council meeting on Zoom.

12. Solid Waste and Recycling Franchise Agreement: Update on Negotiations **WS 22-008**

Staff report submitted by Director of Public Works Ameri, dated April 5, 2022, was filed.

Public Works Director Ameri announced the item and introduced Solid Waste Program Manager Krump who provided a synopsis of the staff report.

There were no public comments for the item.

Members of the City Council thanked City staff for work related to the franchise agreement with Waste Management of Alameda County (WMAC), Senate Bill 1383 (Cart and Bin Requirements) and (Organics Procurement).

Discussion ensued among members of the City Council and City staff regarding: the main function of the Main Street office of Waste Management and the potential for that to close permanently, following its closure over the past two years; Waste Management's public education; bulk pickup service; tracking illegal dumping; potential of device for customers to pay their bills on site at City Hall; adding to the stickers on new bins with information about bulk pick-up service; addition of Electric Vehicle (EV) trucks in the future; and, street cleaning and pavement maintenance required.

Some members of the City Council expressed support for Option 1B (customers do not see an increase until March 1, 2023 but would see a franchise rate adjustment at that time) regarding a new rate schedule for solid waste and recycling services.

COUNCIL REPORTS AND ANNOUNCEMENTS

There were none.

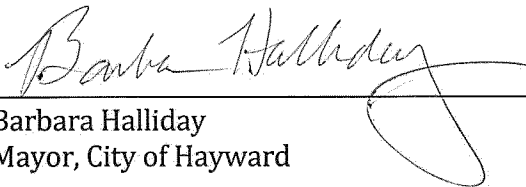
COUNCIL REFERRALS

There were none.

ADJOURNMENT

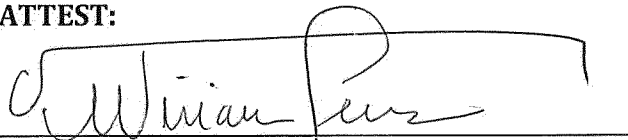
Mayor Halliday adjourned the meeting at 10:06 p.m.

APPROVED



Barbara Halliday
Mayor, City of Hayward

ATTEST:



Miriam Lens
City Clerk, City of Hayward