



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Hybrid (Council Chamber) Virtual Platform (Zoom)

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

Tuesday, September 27, 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 Márquez

Present

Council Chamber: Council Members Salinas, Zermeno
Mayor Halliday

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

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on September 27, 2022, at 6:00 p.m., with all members present, regarding conference with property negotiators pursuant to Government Code section 54956.8 regarding Matt Jimenez Community Center, 28200 Ruus Road; APN: 465-0001-009-05. City Attorney Lawson announced that Council gave direction to its negotiating team but took no reportable action. The closed session adjourned at 6:48 p.m.

PUBLIC COMMENTS

Mr. Don Hokett, Northern California Carpenters Local Union 713 representative, spoke in favor of adding aerial lift standards to the City's prequalification language to show that builders are valued in Hayward and wanted to engage with the Council and developers to show how to cultivate a prosperous construction industry.

CITY MANAGER'S COMMENTS

There were none.

CONSENT

1. Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Existing Professional Services Agreement with Federal Engineering to Expand the Scope of Work to Include Ongoing Implementation Support Related to Dispatcher Hiring and Recruitment to Support the Hayward Evaluation and Response Team Program and to Increase the Contract Amount by \$74,500, Not-To-Exceed \$187,222 **CONS 22-492**

Staff report submitted by City Manager McAdoo, dated September 27, 2022, was filed.

It was moved by Council Member Zermeño, 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 22-235, "Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Federal Engineering for an Additional \$74,500 to Include the Hiring of Subject Matter Expert(S) and Additional Support Staff to Implement Pilot Project Recommendations Not-to-Exceed \$187,222"

2. Adopt a Resolution Authorizing the City Manager to Execute an Agreement with the East Bay Municipal Utility District (EBMUD) for the Implementation of the City/EBMUD Jointly Prepared East Bay Plain Subbasin Groundwater Sustainability Plan **CONS 22-506**

Staff report submitted by Public Works Director Ameri, dated September 27, 2022, was filed.

It was moved by Council Member Zermeño, 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 22-236, "Resolution Authorizing the City Manager to Execute an Agreement with the East Bay Municipal Utility District (EBMUD) for the Implementation of the City/EBMUD Jointly Prepared East Bay Plain Subbasin Groundwater Sustainability Plan"

3. Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2023 **CONS 22-507**

Staff report submitted by Assistant City Manager/ Interim Human Resources Director Youngblood, dated September 27, 2022, was filed.



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It was moved by Council Member Zermeño, 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 22-237, "Resolution Approving the Amended Fiscal Year 2023 Salary Plan Designating Salary Ranges for Positions of Employment in the City of Hayward; and Superseding Resolution No. 22-188 and all Amendments Thereto"

4. Adopt Resolutions Authorizing the Sole Source Purchase of a Hydro Vector from Owen Equipment Sales in an Amount Not-to-Exceed \$412,000 and Appropriating Additional Funds **CONS 22-518**

Staff report submitted by Public Works Director Ameri, dated September 27, 2022, was filed.

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

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

Resolution 22-238, "Resolution Authorizing the City Manager to Execute the Sole Source Purchase of a Hydro Vector from Owen Equipment Sales in an Amount Not-to-Exceed \$412,000"

Resolution 22-239, "Resolution Authorizing the City Manager to Appropriate Additional Funds in an Amount Up to \$12,000 from the Sewer Replacement Fund"

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 22-532**

Staff report submitted by City Manager McAdoo and City Clerk Lens, dated September 27, 2022, was filed.

It was moved by Council Member Zermeno, 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, Zermeno
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 22-240, "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 Accepting the Resignation of Ms. Lacei Ramirez-Amodei from the Community Services Commission, Effective Immediately **CONS 22-533**

Staff report submitted by City Clerk Lens, dated September 27, 2022, was filed.

It was moved by Council Member Zermeno, 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, Zermeno
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 22-241, "Resolution Accepting the Resignation of Ms. Lacei Ramirez Amodei from the Community Services Commission"

7. Adopt a Resolution Appointing Ms. Elena Lepe to the Community Services Commission to Fill the Unexpired Term of Ms. Lacei Ramirez-Amodei **CONS 22-534**

Staff report submitted by City Clerk Lens, dated September 27, 2022, was filed.



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It was moved by Council Member Zermeno, 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, Zermeno
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 22-242, "Resolution Appointing Ms. Elena Lepe to the Community Services Commission to Fill the Unexpired Term of Ms. Lacei Ramirez Amodeli"

WORK SESSION

8. Fireworks: Update on Implementation of Hayward's Enhanced Approach to Education and Enforcement of Its Fireworks Ban **WS 22-028**

Staff report submitted by Assistant City Manager/Development Services Director Ott, dated September 27, 2022, was filed.

Assistant City Manager/Development Services Director Ott announced the item and introduced Deputy Development Services Director Buizer who provided an update on the implementation of the two ordinances related to fireworks, community outreach, education efforts, and enforcement of fireworks ban. Deputy Police Chief Matthews provide an overview of the challenges from a public safety and enforcement perspective.

Mayor Halliday opened the public comment period at 7:32 p.m.

Mr. Frank Goulart noted that the fireworks issue was year-round and occurred on other significant holidays, suggested a concerted effort by law enforcement agencies throughout the Bay Area and recommended that staff from different departments work together, similar to how the graffiti abatement was addressed.

Ms. TJ, with Hayward Concerned Citizens, wondered if drone technology could be used for areas that were identified as being problematic and asked if the revenue generated from citation fines would be used towards paying for Police Department overtime.

Ms. Patricia expressed concern about fireworks being used at community parks, shared this year there was a fire at Christian Penke Park and a resident's yard caught on fire, and stated the area was not patrolled on the Fourth of July holiday and the park was not zoned off to prevent illegal activity.

Mayor Halliday closed the public comment period at 7:40 p.m.

Deputy Development Services Director Buizer addressed public comments indicating: staff could explore opportunities to address other holidays where such activities are occurring; staff could reach out to neighboring cities to gauge interest for a regional approach; no funds had been received from citations yet and there were still overtime costs to pay; parks have provisions banning fireworks citywide and lack of resources was the main issue in not being able to enforce the regulations; and forming partnerships with neighboring cities and leveraging resources was a good approach. Deputy Police Chief Matthews stated that it may be possible to use drones for firework enforcement ensuring the use aligns with its policy and noted that although officers are scheduled to work on the Fourth of July and New Year's Eve holidays, the challenge is limited capacity.

Discussion ensued among members of the City and City staff regarding: citations for violations and failure to pay them may result in property liens; staff was not aware of any staff injuries that had resulted from the enforcement; notices were mailed to 68,267 parcel addresses that were identified as areas prone to ongoing illegal fireworks activity in addition to the dual-language notices included as water bill inserts that had been disseminated to residents throughout the city; potential budget increase as part of the future budget process based on Council direction; staff was open to feedback to improve the program and noted that hearing fees were developed based on a Nexus study assessing user fees; equipment used to capture violation during the holiday such as body worn and cell phone cameras; and additional training for staff.

Members of the City Council commended staff for the pilot project; thanked the multidepartment efforts around education and social media campaign, posting of signage throughout the city, and other means of spreading awareness, which resulted in decrease of fireworks activity; and thanked community members for their input.

Council Member Zermeño offered the following suggestions/comments: consider expanding the number of 'no fireworks' signs posted throughout the city; share information, through the educational component of the program, on why there is no longer fireworks shows in Hayward and share information on places that hold fireworks shows in the Bay Area; consider increasing the fine for individuals who violate the fireworks ordinance for consecutive years; and noted that fireworks should be lit where they are purchased.

Council Member Andrews offered the following suggestions/comments: reach out to jurisdictions like Union City to explore a collaboration as they were also conflicted with illegal fireworks activity; look into the sales of fireworks through social media companies and hold them accountable for the activity; explore partnering with HARD to increase the



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number of employees working holidays to assist the Police Department with enforcement and reporting violations occurring on park premises; partner with HUSD and local colleges to tackle illegal fireworks activity; have staff set up tents in shopping center parking lots to engage shoppers about fireworks policies; engage state and federal representatives to determine a solution to activities occurring all year round and impacting people's quality of life; and explore establishing a hotline that residents can use to report on other noncompliant residents.

Council Member Salinas offered the following suggestions/comments: place a message at the bottom of business receipts to indicate that fireworks are illegal; place signage at booths where fireworks are sold and at bordering streets between Hayward and Union City; noted the primary goal was to curb the illegal use of professional grade fireworks which impact the elderly, pets and individuals suffering from post-traumatic stress disorder (PTSD); saturate the neighborhoods that were identified in the heat map with notices in utilities bills and signage and have strategic enforcement consisting of Police and Fire personnel presence; look into creating an alternative event on the Fourth of July holiday aimed at steering people away from illegal fireworks, such as a light parade or similar light exposition/laser light display in downtown or at one of the corridors; and explore alternative options to spending an exorbitant amount of money on enforcement.

Mayor Halliday commented that a show with laser projections may be feasible at the future Stack Center or on the hills at La Vista Park.

Council Member Wahab offered the following suggestions/comments: highlight major holidays and sporting events when illegal fireworks commonly occur; work with the Hayward Unified School District to educate students through a flyer in multiple languages that students be required to have parents sign or teachers' announcements discouraging unauthorized fireworks; consider a mechanism of issuing warnings before charging fines; do not fully support engaging a "street team" but preferred that more City staff have the ability to issue citations; disseminate notifications through social media and via email in multiple languages as this approach is more cost-effective to distributing citywide mailers; include a message in the annual report issued by the City Manager indicating fireworks are not permitted in the city; cautioned on the use of equipment to capture footage and become a surveillance state; make sure the information collected from the public to write citations is verified to ensure that data is current and accurate; use electronic billboards near freeways and at Southland Mall to display "no fireworks" messages a month prior to holidays.

Council Member Márquez offered the following suggestions/comments: consider adding the topic of fireworks to the list of legislative priorities for state and federal lobbyists; partner with HUSD to disseminate information through HUSD's newsletter; concurred with outreach efforts via pop-up booths at Target and other grocery stores with high traffic;

engage volunteers through Hayward Neighborhood Alert leading up to major holidays; include a writeup in the Stack newsletter on a quarterly basis to underscore that fireworks are illegal in Hayward; continue to fine offenders as long as there is evidence, and consider some leniency by allowing installment payments; collaborate with HARD to tackle hot spot parks and perhaps HARD can explore hiring temporary staff to have an increased presence at parks; the fireworks issue is a priority as it impacts the quality of life for residents, pets and individuals suffering with depression, anxiety, and PTSD; continue to send messages to the community emphasizing that illegal fireworks are not permitted in Hayward; and collaborate with Union City to address ongoing fireworks problem.

Council Member Lamnin offered the following suggestions: partner with HUSD on outreach through Peachjar; ensure that M-80 firecrackers and sales of fireworks through social media are added to the legislative advocacy agenda to ensure lobbyists are paying attention to regional issues; consider displaying messages through Comcast billboards; consider having Animal Services provide information at their events on how to help pets that have been conditioned to have strong reactions; engage Hayward Neighborhood Alert, Community Emergency Response Team(CERT), Neighborhood Emergency Response Team (NERT) volunteers to assist with outreach events and help activate the hot spot parks such as host a glowstick event in the evening; have a regional approach; wondered if fireworks sales booths in Union City would sell laser lights instead of M-80 firecrackers; urged residents to talk to their community groups to see if they would be interested in hosting laser lights shows, and perhaps the City could be of assistance with grants and permitting process for supporting community events.

Mayor Halliday expressed the following suggestions/comments: fireworks are most intense on the Fourth of July holiday; supported drone coverage for areas with intense activity to help get attention to those areas and underscored how dangerous these activities can get; supported partnering with HUSD to get information out; stated she thought Union City sold smaller scale fireworks like sparklers which are different than M-80 firecrackers which impact pets and individuals suffering from PTSD; favored more City staff in addition to police officers, being present and helping with enforcement on other holidays such as New Year's Eve; suggested that staff work on a budget proposal and express that resources need to be directed towards dealing with fireworks issues; and stated that the program would improve every year and that over time, there would be a reduction in fireworks activities.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Márquez encouraged all to subscribe to the Leaflet, the City's Environmental Newsletter, and shared the current issue featured the City made the Environmental Protection Agency's top 30 list for on-site generators of renewable energy, had a quiz on how to recycle, and information on free mattress and box spring disposal; and as the City's representative to East Bay Community Energy (EBCE), she reported that EBCE voted to expand its service to Stockton in San Joaquin County.



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Council Member Salinas announced the 12th annual Hayward Mariachi Festival on September 30, 2022, at City Hall Plaza.

Council Member Zermeno announced the Ballet Folklorico of Winton Middle School and Mariachi Mexicanisimo would be performing at the Hayward Mariachi Festival.

Council Member Andrews announced the Science in the Park event at Cal State East Bay on October 1, 2022.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:52 p.m., in memory of Ms. Deanna Bogue and Ms. Betty Moose.

Ms. Deanna Bogue was a longtime Southgate resident, was involved in the Southgate Area Homeowners Association, was an active member of the Hayward Neighborhood Alert Program and the Greater Hayward Democratic Club and thoughts were sent to her son Ed Bogue who represents the city on the Oakland Airport Noise Forum and the Alameda County Airport Land Use Commission.

Ms. Betty Moose, San Lorenzo resident, was a founder of Ruby's Place and Hayward Shoreline Advocates, was a member of the Hayward Shoreline Planning Agency, and volunteered with the Hayward Area Recreation District and the Eden Area League of Women Voters.

Mayor Halliday asked City staff to work with their families and dedicate a tree in their honor.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward