



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, March 16, 2021, 7:00 p.m.**

The City Council meeting was called to order by Mayor Halliday at 7:00 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, regarding the COVID-19 pandemic. Members of the City Council, City Staff, and members of the public participated via Zoom platform.

Pledge of Allegiance: Council Member Andrews

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:00 p.m., regarding four items: (1) conference with legal counsel pursuant to Government Code 54956.9 pending litigation AG.G. et al. v. City of Hayward, et al. United States District Court Case No. 4:19-cv-00697 DMR; (2) conference with labor negotiators pursuant to Government Code 54957.6 regarding all labor groups; (3) conference with property negotiators pursuant to Government Code 54956.8 regarding Caltrans Parcel Group 5: Maitland Drive, Bunker Hill Court, Bunker Hill Boulevard and Central Boulevard; APNs: 445-0250-041-01, 445-0260-084-03, 445-0260-018-04, 445-0270-054-02, 445-0250-060-00, 445-0250-059-01, 445-0260-109-04, 445-0260-018-03, 445-0260-109-03, 445-0260-002-00; and (4) conference with property negotiators pursuant to Government Code 54956.8 regarding Caltrans Parcel Group 8: Grove Way; APNs: 415-0180-070-00, 415-0180-068-01, 415-0180-076-00, 415-0180-084-01, 415-0180-073-00, 415-0180-074-00, 415-0180-075-00, 415-0180-072-00, 415-0180-071-00, 415-0180-069-01, 415-0190-064-00, 415-0180-083-01, 415-0180-080-00, 415-0180-082-01, 415-0180-081-01.

City Attorney Lawson reported Item 1 was not discussed and it would be discussed at the end of the regular meeting later in the evening; noted there were two matters discussed under Item 2 and Council gave direction to the labor negotiating team but there was no action taken; and Council gave direction related to Item 3 but there was no action taken.

PRESENTATION

Mayor Halliday read a Proclamation declaring the month of March 2021 as American Red Cross Month in the City of Hayward and presented to the American Red Cross Bay Area Chapter. Alameda County Board Member Jay Pimentel accepted the proclamation.

Poet Bruce Roberts read a poem about Hayward's 145th birthday entitled, Cartwheels and Somersaults Birthday!

City Manager McAdoo requested to continue Consent Calendar Item 8 to a date uncertain because Hayward Police Department command staff was not available to answer questions due to a major incident occurred earlier in the day. With no objections received from the City Council, the item was removed from the Consent Calendar.

PUBLIC COMMENTS

Mr. Carlos Archuleta (Westbay MGT) spoke about the handling of a PEG grant and alleged conflicts of interest and issues with Chabot College TV studio; and asked to discuss issues raised with members of the City Council.

Ms. Davida Scott, HUSD teacher, provided an update on Raising Leaders workshops; highlighted the \$1.1 million raised in funding as of April 6th, thanked City staff for their partnership, praised the Adopt-a-Block Program, and noted she had helped adopt 37 blocks in Hayward to maintain the community.

Ms. Selina McManus noted she wanted to speak on Item 8, acknowledged the day's Hayward Police Department (HPD) officer involved shooting, and stated HPD wants to use drones on Ohlone land to violate citizens.

Mr. Alexis Villalobos, Hayward Community Coalition (HayCoCoa) representative, noted Consent Item 3 should not be under consent because it is a controversial item and spoke in opposition to the purchase of drones per demand three (ban HPD to purchase surveillance equipment) to defund HPD.

Mr. Mike Katz-Lacabe, Oakland Privacy director of research, expressed concern about Item 2 on the Consent Calendar and encouraged the Council to adopt an ordinance governing the use of surveillance technology and ensuring public vetting, control and oversight of technology.

Mr. Metters expressed concern about the impact of homeless encampments on local businesses.

City Manager McAdoo spoke about efforts by the City to address the situation of unhoused individuals according to advice from the Alameda County Health Officer and noted that incoming federal stimulus dollars might allow to provide additional shelter bed spaces.



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Mr. Jesse Gunn spoke about the day's HPD shooting and Chief Chaplin's interview, noted the word terrorism has racial and religious connotations that should not be used in 2021, and added there are different standards when policies are enforced.

Ms. Cynthia Nunes, HayCoCoa member, suggested there should be public input when the request to purchase drones returns to Council, alleged HPD has a history of abusing equipment, and noted it has been over a year since the protests and there have not been changes.

Ms. Pamela Lowe, Hayward resident, noted HPD's attempt to purchase drones undermines conversations around racial justice, and it is not in alignment with calls of the Black Lives Matter movement and Hayward community.

Ms. Lacey Amodei, Hayward resident, urged the Council to have full public discussion when purchase of drones comes back to Council, was confused that such a controversial proposal was put forward without passing it through the policy innovation workshop, and noted the Community Advisory Panel (CAP) was not designed to be a policy recommendation body, and urged to apply an equity lens to community safety issues.

Mr. George Syrop, HayCoCoa member, noted that funds for surveillance technology could be reallocated toward solutions for the unhoused similar to Austin, Texas where a hotel was turned into housing and services with funds from their police department.

Ms. TJ, with Hayward Concerned Citizens, asked HayCoCoa members to let the policy innovation workshop run its course when it comes to Unmanned Aerial System (UAS), and noted the community needs to build a better partnership with HPD as its role is not going away.

Mr. Emilio Ronquillo noted drones are military tools that give power to HPD, expressed doubts they will be used responsibly, and urged the use earmarked funds for solutions that address conditions that lead to crimes.

Council Member Wahab indicated she expects to see action items from policy innovation workshops, noted the staff report should include more information about what was discussed during CAP meetings, added that on 2/12/20 she and Council Member Mendall submitted a request for consideration of a privacy policy and inquired about the referral process.

City Manager McAdoo noted that recommendations from the policy innovation workshop will come to the Council Budget and Finance Committee at the end of April, added IT staff has been working on a privacy policy, and mentioned the Council referral policy will be included in discussions pertaining to the Council Member Handbook at the March 30th work session.

Council Member Andrews asked if there are wraparound services or partnerships with the Navigation Center and got confirmation the UAS item will not be on consent when it returns.

City Manager McAdoo noted the navigation center concept is based on placement in permanent housing with comprehensive services.

CONSENT

1. Approve City Council Minutes of the Special City Council Meeting (City Council Retreat) on February 20, 2021 **MIN 21-035**

It was moved by Council Member Zermeño, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on February 20, 2021.

Council Member Wahab asked that future consultants discuss further opportunities on diversity of thought.

2. Approve City Council Minutes of the City Council Meeting on February 23, 2021 **MIN 21-036**

It was moved by Council Member Zermeño, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on February 23, 2021.

Council Member Wahab inquired if the City needed to clearly document Covenant House's commitment to 50% of spaces for Hayward. City Manager McAdoo clarified the City cannot impose conditions of approval and Assistant City Manager Ott confirmed Covenant House and the County had agreed to the terms.

3. Approve City Council Minutes of the City Council Meeting on March 2, 2021 **MIN 21-037**

It was moved by Council Member Zermeño, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on March 2, 2021.

4. Adopt a Resolution Accepting the Resignation of Mr. Yahya Elshawarbi from the Hayward Youth Commission, Effective February 21, 2021 **CONS 21-128**

Staff report submitted by City Clerk Lens dated March 16, 2021, was filed.

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

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



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Resolution 21-033, “Resolution Accepting the Resignation of Mr. Yahya Elshawarbi from the Hayward Youth Commission”

5. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with the Metropolitan Planning Group for On-Call Planning Services for an Amount Not-to-Exceed \$175,000 **CONS 21-126**

Staff report submitted by Director of Development Services Simpson dated March 16, 2021, was filed.

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

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

Resolution 21-034, “Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with the Metropolitan Planning Group Inc., for Professional Planning Services Increasing the Not-to Exceed Amount to \$175,000”

A motion for reconsideration of Consent Item No. 6, with Council Member Lamnin moving and Council Member Wahab seconding, was unanimously approved by the following roll call vote.

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

6. Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with CSW/Stuber-Stroeh Engineering Group, Inc., for the Main Street Complete Street Project No. 05283 and Approve the Transfer and Appropriation of Funds **CONS 21-127**

Staff report submitted by Director of Public Works Ameri dated March 16, 2021, was filed.

Council Member Lamnin asked about community feedback and how the recommendations could be incorporated into the project.

City Manager McAdoo noted staff had done significant outreach to the business community and they were working to create a compromised position between merchants not losing parking on the street and creating a safe environment for pedestrians and bicycles.

Public Works Director Ameri introduced Associate Civil Engineer/Main Street Complete Streets Project Manager Tat who provided a brief update of the Main Street Complete Streets project.

Council Member Márquez noted the Council Infrastructure Committee (CIC) had asked staff to have an additional meeting and several follow-up meetings and received no consensus from the community, indicated the proposal was in line with the Complete Streets Policy, the City was receiving a grant for the project, and added there is ample parking but identified a need to do a better job of highlighting municipal parking lots with wayfinding signs.

Council Member Zermeño noted he agreed with merchants and would rather see the area for bicycle lanes devoted to parquets for outdoor seating.

Council Member Salinas concurred with Council Member Márquez, reminded all the City has been focused on the Complete Streets Policy, added the restaurant industry has changed and will continue to adapt in coming months, and reminded the community to have faith in the Complete Streets Policy.

Council Member Andrews asked the City to connect merchants with Economic Development staff to help reimagine the sidewalk space and help with transition; and noted San Francisco has examples of programs that helped businesses.

Council Member Wahab asked staff to address the feedback received, expressed she was in favor of extended sidewalks to allow for outdoor dining, suggested to have sidewalk measurements based on other cities such as Pleasanton and Fremont which has 15 feet for outdoor dining and make comparisons based on commonalities, and agreed with Council Member Márquez about the need for additional wayfinding signage for downtown parking.

Mayor Halliday noted she represents Hayward on ACTC which has provided funding for projects; noted the City was taking the multimodal concept seriously; thanked staff, community members, and the CIC for their work; noted 15 feet seemed wide enough sidewalk to accommodate outdoor dining; noted she would like to revisit diagonal parking on B Street; and added the need to move in a direction of providing complete streets.

Council Member Márquez made a motion to approve staff's recommendation.

Council Member Salinas seconded the motion.



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Council Member Lamnin recommended some flexibility around how things are constructed such as surface areas and infrastructure that give the most flexibility and continue the conversations with the community to address pain points, expressed concerns with diagonal parking, and highlighted concerns raised about impact on ADA parking and feedback about the opportunity to put a bike locker in the area. Staff clarified the ramp in front of the credit union will not be impacted.

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

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

Resolution 21-036, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with CSW/Stuberstroeh Engineering Group, Inc.”

Resolution 21-037, “Resolution Authorizing the Transfer and Reappropriation of \$1,000,000 from the Safe Routes for Seniors Project 05309 to Main Street Complete Street Project, Project 05283, within the Measure BB Paratransit Capital Fund (Fund 219)”

7. Adopt a Resolution Approving Plans and Specifications and Call for Bids for the Sanitary Sewer Main Replacement at Alameda County Transit Maintenance Facility, Project No. 07781 **CONS 21-129**

Staff report submitted by Director of Public Works Ameri dated March 16, 2021, was filed.

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

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

Resolution 21-035, "Resolution Approving Plans and Specifications for the Sanitary Sewer Main Replacement at the Alameda County Transit Maintenance Facility, Project No. 07781, and Call for Bids"

8. Adopt a Resolution Authorizing the Purchase and Adoption of an Unmanned Aerial System Program for the Hayward Police Department and the Hayward Fire Department
CONS 21-131

The item was removed from the Consent Calendar and continued to a date uncertain.

LEGISLATIVE BUSINESS

9. General Plan Annual Progress Report: Accept the Hayward 2040 General Plan Annual Progress Report for Calendar Year 2020 **LB 21-007**

Staff report submitted by Director of Development Services Simpson dated March 16, 2021, was filed.

Development Services Director Simpson introduced Acting Planning Manager Lochirco who provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:06 p.m.

Members of the City Council commended staff for the General Plan annual progress report.

Following are suggestions offered by members of the City Council: update the timeframe of General Plan programs that were not implemented in 2014-2016 before publishing the document on the website; allow opportunities to solicit further public input for implementation of General Plan programs in progress; if a cultural commission is approved, it should have a racial equity lens; consider a racial equity lens on policies that are discussed; reprioritize existing General Plan programs to align with Strategic Roadmap projects as community needs change over time; leverage from existing entities and community partners such as Hayward Arts Council to accomplish envisioned goals of a cultural commission and have the Hayward Promise Neighborhood take the lead on workforce development; continue to align General Plan programs with Government Alliance on Race and Equity (GARE) recommendations related to social justice and include all communities in Hayward including honoring the Ohlone tribe; explore ways to enhance outreach efforts to ensure all projects up



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for discretion go through a comprehensive, thoughtful and inclusive process; consider community conversations around density and community character as part of the Housing Element update and conversations with the Homelessness Housing Task Force and developer community about costs of building housing; note what is of particular concern to the community and use it to help shape guidelines for developers; evaluate density outside of transit hubs and think at a regional level; brand the 'tech corridor' or 'tech loop' and consider the marketplace of 60,000+ students throughout Hayward's academic institutions and develop a strategy for economic development; commit to local hire outside of Project Labor Agreement (PLAs) and embed incentives in local hiring; consider neighborhood design updates to bring about neighborhood cohesiveness; use existing grants to consider new concepts for projects in (PDAs) Priority Development Areas and (PPAs) Priority Production Areas; work with County partners to provide resources for the Community Health and Quality of Life program; a separate Arts and Culture Commission could review funding requests and develop events to bring the community together through cultural celebrations and reimagine longstanding traditions; and the recently passed relief bill could be allocated toward programs that have not started due to lack of funding.

Council Member Wahab and Mayor Halliday thanked Development Services Director Simpson for her work and wished her well on her upcoming retirement.

CITY MANAGER'S COMMENTS

City Manager McAdoo shared two announcements: (1) in partnership with Tiburcio Vasquez Health Center and the Alameda County Department of Public Health, the Hayward Fire Department has a vaccination site and will help eligible individuals and Spanish speakers get registered to get vaccinated at the Firehouse Clinic on March 20th and March 27th from 10:00 a.m. to 2:00 p.m.; and (2) the event Happy Hour with City Manager McAdoo on March 18th celebrating Women's History Month and conducting conversations with women in leadership, organized by Library Director Addleman via Zoom.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews asked for AC Transit Inter-Agency Committee (IAC) representatives to ask about status of bus shelters and ideas to improve them for the community. IAC members Lamnin and Zermeño spoke about an item related to bus shelters on IAC's agenda and a contract was under review and provided a number for concerns (510-891-7277).

Council Member Márquez shared positive feedback from individuals who have received vaccines at the Firehouse Clinic; and noted COVID testing continued at Glad Tidings Church, through La Familia Counseling Center, and at Skywest Golf Course.

Mayor Halliday asked City Manager McAdoo to make information more clearly available on the City website to help people find vaccinations.

Council Member Wahab requested additional benches along the shoreline; inquired about her request on job loss/unemployment update and the impact to labor budget based on COVID; asked for a comprehensive infographic for vaccine information and COVID related that Council members can share; suggested recognizing Development Services Director Simpson during her last City Council meeting; and noted she will be sending an email requesting a proclamation for the first day of Spring, Nowruz, a non-religious holiday.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the regular meeting to a closed session at 10:05 p.m.

Mayor Halliday reconvened the regular meeting at 11:16 p.m.

City Attorney Lawson reported the City Council, with all members present, reconvened in closed session at 10:10 p.m., to discuss the first item on the closed session agenda, pending litigation, AGG v. City of Hayward. After discussion, the City Council, with Council Member Salinas moving and Council member Wahab seconding, unanimously approved to settle and compromise the matter. The closed session concluded at 11:15 p.m., and the open session resumed at 11:16 p.m.

Mayor Halliday adjourned the meeting at 11:25 p.m., in memory of Ms. Marion Sands and Ms. Marlene Teel-Heim.

Ms. Marion Sands was an active member of the Longwood community, a great hostess, and the Sands family (Marion, John and Peter) received the 2019 Fan & Jim Forsyth Award from the Hayward Area Democratic Club.

Ms. Marlene Teel-Heim helped preserve Hayward's first City Hall on Mission Boulevard, was a member of the Harder-Tennyson Neighborhood Task Force and Neighborhood Alert Board of Directors, helped raise funds to renovate the Weekes Branch Library, was involved in establishing the annual Zucchini Festival, led the development of Hayward's Downtown Street Banner Program, served on the St. Rose Hospital Foundation, received the City of Hayward Mayor's Award in 1989 and the Lifetime Achievements Award in 2006, was a devoted fan of arts and advocated for Sister Corita Kent's artwork arranging art exhibits at City Hall, and started the Celebration of Nations Festival.

Mayor Halliday asked staff to work with both families and plant trees in their honor.



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APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward