



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88379569567?pwd=OVlrMHdITTZ1NVZhNmhVN1dkOWg0QT09>

Tuesday, April 11, 2023, 7:00 p.m.

The Special City Council meeting was called to order by Mayor Salinas at 7:00 p.m. The City Council held a hybrid meeting in the Council Chambers and virtually via the Zoom platform.

Pledge of Allegiance: Council Member Zermeño

Present: COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas

Absent: None

AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION

Remote Participation Based on AB 2449 Just Cause **RPT 23-042**

Council Member Andrews participated via the Zoom platform under AB 2449 Brown Act teleconferencing "just cause" option as defined in Government Code section 54953(f)(2)(A)(i) and 54953(j)(2)(A).

Mayor Salinas acknowledged that former Council Member Márquez was not in attendance as she had been appointed to the Alameda County Board of Supervisors, District Two on April 4, 2023.

PRESENTATION

Mayor Salinas read a proclamation declaring the week of April 23-29, 2023, as National Crime Victims' Rights Week. The proclamation was presented to the Alameda County District Attorney's Office Victim Witness Division Program. Ms. Maninder Bains, Victim Advocate, accepted the proclamation on behalf of the Alameda County District Attorney's Office and thanked the City for recognizing the efforts made to assist crime victims.

PUBLIC COMMENTS

Ms. Sharana Sabesan, Hayward Youth Commission (HYC) member, spoke about the HYC recruitment noting the application deadline was May 19, 2023, and highlighted the upcoming HYC conference on April 22, 2023, at the Downtown Hayward Library.

Ms. Phylis Essandoh, HYC member, provided additional information about the HYC conference including the topics, performances and prizes and encouraged all to participate.

Mayor Salinas highlighted the HYC conference was youth driven and would address current issues and urged youth in the community to register for the event.

CITY MANAGER'S COMMENTS

There were none.

CONSENT

1. Approve the City Council Minutes of the City Council Meeting on March 21, 2023 **MIN 23-042**

It was moved by Council Member Roche, seconded by Council Member Goldstein, and carried unanimously, to approve the minutes of the City Council Meeting on March 21, 2023.

2. Approve the City Council Minutes of the City Council Meeting on March 28, 2023 **MIN 23-043**

It was moved by Council Member Roche, seconded by Council Member Goldstein, and carried unanimously, to approve the minutes of the City Council Meeting on March 28, 2023.

3. Adopt an Ordinance Amending Chapter 10, Article 17 of the Hayward Municipal Code Regarding Affordable Housing Requirements for New Housing Developments **CONS 23-186**

Staff report submitted by City Clerk Lens, dated April 11, 2023, was filed.

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

AYES:	COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Ordinance 23-04, "An Ordinance of the City of Hayward Amending Chapter 10, Article 17, of the Hayward Municipal Code Regarding Affordable Housing Requirements for New Housing Developments"

4. Adopt a Resolution Opposing Initiative 21-0042A1 on the November 2024 General Election Ballot, Entitled the "Taxpayer Protection and Government Accountability Act" and Authorizing the Mayor to Sign a Letter of Opposition to the Ballot Measure **CONS 23-167**

Staff report submitted by Assistant City Manager Claussen, dated April 11, 2023, was filed.



SPECIAL CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
Council Chamber and Virtual Platform (Zoom)
<https://hayward.zoom.us/j/88379569567?pwd=OVlrMHdlTTZlNVZhNmhVN1dkOWg0QT09>
Tuesday, April 11, 2023, 7:00 p.m.

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

AYES: COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-076, "Resolution Opposing Initiative 21-0042A1 on the November 2024 General Election Ballot, Entitled the "Taxpayer Protection and Government Accountability Act" and Authorizing the Mayor to Sign a Letter of Opposition to the Ballot Measure"

5. Adopt a Resolution Approving Plans and Specifications and Calling for Bids for Traffic Signal Modification on Jackson Street as Part of the Route 238 Corridor Improvement Phase 2 Project No. 05270 **CONS 23-182**

Staff report submitted by Director of Public Works Ameri, dated April 11, 2023, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 22-077, "Resolution Approving Plans and Specifications and Call for Bids for Traffic Signal Modification at Jackson Street Project, Project No. 05270"

6. Adopt a Resolution Approving the FY 2024 Measure B/BB Annual Paratransit Program Plan and Authorizing the City Manager to Execute FY 2024 Service Agreements for the Continued Provision of Measure B/BB Funded Paratransit Services **CONS 23-184**

Staff report submitted by Community Services Manager Lobedan and Assistant City Manager Youngblood, dated April 11, 2023, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-078, "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 (HOP) Program"

7. Adopt a Resolution Authorizing the City Manager to Execute the Cooperation Agreement for Fiscal Years 2024-2026 between the City of Hayward and the County of Alameda to Participate in the Alameda County HOME Consortium **CONS 23-185**

Staff report submitted by Assistant City Manager Claussen and Housing Manager Morales, dated April 11, 2023, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-079, "Resolution Authorizing the Continued Participation of the City of Hayward in the Alameda County Home Consortium for Home Funds and Authorizing Execution of the Necessary Documents to Maintain the Eligibility of the Consortium for Home Program Funds in Accordance with the National Affordable Housing Act of 1990"

8. Adopt a Resolution Accepting and Filing the Annual Comprehensive Financial Report for the Year Ended June 30, 2022, and of the Memorandum on Internal Control and Required Communications **CONS 23-198**

Staff report submitted by Finance Director Gonzales, dated April 11, 2023, was filed.



SPECIAL CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
Council Chamber and Virtual Platform (Zoom)
<https://hayward.zoom.us/j/88379569567?pwd=OVlrMHdITTZ1NVZlNmhVN1dkOWg0QT09>
Tuesday, April 11, 2023, 7:00 p.m.

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

AYES: COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-080, "Resolution Accepting the Comprehensive Annual Financial Report for the Year Ended June 30, 2022; and the Memorandum on Internal Control and Required Communications"

9. Adopt a Resolution Authorizing the City Manager to Appropriate \$88,598.89 from the Measure C Operating Fund (Fund 101) for the Purchase of (1) EagleAir® Model RVA15M3D4U RavenCFS Breathing Air Compressor System **CONS 23-200**

Staff report submitted by Fire Chief Contreras, dated April 11, 2023, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-081, "Adopt a Resolution Authorizing the City Manager to Appropriate and Expend \$88,598.89 from the Measure C Operating Fund (Fund 101) for the Purchase of (1) EagleAir® Model RVA15M3D4U RavenCFS Breathing Air Compressor System"

10. Adopt a Resolution Authorizing the City Manager to Appropriate \$640,894 from the Measure C Operating Fund (Fund 101) for the Purchase of Motorola Dispatch Console Equipment and Service Plans and to Execute an Agreement with Motorola for Purchase of those Products **CONS 23-201**

Staff report submitted by Fire Chief Contreras, dated April 11, 2023, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance 23-082, "Resolution Authorizing the City Manager to Appropriate \$640,894 from the Measure C Operating Fund (Fund 101) for the Purchase of Motorola Dispatch Console Equipment and Service Plans and to Execute an Agreement with Motorola for Purchase of those Products"

WORK SESSION

11. Community Agency Funding: Fiscal Year 2024 Community Agency Funding Recommendations for Services, Arts & Music, Special Events, and Economic Development and Infrastructure and Overview of the FY 2024 Annual Action Plan **WS 23-011**

Staff report submitted by Assistant City Manager Youngblood, dated April 11, 2023, was filed.

Assistant City Manager Youngblood announced the item and introduced Community Services Manager Lobedan who indicated the work session was going to be separated into two sections to allow for the recusal of Council Member Zermeño from the Special Events funding recommendations. Community Services Manager Lobedan allowed members of the Council to state any disclosures of potential conflicts of interest related to the work session.

Mayor Salinas disclosed he is a St. Rose Foundation member and Council Member Goldstein shared he received a small campaign contribution from Michael Cobb, St. Rose Hospital Foundation Executive Director; it was stated the City Attorney confirmed they did not have to recuse from participating because St. Rose Hospital Foundation was not receiving any funds. Council Member Syrop disclosed his mother served on the Hayward Arts Council Board and had made contributions to his campaign, but he played no role in the deliberation or determination of the funding recommendations; therefore, he had confirmed with the City Attorney that he did not have to recuse himself from the work session. Council Member Zermeño disclosed he is a St. Rose Foundation member as well as a member of La Alianza de Hayward Board which was slated to receive some funding and therefore was going to recuse



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88379569567?pwd=OVlrMHdlTTZ1NVZlNmhVN1dkOWg0QT09>

Tuesday, April 11, 2023, 7:00 p.m.

himself from participating in the Special Events funding recommendations.

Community Services Manager Lobedan provided an overview of the first segment of the work session which included FY 2024 Annual Action Plan and the FY 2024 Community Agency funding recommendations in the categories of Economic Development and Infrastructure (CDBG source), Public Services (CDBG source), Social Services (General Fund source), and Arts and Music (General Fund source).

Mayor Salinas opened the public comment period at 7:26 p.m.

Ms. TJ, Hayward Concerned Citizens member, noted the funding recommendation of \$150,000 being allocated to Rebuilding Together Oakland and asked how the agency was related to Hayward.

Mayor Salinas closed the public comment period at 7:27 p.m.

In response to Council Member Syrop's request that staff address TJ's question, Community Services Manager Lobedan responded that while the administrative offices of Rebuilding Together Oakland was located in Oakland, the agency serves forty Hayward households annually with home repair services. In response to Council Member Syrop's inquiry about South Hayward Parish: Case Management Services project, Community Services Manager Lobedan noted the project was not funded because South Hayward Parish had submitted multiple applications and projects needed to be prioritized and staff was in communications with the agency to help determine other funding sources.

In response to Council Member Syrop's inquiry for the decrease in funding recommendation for Community Resources for Independent Living (CRIL) from \$20,000 last year to the recommended \$15,645 for current year, Community Services Manager Lobedan responded it was mainly due to competition in funding, increase in community need and funding availability.

Council Member Zermeño noted South Hayward Parish was doing a good job in serving South Hayward residents, and wondered if the funding recommendation could be reconsidered. In response to Council Member Zermeño's inquiry for the reason why St. Rose Hospital was not recommended to receive funds, Community Services Manager Lobedan responded the Community Services Commission (CSC) recommended the organization spend down current funding before allocating additional funds this year.

In response to Council Member Roche's inquiry about the reasoning for the recommendation for Spectrum Community Services: Meal Program for Seniors, noting they had requested \$50,000 but were recommended to receive \$33,000, Community Services Manager Lobedan noted it was mainly due to funding availability. In response to Council Member Roche's

inquiry about CRIL's current need related to services through the Annual Paratransit Program Plan, Community Services Manager Lobedan noted the Community Agency funding was a separate source than funding through the Paratransit Program. Council Member Roche emphasized that the goal was to keep working with CRIL.

In response to Council Member Andrews' inquiry about Love Never Fails' funding request and opportunities for securing additional funding for larger efforts, Community Services Manager Lobedan noted the allocation through Community Agency funding was limited and staff would incorporate suggestions for the agency around capital campaign fundraising.

Council Member Syrop commented he did not see the Alameda County Food Bank agency in the Community Agency funding recommendations report and inquired about CSC's thoughts about services that provide food security. Community Services Manager Lobedan shared the Alameda County Community Food Bank agency told the City they would not apply for funds this year, and staff would confirm that the agency would continue to provide services to the Hayward community. CSC Vice Chair Bruckner noted the same question was raised during CSC deliberations.

In response to Council Member Syrop's inquiry about Eden Information and Referral (EI&R) 2-1-1 service, Community Services Manager Lobedan indicated that CSC and City staff recommended to leave the competitive pool of funds as is and separately include \$50,000 in the budget process to support EI&R beginning FY 2025, and staff would verify if the contract included an outreach and marketing campaign. CSC Vice Chair Bruckner noted CSC supported the recommendation.

Council Member Goldstein shared that he was the Council Liaison to the CSC, expressed his appreciation for the great work CSC members do with a thoughtful and considerate approach to how they achieve balanced funding.

In response to Council Member Roche's question about Spectrum Community Services' funding, CSC Vice Chair Bruckner noted CSC discussed the funding and staff had addressed deliberations and funding allocations.

Mayor Salinas commented on Council Member Syrop's question about food security in Hayward noting there were organizations that distributed food such as through the Hayward Promise Neighborhood- Fresh Food for Families program and Tiburcio Vásquez Center; and closed the first segment of the work session.

Council Member Zermeño recused himself from discussion of the second segment and left the Council Chambers at 7:42 p.m.

Community Services Manager Lobedan provided an overview of the second segment of the work session which included FY 2024 Community Agency funding recommendations in the category of Special Events (General Fund source).

There being no public comment, Mayor Salinas opened and closed the public comment period



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88379569567?pwd=OVlrMHdlTTZ1NVZhNmhVN1dkOWg0QT09>

Tuesday, April 11, 2023, 7:00 p.m.

at 7:46 p.m.

In response to Council Member Roche's inquiry for the reasoning of why the Cinco de Mayo Festival was not considered a classic festival, Community Services Manager Lobedan noted the allocation was based on the total budget size and the requirement that no event should receive funding in excess of 20 percent of the event budget. In response to the inquiry about distribution of remaining funds, Ms. Lobedan noted staff plans to notify all applicants in the Special Events category, including the Cinco de Mayo Festival organizers, of the availability of one-time funds in the amount of \$3,000 which will be distributed on a first-come, first-serve basis.

Council Member Andrews was pleased with the clarification that Russell City Blues' request was included under the Special Events category; and asked if there was a formalized intake process for the use of City facilities for special events. Community Services Manager Lobedan responded that staff from different divisions were working on this. Council Member Andrews encouraged staff to have a fair process in place for everyone and for Library and City facilities to coordinate accordingly to mitigate any conflict.

Members of the City Council thanked and acknowledged City staff and Community Services Commissioners for their work on the funding recommendations. City Manager McAdoo also thanked City staff for their work in coordinating applications and acknowledged the CSC for its work advocating on behalf of the community.

Community Services Manager Lobedan noted a public hearing on FY 2024 Annual Action Plan and FY 2024 funding recommendations will be held on April 25, 2023.

Council Member Zermeño returned to the Council Chambers at 7:53 p.m.

LEGISLATIVE BUSINESS

Prior to proceeding to the Legislative Business item, Mayor Salinas stated that on February 8, 2023, Alameda County Supervisor of District 2, Richard Valle, tragically passed away, which caused the Alameda County Board of Supervisors to launch a process to fill the vacated seat and announced that the individual appointed was former Council Member Márquez. As Alameda County Supervisor Márquez was in the audience, Mayor Salinas read a Certificate of Commendation presented to Elisa Márquez in honor of her commitment and dedication to the community of Hayward; and, on behalf of the City Council, congratulated the outgoing Council Member and incoming County Supervisor Elisa Márquez for her service and legacy of contributions that will continue to make Hayward a better place. Alameda County Supervisor Márquez thanked Mayor Salinas for the recognition, commented the present situation was due to the tragic loss of County Supervisor Valle, spoke of her service and commitment to the community over the years, indicated that Hayward was the best organization lead by a great

Council and City staff, and looked forward to partnering with the City to accomplish great things for Hayward and Alameda County.

12. Council Vacancy and Appointment: Adopt a Resolution Appointing a Candidate to Fill a Two-Year Term City Council Vacancy or Consider Alternative Options for Filling the Vacancy LB 23-015

Staff report submitted by City Manager McAdoo, City Attorney Lawson, City Clerk Lens, dated April 11, 2023, was filed.

City Manager McAdoo provided a synopsis of the staff report.

In response to Council Member Goldstein's inquiry if Council wished to take a different approach than the proposed voting recommendation and make a motion, City Manager McAdoo confirmed making a motion for one of the three remaining applicants was also an option for Council.

Council Member Zermeno indicated he was going to ask the same question and was ready for a motion.

Mayor Salinas opened the public comment period at 8:08 p.m.

Mr. Al Mendall, former Council Member, thanked County Supervisor Márquez for her many contributions on the City Council; and spoke in favor of appointing Mr. Ray Bonilla Jr. to the City Council noting he served Hayward for over twenty years and was the most qualified candidate.

Alameda County Supervisor Márquez spoke in favor of appointing Mr. Ray Bonilla Jr. to the City Council noting he was qualified, talented, dedicated, and would bring a lot of expertise to the City Council.

Ms. Suzanne Luther, Hayward Concerned Citizens member, expressed that with the unexpected death of Supervisor Valle, the City was taking a reactionary approach and requested that a full recruitment be conducted so that residents can be a part of the process.

Planning Commissioner Stevens expressed support for appointing Mr. Ray Bonilla Jr. to the City Council, stated he demonstrated a strong commitment to approving high quality development projects that have benefited the city, noted he has extensive knowledge of the city, and was confident that he would make a positive impact.

Dr. Santalynda Marerro shared she was Mr. Ray Bonilla's executive coach for over ten years; expressed he was the quintessential servant leader possessing qualities such as passion, heart, and intelligence; added he has political acumen and an understanding of the system and the larger picture; added he has empathy and passion for the community and is connected to his roots; and was proud to support him.



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88379569567?pwd=OVlrMHdlTTZlNVZhNmhVN1dkOWg0QT09>

Tuesday, April 11, 2023, 7:00 p.m.

Planning Commissioner Lowe shared she has served on the Planning Commission with Mr. Ray Bonilla Jr. where he provides keen insight only a longtime resident can provide; shared he was raised in Hayward and has served on several City commissions over the years; noted he advocates for equitable and affordable housing and is not afraid to encourage developers to go above and beyond providing the basic requirements such as more housing or more amenities; and highly recommended his appointment to the Council.

Mayor Salinas closed the public comment period at 8:18 p.m.

Council Member Goldstein stated that considering the thorough recruitment process done such a short time ago with a fantastic pool of candidates, and the over two dozen conversations he had with individuals who support Mr. Ray Bonilla Jr., he made a motion to appoint Mr. Ray Bonilla Jr. to the Council.

Council Member Zermeño seconded the motion, expressed support for replacing a Hayward born and educated Council person with a Hayward born and educated resident; and stated that Mr. Ray Bonilla Jr. had the ability and experience to join the City Council team and help move Hayward forward.

Council Member Andrews stated that she was prepared to nominate Community Services Chair Artavia Berry and Planning Commissioner Ray Bonilla Jr. for the first round of nominations. Mayor Salinas stated that there was a motion on the floor to appoint Mr. Ray Bonilla Jr. which had been seconded as well.

Council Member Roche agreed with her colleagues, added Mr. Ray Bonilla Jr. would hit the ground leading as he had demonstrated through his service on various commissions, commented she learnt from him on the commissions she has served on, emphasized she could not imagine someone more qualified than him at a time there is going to be four new members on Council, underscored it was critical to have a candidate with his level of experience and was pleased to support the motion.

Council Member Syrop acknowledged Mr. Sherman Lewis who had received the fourth highest number of votes in the 2022 General Municipal Election but was not interested in the appointment process, expressed his support of the motion noting it was significant to have a Council where almost half of its members were born and raised in Hayward, noted there was value in developing talent inhouse and bringing this on board would steer the City in the right direction, mentioned his decision was informed by the previous appointment process in which Mr. Ray Bonilla Jr. interviewed strongly and received the second highest number of votes, shared that an activist on housing matters gave shining praise to Mr. Bonilla Jr. for his role on the Planning Commission, thanked the other candidates for staying in the process, hoped that they would continue serve Hayward, and join them on the dais one day too.

Mayor Salinas indicated support of the motion, emphasized Hayward should be proud the City Council bench is deep, substantive, competent, qualified with talent grown locally, added the Council possesses the quality and expertise to perform the job well, shared that these qualities were evident in Planning Commissioner Ray Bonilla Jr. as demonstrated during his interview in January, expressed that Mr. Ray Bonilla Jr. is well acquainted with the city and its neighborhoods having lived in Hayward, and was confident that one could go to him with a concern or an issue knowing he is serving the city for the right reasons.

Council Member Andrews thanked all of the applicants and recognized Commissioners Ray Bonilla Jr., Artavia Berry, Aidan Ali-Sullivan, and Austin Bruckner for their efforts undergoing a public interview during the appointment process before the Council and their contributions to the community, was pleased to see her former Planning Commission colleague Mr. Ray Bonilla Jr. advancing forward and was elated for the opportunity to work together and to continue to move the needle forward on the Council, commented that Mr. Ray Bonilla Jr. is well respected in the community and expressed her support of the motion.

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

AYES:	COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 23-083 "Resolution Appointing Ray Bonilla Jr. as Council Member for the City of Hayward"

Mayor Salinas called for a recess at 8:28 p.m., and reconvened the meeting at 8:36 p.m.

13. Stormwater Management and Urban Runoff Control Ordinance: Adopt a Resolution and Introduce Stormwater Ordinance Amendments Related to Municipal Regional (Stormwater) Permit-MRP 3.0 and Finding the Action is Exempt from CEQA Review **LB 23-014**

Staff report submitted by Public Works Director Ameri, dated April 11, 2023, was filed.

Mayor Salinas acknowledged City staff were ready to provide an overview of the report but requested to forgo the presentation and move to questions. Mayor Salinas asked about the impact the proposed ordinance may have on businesses under the permit.

Water Pollution Source Control Administrator Wilfong indicated the report included ordinance amendments requiring full trash capture devices for property owners who have trash issues and are unable to clean their property at a frequency that is compliant per the stormwater mandate to reduce trash by 100%. Water Pollution Source Control Administrator



SPECIAL CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
Council Chamber and Virtual Platform (Zoom)
<https://hayward.zoom.us/j/88379569567?pwd=OVlrMHdlTTZ1NVZhNmhVN1dkOWg0QT09>
Tuesday, April 11, 2023, 7:00 p.m.

Wilfong added there was potentially cost inferred if a property is asked or required to install a full trash capture device, mentioned there would be a cost for the device depending on its size and its maintenance noting that cleaning may be done by the property owner or by a company providing the service, and emphasized that the installation of the device was not a requirement if the property was able to contain the trash on the property and stay in compliance with the 100% reduction mandate.

In response to Council Member Zermeño's inquiry about the number of restaurants or businesses that have or are in need of trash capture devices, Administrator Wilfong responded that there were a fair amount of private property owners, including commercial and some large residential developments, that have full capture devices, noted there were approximately 400 to 500 businesses in the inventory that need to be addressed as their drainage was not allowing the City to treat them downstream, and noted it was difficult to gauge how many properties may require a device until an inventory is created and assessment performed.

Council Member Zermeño thanked staff for the response, noted that there were approximately 9,000 businesses in Hayward and indicated it would be interesting to know how many of these have trash capture devices.

There being no public comment, Mayor Salinas opened and closed the public hearing at 8:42 p.m.

Council Member Roche shared she heard the staff report as she served on the Council Sustainability Committee; commented that since Hayward has to achieve 100% trash reduction by July 2025, businesses will have to partner with the City in this effort, and hoped the City could work with businesses on bearing costs; and supported the proposed amendments demanding that everyone do their part to keep trash out of the stormwater.

It was moved by Council Member Goldstein, seconded by Council Member Syrop, and carried by the following roll call vote, to adopt the resolution and approve the introduction of the ordinance.

AYES: COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-084 "Resolution to Adopt Amendments to Chapter 11, Article 5, (Stormwater Management and Urban Runoff Control) of the Hayward Municipal Code in Response to the Municipal Regional Permit (MRP 3.0)"

Intro Ordinance 23- “An Ordinance Amending the Stormwater Management and Urban Runoff Control Ordinance (Chapter 11, Article 5 of the Hayward Municipal Code) in Response to the Municipal Regional Permit (MRP 3.0))”

PUBLIC HEARING

14. Valley Street East of 4th Street to C Street: Adopt a Resolution Vacating Right-of-Way of Valley Street East of 4th Street to C Street Pursuant to the Provisions of California Streets and Highways Code Sections 8320 et. seq. **PH 23-017**

Staff report submitted by Public Works Director Ameri, dated April 11, 2023, was filed.

Mayor Salinas announced the report, stated members of the Council had reviewed the staff report, requested to forego staff's presentation, and move to Council questions.

In response to Council Member Roche's inquiry if the two properties would take over the street corner and if the street portion would remain a public right-of-way, City staff noted the property owner would be responsible for maintaining the entire parcel and the site would remain a public right-of-way.

Council Member Syrop shared that in looking at the map, it appeared there was no sidewalk that curved around the street, and asked if this would be converted into a sidewalk. Senior Civil Engineer Sharma responded that would not be accomplished as part of Council's action; and added that the arrangement was once the adjacent property is acquired and lots are merged, there may be a plan to develop the combined lot with an additional home or expand the existing use, and the addition of a sidewalk would be a requirement of the lot development.

Mayor Salinas opened the public hearing at 8:47 p.m.

Ms. Joan Butler, C Street resident, wanted to know what will happen after the street is vacated and how long would it take for next steps, expressed concern the area is used by individuals to dump trash and mattresses, and supported the addition of a sidewalk on 4th Street.

Mayor Salinas closed the public hearing at 8:50 p.m.

Mayor Salinas asked staff to address the question posed by Ms. Butler. Public Works Director Ameri indicated that once the street right-of-way is vacated and the property transferred to the adjoining property owner, the new property owner will be responsible for maintaining the parcel and noncompliance of property maintenance will be handled by Code Enforcement; and anticipated the development of the property would create fencing and frontage improvements.



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88379569567?pwd=OVlrMHdlTTZlNVZhNmhVN1dkOWg0QT09>

Tuesday, April 11, 2023, 7:00 p.m.

Mayor Salinas gave Ms. Butler another opportunity to address the Council. Ms. Butler wondered if she could have, for historical purposes, the old sign that indicates Valley and C Street. Mayor Salinas indicated the City Manager's office would work with Ms. Butler.

Council Member Syrop echoed the desire for the new development to be pedestrian friendly and hoped for this during City negotiations, shared that he lived near the area and wanted to ensure the area was walkable, rollable, accessible to community members, and help set a standard for walkability along 4th Street as there was a need for sidewalks.

In response to Council Member Syrop's inquiry for the timeframe Code Enforcement would address any potential non-compliance issues in the vacated lot, Public Works Director Ameri indicated that as soon as the property is transferred, the owner would be responsible for maintaining the portion of the property, and noted that when a situation arises, Code Enforcement would issue a notice to the property owner and if ignored, then the City could take further steps to bring the property into compliance.

Council Member Syrop offered a motion to move the item.

Council Member Zermeño noted there was an evident problem with litter in the area when he used to visit former residents; was glad the adjacent property owner would be taking over the proposed site; urged that Code Enforcement inspect the site to ensure that it is fenced, kept in good shape or a sidewalk is installed; and seconded the motion.

Regarding the Valley and 4th Street sign, City Attorney Lawson requested that it not be included as a friendly amendment to the motion but addressed offline.

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

AYES:	COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 23-085 "Resolution Vacating the Right-of-Way of Valley Street East of 4th Street to C Street"

15. Hayward Hangars Airport Hangar Project TEFRA Hearing: Tax and Equity Fiscal Responsibility Act Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Approving the Issuance of Revenue Bonds by the Public Finance Authority in an Amount Not-to-Exceed \$5,512,000 to Finance or Refinance the Construction, Furnishing and Equipping of an Aircraft Storage Hangar Project Located at 20995 Skywest Drive, Hayward, California. **PH 23-019**

Staff report submitted by Assistant City Manager Claussen, dated April 11, 2023, was filed.

Assistant City Manager Claussen announced the item and introduced Mr. James Altschul, President of Hayward Hangars LLC, who provided a synopsis of the report.

In response to Council Member Roche's inquiry as to where on the airport property was Hayward Hangars located, City Manager McAdoo responded it was located farther away from Skywest.

Council Member Syrop thanked Mr. Altschul for the presentation and the continued support of Hayward Airport and asked if the item went before the Planning Commission. City Manager McAdoo responded the project did not require discretionary review by the Planning Commission and only required a building permit review, and added the project had been in the works for several years.

Council Member Syrop commented that since the project was over \$1 million and due to there being a Community Workforce Agreement in place, asked if there were conversations with trade unions about the proposed project. City Manager McAdoo indicated that the proposed project was exempt as the Community Workforce Agreement applied to City projects and the proposal was a private project. Mr. Altschul noted the project was small and added that his company employed a Hayward resident as well as two San Lorenzo residents.

There being no public comment, Mayor Salinas opened and closed the public hearing at 9:05 p.m.

Council Member Zermeño shared that he knew Mr. Altschul through his service on the airport committee, noted the project was good for the airport, and made a motion to move the item.

Council Member Goldstein seconded the motion.

Mayor Salinas thanked Council Members Zermeño and Syrop for their work on the Council Airport Committee.

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



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88379569567?pwd=OVlrMHdlTTZ1NVZhNmhVN1dkOWg0QT09>

Tuesday, April 11, 2023, 7:00 p.m.

AYES: COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-086 "Resolution Approving the Issuance of Not to Exceed \$5,512,000 of Public Finance Authority Industrial Revenue Bonds (Hayward Hangars Project), Series 2023 for the Benefit of Hayward Hangars, LLC"

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews recognized that it was Earth Month and announced the Keep Hayward Clean and Green Task Force was organizing a clean-up event at Weekes Park on April 22, 2023. Council Member Andrews asked City Manager McAdoo if it would be possible to have the Hayward Police Department provide an update on catalytic converters.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Salinas adjourned the special meeting at 9:09 p.m.

APPROVED

Handwritten signature of Mark Salinas in black ink.

Mark Salinas
Mayor, City of Hayward

ATTEST:

Handwritten signature of Miriam Lens in blue ink.

Miriam Lens
City Clerk, City of Hayward

