



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, October 27, 2020, 7:00 p.m.**

The City Council meeting was called to order by Mayor Pro Tempore Salinas at 7:08 p.m. The meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No 29-20 dated March 17, 2020, and the Alameda County Health Officer Order No. 20-10 dated April 29, 2020 regarding the COVID-19 pandemic. Members of the City Council, City Staff, and members of the public participated via the Zoom Webinar platform.

Pledge of Allegiance: Council Member Wahab

ROLL CALL

Present: COUNCIL MEMBERS Lamnin, Márquez, Mendall, Salinas, Wahab, Zermeño
MAYOR Halliday
Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 6:00 p.m., concerning public employment pursuant to Government Code 54957(b)(1) regarding the City Manager performance evaluation. Mayor Halliday announced there was no reportable action related to the item.

PUBLIC COMMENTS

Ms. TJ, Hayward Concerned Citizens (HCC) representative, noted the City passed measures (Measures A, C, D and T) to support public safety improvements; shared there is a petition being circulated against defunding the Hayward Police Department which garnered over 700 signatures to date; and added HCC does not support the seven demands presented by the Hayward Community Coalition and The Hayward Collective.

Ms. Alicia Lawrence, Hayward resident, asked the City Council to direct staff to review ethic policies to ensure the practice of using City email for campaign related activities will not be permitted in the future; and encouraged the City Attorney to review the legality of blocking constituents on social media.

Ms. Vanessa Sadsad, thanked Council for adding Measure OO (Charter Amendment to eliminate requirement of being registered voter to serve on City Council advisory commissions and eliminate gender-based designations) to the November ballot and asked them to continue to speak in support.

City Clerk Lens made an announcement about the upcoming November 3 Municipal Election; encouraged eligible voters to review the City website for voter information, reminded all to vote

early and sign up to track their ballots via acvote.ballottrax.net, and added the City Clerk's office would be assisting residents with election related questions.

Mayor Halliday shared she deposited her ballot at the City Hall drop box, signed up to track her ballot, and received a notification of the ROV's receipt of her ballot, and thanked City Clerk Lens for helping run a safe election in Hayward.

Council Member Wahab noted that the signature on the ballot envelope should match the driver's license signature.

CONSENT

1. Adopt a Resolution Authorizing the City Manager to Execute a One Year Extension of a Joint Exercise of Powers Agreement (JPA) for the Hayward Area Shoreline Planning Agency (HASPA) **CONS 20-524**

Staff report submitted by Development Services Director Simpson and Director of Public Works Ameri, dated October 27, 2020, was filed.

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

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

Resolution 20-183, "Resolution Authorizing the City Manager to Execute a One Year Extension of an Agreement Between the City of Hayward, East Bay Regional Park District, and Hayward Area Recreation and Park District Titled the Hayward Area Shoreline Planning Agency Joint Exercise of Powers Agreement"

2. Adopt a Resolution Accepting the Resignation of Ms. Shelby Bergeron from the Library Commission, Effective Immediately **CONS 20-542**

Staff report submitted by City Clerk Lens, dated October 27, 2020, was filed.

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



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, October 27, 2020, 7:00 p.m.**

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Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 20-184, "Resolution Accepting the Resignation of Ms. Shelby Bergeron from the Library Commission"

3. Adopt a Resolution Appointing Ms. Kelly Peterson to the Library Commission to Fulfill the Unexpired Term of Ms. Shelby Bergeron **CONS 20-543**

Staff report submitted by City Clerk Lens dated October 27, 2020, was filed.

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

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

Resolution 20-185, "Resolution Appointing Ms. Kelly Peterson to the Library Commission to Fulfill the Unexpired Term of Ms. Shelby Bergeron"

4. Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with W-Trans, Inc., for Engineering Design Services for the Safe Routes for Seniors Program in an Amount Not-To-Exceed \$300,000 and to Appropriate Funds **CONS 20-547**

Staff report submitted by Director of Public Works Ameri, dated October 27, 2020, was filed.

It was moved by Council Member Salinas, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolutions:

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

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 20-186, "Resolution Authorizing the City Manager to Execute a Professional Services Agreement with W-Trans, Inc., for the Engineering Design Service Related to the Safe Route for Seniors Project No. 05309, in an Amount Not to Exceed \$300,000"

Resolution 20-187, "Resolution Appropriating Funds from the Measure BB Paratransit Fund (Fund 214) to Support the Safe Routes for Seniors Program"

WORK SESSION

5. Update on Public Safety Community Engagement Project WS 20-044

Staff report submitted by City Manager McAdoo, dated October 27, 2020, was filed.

City Manager McAdoo provided an overview of the item. Mr. Dave Metz with FM3 Research and Ms. Shakari Byerly with Evitarus shared findings of a survey of Hayward residents conducted from October 3 to 21, 2020, which concluded that residents call for more police presence, community involvement, and better training. Management Analyst Cole-Bloom, Management Analyst Thomas, and Management Fellow Mao provided an overview of the community conversations and themes and findings including both positive and negative experiences.

Mayor Halliday opened the public comment section at 8:45 p.m.

All speakers thanked City staff, consultants and participants for the work done with the survey and community members for sharing their stories.

Mr. Alexis Villalobos, Hayward resident and Hayward Community Coalition member, supported the survey results and asked Council to direct staff to implement changes as reflected in the survey responses.

Mr. Jesse Gunn, Hayward resident, noted survey findings support reducing the police budget and reallocating funds to community services, supported using 311 as an urgency hotline and asked Council to direct staff to begin implementation.

Ms. Selina McManus, Hayward resident and business owner, noted the importance of supporting black, brown and indigenous youth during stressful times, supported reallocating



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, October 27, 2020, 7:00 p.m.**

the police budget and separating Youth and Family Services from the HPD building, and asked Council to commit to the resident survey results and advocate for change.

Mr. Isaac Harris, Hayward Community Coalition member, noted most survey responses supported reallocating funds from police to housing and community services and noted that one of the main issues from the findings was homelessness.

Ms. Elisha Crader, Hayward Council candidate, noted the survey results reflect what the community had already expressed, added the majority agree the City needs to redistribute the police budget to community needs and have a participatory committee for dictating how it is reallocated and agreed on the need to have a 311 hotline and first responders who are trained and asked Council to direct staff to begin implementation.

Mr. George Syrop, Hayward Community Coalition member, asked for Council to enact the Hayward Community Coalition's seven demands, noted the survey results were available, and asked Council to give staff direction to begin the implementation.

Ms. Cynthia Nunes, Hayward Community Coalition member and cousin of Augustin Gonzalez, asked the Council to reallocate police funds, establish a participatory committee, and establish a 311 hotline to help with mental health crisis.

Ms. Lacei Amodei, City Council candidate and Hayward Community Coalition member, urged Council to give staff clear direction to carry out the wishes of the community and take advantage of leaders of the Black Lives Matter movement and other organizations within the community.

Ms. Lizzy B., Hayward resident, noted that members organizing to defund the police are experts in their respective fields, expressed how policing was founded and structured across the nation, and urged to act on what the public has expressed in the survey and defund the police department.

Ms. Angela Andrews, Hayward resident, noted every sector of the government needs to be viewed with an equity lens and whether it contributes to systemic oppression that leads to negative interactions among minorities and first responders, suggested a joint session with the Community Service Commission, recommended expediting the implementation of a 311 hotline as a resource to support the community, staff and first responders.

Ms. Vanessa Sadsad, expressed she wants to fully fund and invest in the community, noted that defunding the police does not mean elimination of all law enforcement nor does it mean immediately zeroing out police department budgets, and urged Council to continue these work sessions.

Mr. Alex Chen, Hayward resident, noted that what captured his attention was the overwhelming support for retooling 311 as an urgency hotline, noted that mental health issues or domestic violence should be under the purview of unarmed trained professionals, noted the majority support for redirection of 10% of police budget and community involvement, requested a weighted breakdown by demographic from FM3, and noted there has been support for accountability measures such as body cameras and training for de-escalation.

Ms. Theresa Rezendes, Hayward resident, noted 50-60% of residents support allocating a portion of police funding as a participatory mechanism to direct how it is spent, added that the majority is not in favor of supporting a freeze on police hiring, and mostly in favor of 10% geared to support a 311 hotline.

Mr. Tom Ferreira, City Council candidate and Hayward Concerned Citizens member, opposed defunding the police department, and noted Hayward's population is growing and not having enough officers to meet the demands was irresponsible.

Ms. Alicia Lawrence, Hayward resident, requested that future staff reports include a summary of the most recent Measure C report to help clarify any confusion about how those funds are obligated, and expressed concern in regards to demographics and how on the surface it seems that white residents were oversampled.

Mr. Eric Vance, unincorporated Hayward resident, inquired on how Hayward Police Department interacts with the Alameda County Sheriff's Office, noted there are underserved communities reflecting they want fundamental change within policing, there are more privileged folks who also support defunding the police, and supported further training.

Mr. Alejandra Melgoza, encouraged all to be creative about what public safety looks like, and urged all to think about the most marginalized community members when making decisions and investing in services community members need the most.

Ms. Sue Hoa, Hayward resident, expressed she never once felt protected by the police and noted the police do not prevent property or violent crime but respond to crimes already committed.

Ms. Suzanne, spoke against defunding the police, noted the survey shows most residents who support hiring more police, and 62% that are against freezing in the police department.

Ms. Arianna Delgado was unable to speak due to technology issues.

Mayor Halliday closed the public comment section at 9:28 p.m.

Members of the City Council praised staff for the work with the community engagement and thanked community members and all who participated with the survey.

Council Member Mendall shared three ideas to use for further conversations: (1) consider moving some functions out of HPD such as Animal Services, 911 call center reimaged as a dispatch center for both 911 and 311, and create a new department for neighborhood



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, October 27, 2020, 7:00 p.m.**

services to include functions of the Animal Shelter, Community Services Division, Code Enforcement Division with a mission focused to respond to community neighborhood needs; (2) address who responds to calls depending on situations that would need a sworn officer or code enforcement officer, and consider hiring different types of social workers for homeless related issues and pilot a program with small staffing changes; and (3) consider changes for sworn officers such as demilitarization or additional de-escalation training.

Council Member Zermeño asked how to address the lack of trust shown in the survey results; noted the need to rework the complaint system so residents do not feel it is futile and continue community building activities, supported using 311 as an urgency hotline, recommended utilizing or reimagining the HPD Community Advisory Panel to dictate how to reallocate the police budget, and supported a redistribution of duties so more officers can have visible presence in the community.

Council Member Lamnin requested that CAT data be included in the November 17 HPD update as available; appreciated the ideas of her colleagues and community in rethinking departments to respond to needs; supported a 311 system, including unarmed diverse responses to diverse needs; favored a complaint procedure that mirrored those in other departments and having the HPD CAP review the police budget, and asked that the next HLAC meeting dive deep into racial disparities in enforcement and achievement, including pathways to offer restorative justice for adults.

Council Member Salinas appreciated the qualitative aspect of the report and its findings, acknowledged the racial disparities in service provision, did not agree with establishing a participatory committee to dictate how to reallocate the police budget, agreed with Council Member Mendall's three areas of focus including addressing victims of crime, and asked to include Tiburcio Vasquez Health Center, La Familia, Glad Tidings, and Hayward Promise Neighborhood to the conversation.

Council Member Márquez received confirmation that information from the Police Chief would be presented during the November 17th Council meeting; expressed desire to focus on short and long-term goals, and review the complaints; supported the 311 concept and noted it needed to be tailored specifically to Hayward leveraging community nonprofits; emphasized the value of quarterly Police Department updates and to start monitoring and tracking what is/not working; noted the existing HPD Community Advisory Panel and Community Services Commission could be involved in reallocating the police budget; favored conducting another survey one or two years out; and encouraged to continue to partner with the NAACP, the youth and the LGBTQ community.

Council Member Wahab preferred that the Community Services Commission serve as the participatory committee instead of the HPD Advisory Panel because they are subject to the Brown Act; supported the 311 system acknowledging it will require education for staff and

community members; asked for a creation of a 21st century core community needs department; noted the scope of work of police officers needs to focus on demilitarizing and acknowledged they deserve the tools to do their job and need more accountability measures; expected a balance of offloading non-crime related issues to social justice department that can provide social workers, housing services, and other services; expressed she believes on mental health and de-escalation trainings; noted that policymakers should review positive and negative comments about the Police Department; and referenced her referral and stated the items brought up to Council were on the referral.

Mayor Halliday agreed that the item on the floor should not be polarizing; stated there was support for the 311 concept but an understanding of how it would work before instituting it was needed; suggested a hybrid committee comprising representatives from the HPD Advisory Panel, Community Services Commission, Library Commission, and Personnel Commission for the participatory committee to reallocate the police budget; supported and encouraged more neighborhood togetherness; asked for more regular data from the Police Department; noted that people need to understand that they can complain and not be afraid of retaliation; and added there was support for a deeper dive into racial disparity issues that came out of the survey. City Manager McAdoo was complimented for her professionalism and leadership.

LEGISLATIVE BUSINESS

6. City Attorney Employment Agreement: Adopt a Resolution Approving the Extension and Modification to the Employment Agreement Between the City of Hayward and the City Attorney and Authorizing the Mayor to Execute the Agreement **LB 20-053**,

Staff report submitted by Assistant City Manager Hurtado, dated October 27, 2020, was filed.

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

Mayor Halliday stated this was the conclusion of the Council's annual performance evaluations for each of the three Council appointed officers.

There being no public members, Mayor Halliday opened and closed the public hearing at 10:45 p.m.

Council Member Mendall supported extending the City Attorney's employment agreement and looked forward to him continuing to serve the City of Hayward.

Council Member Márquez expressed her sincere appreciation for the City Attorney, his professionalism and his diverse and talented team.

Mayor Halliday recognized the Council is fortunate with the leadership on staff in the City Attorney's office, City Manager's office, and the City Clerk's office.



**CITY COUNCIL MEETING
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It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolution:

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

Resolution 20-188, "Resolution Approving the Extension and Modification of the Employment Agreement Between the City of Hayward and City Attorney as Amended and Authorizing the Mayor to Execute the Agreement"

CITY MANAGER'S COMMENTS

There were no comments.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Salinas acknowledged the Streets Maintenance Division for its hard work, even in inclement weather, and asked the City Manager to pass along his thanks.

Council Member Wahab mentioned to the City Manager that studies show that preventative measures have higher return on investment than reactionary measures; and she also asked the City Clerk and staff to highlight voting information as much as possible.

Council Member Zermeño thanked Streets Maintenance staff for their quick response to removal of fallen trees caused by wind gusts.

COUNCIL REFERRALS

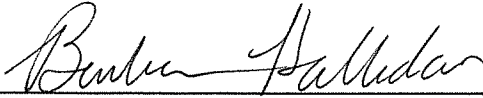
There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 11:04 p.m., in memory of Mr. Glenn Pedersen.

Mr. Glenn Pedersen was a volunteer at the Hayward Animal Shelter since 2016 and was nominated to receive the shelter's 2020 Volunteer of the Year award at the 43rd Annual Volunteer Recognition and Awards Dinner which was cancelled due to the COVID-19 pandemic. Mr. Pedersen left three cats that are now for adoption at the shelter.

APPROVED



Barbara Halliday
Mayor, City of Hayward

ATTEST:



Miriam Lens
City Clerk, City of Hayward