



**SPECIAL JOINT MEETING OF THE CITY COUNCIL AND HAYWARD
REDEVELOPMENT SUCCESSOR AGENCY BOARD**

777 B Street, Hayward, CA 94541

Council Chambers and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVloVXJBckdmQT09>

Tuesday, September 26, 2023, 7:00 p.m.

The special joint meeting of the City Council and Hayward Redevelopment Successor Agency Board was called to order by Mayor/Chair Salinas at 7:00 p.m. The City Council/HRSA held a hybrid meeting in Council Chambers and virtually via Zoom.

Pledge of Allegiance: Council/HRSA Board Member Bonilla Jr.

Present: COUNCIL/HRSA BOARD MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop,
Zermeño

MAYOR/CHAIR Salinas

Absent: None

CLOSED SESSION ANNOUNCEMENTS

The City Council convened in closed session on September 26, 2023, at 5:30 p.m., with all members present and no public speakers, regarding two items: 1) conference with legal counsel pursuant to Government Code section 54956.9(d)(2) regarding one matter based on facts and circumstances that are likely to result in litigation; and 2) conference with property negotiators pursuant to Government Code section 54956.8 concerning 1069 B Street (APN 428-0066-085-00) and 22695 Foothill Boulevard (APN 428- 0066- 086- 00) also known as Cinema Place. City Attorney Lawson reported the Council discussed Item 1 and took no reportable action; and the Council discussed Item 2 and gave direction to staff but took no reportable action. The closed session adjourned at 7:00 p.m.

PUBLIC COMMENTS

TJ, with Hayward Concerned Citizens, posed three questions: the reason why Hayward was not selected to receive funding for the California Organized Retail Theft Prevention Grant Program; the reason the June Council report did not include the fiscal impact and planned expenditure related to the trip to Faro, Portugal; and place the reinstatement of the Red Light Camera Enforcement Program on a future public hearing agenda.

Randy Waage supported activating the open space at the former Skywest Golf Course for the San Lorenzo Food Bank which serves 2,700 community members and having the space open to community members through Via Alamos; shared that batteries could be recycled at the Hayward Library; and urged the youth to explore the open space at the former Skywest Golf Course.

CITY MANGAGER’S COMMENTS

City Manager McAdoo shared that staff was in contact with board members of the San Lorenzo Family Center about the former Skywest clubhouse; spoke about the successful September 24th Hayward Executive Airport Open House which had over 8,850 attendees; noted the Downtown Library will close on September 28th to host events organized by the Library Journal Design Institute and the Weekes Branch Library will remain open; and shared the Maintenances Services Department was awarded a grant for \$500,000 from the USDA’s Urban and Community Forestry grant and spoke about what it will accomplish.

Mayor Salinas underscored that the Hayward Executive Airport Open House was a well-attended event with opportunities to promote interest in aviation; and thanked Chabot College President Jamal Cooks for featuring its MESA (Math, Engineering, Science Achievement) Program.

CONSENT

- 1. Approve the Minutes of the Special Joint Meeting of the City Council and the Hayward Public Finance Authority Board on September 12, 2023 **MIN 23-098**

It was moved by Council Member Goldstein, seconded by Council Member Roche, and carried unanimously, to approve the minutes of the Special Joint Meeting of the City Council and the Hayward Public Finance Authority Board on September 12, 2023.

- 2. Adopt a Resolution Authorizing the City Manager to Enter into an Agreement Amending the Ground Lease Between the Hayward Redevelopment Successor Agency and 1069 B Street LLC California Limited Liability Company, as Successor in Interest to Cinema Place Hayward, LLC **CONS 23-502**

Staff report submitted by Chief Economic Development Officer Nguyen and Assistant City Manager Dustin, dated September 26, 2023, was filed.

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

AYES: COUNCIL/HRSA MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR/CHAIR Salinas
NOES: None
ABSENT: None
ABSTAIN: None



SPECIAL JOINT MEETING OF THE CITY COUNCIL AND HAYWARD REDEVELOPMENT SUCCESSOR AGENCY BOARD

777 B Street, Hayward, CA 94541

Council Chambers and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVloVXJBckdmQT09>

Tuesday, September 26, 2023, 7:00 p.m.

HRSA Resolution 23-02, "Resolution of the City Council of the City of Hayward Acting as the Governing Board of the Successor Agency for the Redevelopment Agency of the City of Hayward, Authorizing the City Manager/Executive Director to Enter into an Agreement Amending the Ground Lease Between the Hayward Redevelopment Successor Agency and 1069 B Street LLC California Limited Liability Company, as Successor in Interest to Cinema Place Hayward, LLC"

3. Adopt a Resolution Awarding a Construction Contract to JJ Construction and Design, Inc., for the Municipal Parking Lot No. 11 Improvement, Project No. 05741 in the Amount of \$384,098, and Authorizing a Construction Contingency Change Order Budget of \$120,000
CONS 23-514

Staff report submitted by Public Works Director Ameri, dated September 26, 2023, was filed.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-231, "Resolution Approving Construction of the Municipal Parking Lot No. 11 Improvement, Project No. 05741, and Awarding the Construction Contract to JJ Construction and Design, Inc."

4. Adopt a Resolution Finding the City's Lease with the East Bay Regional Park District Allows the Hayward Marsh Restoration Project **CONS 23-517**

Staff report submitted by Public Works Director Ameri, dated September 26, 2023, was filed.

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

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

Resolution 23-232, "Resolution Finding the City's Lease with the East Bay Regional Park District Allows the Hayward Marsh Restoration Project"

WORK SESSION

5. Spectator Ordinance Modifications: Consider Ordinance Changes Amending Chapter 4, Article 12 of the Hayward Municipal Code Relating to Spectators at Illegal Speed Contests and Exhibitions of Speed to Include Sideshows (Report from Acting Police Chief Matthews) **WS 23-034**

Staff report submitted by Acting Police Chief Matthews, dated September 26, 2023, was filed.

Acting Police Chief Matthews provided a synopsis of the staff report.

Mayor Salinas opened the public comment section at 7:18 p.m.

Jesse Gunn expressed his opposition to the proposed amendments to the ordinance; urged the Council to consider alternatives such as community engagement in schools to educate and invest in youth programs that provide alternatives to dangerous lifestyles; and asked for more transparency for what the Hayward Police Department (HPD) is doing in response to illegal speed contests.

Mayor Salinas opened the public comment section at 7:21 p.m.

Discussion ensued among members of the City Council and City staff regarding: areas frequently impacted by illegal speed contests and exhibitions of speed; data supporting enactment of the proposed ordinance in addressing safety concerns associated with sideshows and to serve as a deterrent; law enforcement being able to make the determination when spectators were not solely present by happenstance but were there specifically to participate in the activity; the increase in incidents during the past few months and HPD pooling resources with the Alameda County Sheriff's Office, California Highway Patrol, and San Leandro Police Department to address the issue regionally; guidance for additional options to address issues on private or public property; implementation of the ordinance and use of drones; dangers of sideshows, especially reckless driving, which could be shared via social media platforms; it was noted that racetracks allow sideshows, but there may be associated costs; enforcement, warnings and administrative fines; issuing a citation within thirty days of the violation would be specific to the administrative citation process follow-up; and prosecution based on posting videos.



**SPECIAL JOINT MEETING OF THE CITY COUNCIL AND HAYWARD
REDEVELOPMENT SUCCESSOR AGENCY BOARD**

777 B Street, Hayward, CA 94541

Council Chambers and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVJoVXJBckdmQT09>

Tuesday, September 26, 2023, 7:00 p.m.

Members of the City Council thanked staff for the presentation.

Council Member Zermeño suggested adding the term “donuts” when referring to sideshows as they are commonly used; noted that sideshows were bad for the environment resulting from rubber that is polarized and fumes that are generated; and expressed support of staff’s recommendation.

Council Member Roche indicated that according to the report, subject matter experts agreed the proposed revisions to the ordinance related to sideshows would serve as a deterrent; was concerned with the criminal justice system and the enactment of an ordinance such as the proposed having a racial outcome; and noted that if the ordinance is enacted as proposed, she would prefer to see a data report and review any obvious racial outcomes, the following summer.

Council Member Goldstein stated that in addition to fines, as an alternative, he would like to see public service to help address equity issues; suggested a restorative justice component; stated the type of activity was not only a nuisance but was also disruptive, causing fear and endangering minors; and wondered if it would be useful to include in the ordinance a defense for the spectator role when a person is reporting incidents which may promote reporting of such incidents.

Council Member Syrop appreciated that reckless driving was being taken seriously as this would help make roadways safer for pedestrians and bicyclists but was uncomfortable with the equity and racial disparity with enforcement of the proposed ordinance; noted there were sanctioned activities such as rodeos which were treated differently; indicated that while he was open to considering the proposed ordinance, he wanted to see legal pathways for regulated sideshows on public and private properties to allow for cultural celebrations; noted the proposed ordinance should apply to public right-of-way with a process to legally shut down streets for a fee the same way it is done for different cultural events that drew in tourists; encouraged collaboration between traffic enforcement and the Public Works Department to identify hot spots and consider changes to the environment to discourage the activity; noted that the county ordinance stated that any spectator within 200 feet of the event was liable to be a spectator, and recommended that the proposed ordinance include a distance demarcation; favored the administrative approach; supported a reduction in fines for spectators and not the person committing the act of reckless driving; and added that a racial equity element had to be considered in regulating sideshows.

Council Member Andrews agreed with her colleagues on the restorative justice aspect and supported an administrative approach; agreed with addressing the issue through education at schools but noted that a lot of the activity stemmed from outside the community; wanted to learn about the outcome of the meeting between San Jose and Silicon Valley about deterring

sideshows with social media companies; supported privacy and First Amendment rights, but was also interested in impacts from criminal behavior and requested year-to-year data be provided; supported the urban design approach and urged staff to be more creative in responding to requests for traffic calming and evaluating through a lens of preventing escalation of activities, and not involving law enforcement when not needed; stated she did not want illegal sideshows due to the cost impact to the community; and added that there should be education on where is allowed.

Council Member Bonilla Jr. supported finding a way to curb illegal sideshows in the city and being cautious with racial justice issues unintentionally impacting black and brown communities disproportionately; noted that according to research what primarily surfaced related to sideshows was violence, injuries and killings; agreed that while this could be a recreational sport for certain communities, there has to be a way for making it safe; supported the City's ordinance being broadly aligned with regional partners and leveraging multiple approaches rather than penalties; commented that the ordinance would enhance safety and quality of life of Hayward residents; supported other preventative measures such as urban design and education; supported expanding the ordinance to include all public roadways and private property; was interested to see data on how other jurisdictions were using and applying the spectator ordinance; supported the progression or the stepped enforcement and having it more explicitly stated in the ordinance; and suggested eliminating language in the second paragraph of the ordinance as it would apply to all hours of the day, and stated the issue not only created a nuisance impacting the quality of life, but also affected safety.

Council Member Goldstein spoke about progression and noted that contributing factors should also be considered such as whether injuries were caused or weapons involved at the event; supported roundabouts, other structural changes and landscape activities that would limit sideshows; was in favor of using evidence to suppress illegal sideshows; and supported a safely regulated venue for such activity as it was seemingly a popular activity, however not necessarily located in Hayward.

Council Member Roche received confirmation that the ordinance included a distance of 200 feet; expressed that the proposed ordinance would help fill in the gap as the state and county had regulations in place addressing sideshows; shared that the built environment also needs to be scrutinized, pointing out that the installation of a roundabout in Fairway Park had resulted in more donuts in the area with vehicles going around the roundabout; and suggested that bump outs may help stop the activity.

Council Member Syrop agreed that not every traffic calming measure was a one size fits all solution and urged that this be taken into account; reiterated his comments that he was open to the ordinance and understood the improvements it would make to community safety; noted he would be fine with an enterprising entrepreneur who found a vacant lot in Hayward to make the activity occur as a safely regulated space with the support of Hayward emergency and first-responder staff; supported a concise ordinance that would provide general guidelines, and work towards developing a legalized route; and was reluctant to fully support the proposed ordinance because he thought it would negatively impact people of color.



**SPECIAL JOINT MEETING OF THE CITY COUNCIL AND HAYWARD
REDEVELOPMENT SUCCESSOR AGENCY BOARD**

777 B Street, Hayward, CA 94541

Council Chambers and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVJoVXJBckdmQT09>

Tuesday, September 26, 2023, 7:00 p.m.

Council Member Andrews was concerned with the escalation of fees, noting that the person receiving the citation may not know that a situation has escalated and it may not be their cause for escalation.

Council Member Goldstein clarified that his suggestion was to provide a facility to allow for sideshows as the present ordinance language did not allow it.

Council Member Andrews was concerned about the enforcement in connection with First Amendment rights and cautioned in the phrasing of this language.

Mayor Salinas stated he had difficulty making the connection of rodeos to shootings at sideshow events; spoke about how the use of the word equity had evolved over the last few years underscoring that equity meant targeting the most negatively impacted population by a policy or a law, and figuring out a way to lift up their situation in order to improve their quality of life; spoke about the negative impact that sideshows coming to Hayward from other areas have in communities of color; added that HPD was able to recover drugs and weapons when perpetrators were apprehended; shared that sideshows posed a disturbance for entire neighborhoods; disagreed with the statement that the ordinance was not equitable to individuals violating the law and the suggestion to provide spaces for this type of behavior; questioned whether restorative justice could be used for someone apprehended for violating reckless driving who had disregarded neighborhoods and the quality of life for residents; agreed with comments expressed by his colleagues on the fine schedule being sufficient and agreed that subsequent offenses by spectators should constitute higher fine amounts; supported using restorative justice for Hayward residents; and emphasized that the proposed policy was one issue that neighborhoods had been advocating for, and stressed the importance of equity for our City.

Council Member Syrop clarified his comment about the association between rodeos and sideshows; did not want to give the impression that he was against regulating sideshows in residential neighborhoods or putting forth parts of the ordinance but was interested in understanding how to get a grip on the issue and to continue to crack down on the illegal activity; and commented that people of color were likely to receive the fines, and it was already difficult for these groups to escape poverty.

Council Member Andrews clarified that members of the Council were interested in how a sideshow spectator ordinance could be implemented in a way that respects the Constitution and allows for peaceful assembly, acknowledging that individuals of color would be impacted by the proposed ordinance, and it was the City Council's responsibility to look at a policy from that lens; stressed that it was not the intended path for a spectator to potentially be placed in juvenile hall for participating in sideshow activity unless there was evidence to continue with the enforcement; and agreed that the policy be evaluated through a lens of equity.

Council Member Bonilla Jr. commented that he had an issue with sideshows being done illegally in Hayward; stated that the proposed ordinance sought to reinforce that sideshows were criminally prohibited activities, and if one is watching, they would be part of the activity and subject to penalties.

Council Member Zermeño stated that if individuals of color are disproportionately impacted by the policy, then perhaps the educational aspect needs to be directed to youth from the affected community groups articulating the activity is illegal and participation as a spectator could result in consequences; and noted that not all participants are brown and black participants.

Council Member Roche stated the proposed ordinance was a tool that could be used by families to inform their children that by watching the activity, it was an illegal act.

COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Andrews acknowledged the work done by staff and Council Member Syrop with the Hayward People's Budget initiative; thanked staff for efforts on fostering community engagement in a positive way; and shared the Hayward Night Market event will be held at St. Rose Hospital on September 30, 2023.

Mayor Salinas stated that October will be a busy month featuring many events and shared that a survey was recently conducted about having an outdoor farmers' market near South Hayward BART with the results coming out soon.

Council Member Zermeño announced the Mariachi Festival at Hayward City Hall Plaza on September 29, 2023.

Council Member Syrop, as the City's Trustee on the Alameda County Mosquito Abatement District (ACMD), shared there was a case of West Nile Virus in Alameda County, noting that the mosquitos are active during dawn and dusk; and residents can contact ACMAD with inquiries.

Mayor Salinas shared the Puente Car Show will be held on September 30, 2023 at Tennyson High School, featuring awards given by the Mayor, Council and a California State Assemblymember; mentioned he attended the Bay Philharmonic Gala at City Hall Rotunda on September 22, 2023, with proceeds going towards admissions tickets for students attending the Broadway's Best show to be held at Chabot College on October 1, 2023.

Council Member Goldstein expressed his gratitude to staff for the Hayward Executive Airport Open House event held on September 24, 2023, and noted he attended as a recruiting effort for the County's Emergency Communications team and stressed that in his fourteen years of recruiting the open house event had the most public attendance.



**SPECIAL JOINT MEETING OF THE CITY COUNCIL AND HAYWARD
REDEVELOPMENT SUCCESSOR AGENCY BOARD**

777 B Street, Hayward, CA 94541

Council Chambers and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVloVXJBckdmQT09>

Tuesday, September 26, 2023, 7:00 p.m.

ADJOURNMENT

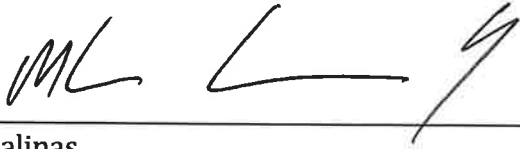
Mayor/Chair Salinas adjourned the City Council/Hayward Redevelopment Successor Agency Board meeting at 8:43 p.m., in memory of Pastor Chuck Horner and former Assistant to the City Manager Millie Saad.

Mayor Salinas gave Council Member Bonilla Jr. the opportunity to say a few words about Millie Saad. Millie Saad was born in New York, lived in Alameda County since moving to California in the 1970s; received her master's degree from California State University, Hayward; joined the City of Hayward on 9/12/1988 as the Assistant to the City Manager and retired on 9/26/2008 giving over 20 years of service to the community; was instrumental in the formation of the Hayward Youth Commission and served as the first Hayward Youth Commission advisor from 1994 until 2002; coordinated with City departments to create content when the city was developing its website; worked behind the scenes organizing the first Employee Pancake Breakfast to acknowledge City employees; and expressed condolences to her daughter Amanda Saad and her husband Bahgat.

Mayor Salinas also provided an opportunity to members of the City Council to say a few words about Pastor Chuck Horner. Pastor Chuck Horner served on the Keep Hayward Clean and Green Task Force and was a force for positivity and change in the community; was a pioneer in keeping the city clean and green; was a strong advocate for ensuring that everyone participated and pushed for HUSD to be a part of the mission to keep Hayward clean and green and would take opportunities related to graffiti to show youth a different path; would be honored every year through the Keep Hayward Clean and Green Task Force Golden Grabber Award which will be given to a volunteer every year in his name; was a friend to everyone; was able to help address any stressful situations that may have emerged in the neighborhood; demonstrated love for the community and was admired for this; was the gold standard for volunteerism as he had volunteered with HPD, HFD, KHCG TF, Salvation Army, Rotary Club, schools, parks, and was always the first to show up at events, was the workhorse and the last one to pack up; was an integral part of the Salvation Army recruiting volunteers to cook dinner for Hayward's unhoused population; was beaten up by the South Hayward BART Station while cleaning up graffiti but did not let the incident deter him and continued to beautify the City; had a positive spirit and was known for his top hat and deep voice; had a can-do and optimistic personality; and members of the Council expressed condolences to his family and son Aaron Horner, Executive Director at South Hayward Parish.

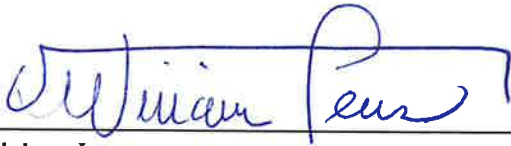
Mayor Salinas asked City staff to work with both families and plant trees in memory of Chuck Horner and Millie Saad.

APPROVED



Mark Salinas
Mayor, City of Hayward
Chair, Hayward Redevelopment Successor Agency

ATTEST:



Miriam Lens
City Clerk, City of Hayward
Secretary, Hayward Redevelopment Successor Agency