

**CITY COUNCIL MEETING
JULY 20, 2021**

**DOCUMENTS RECEIVED
AFTER PUBLISHED AGENDA**

AGENDA QUESTIONS & ANSWERS

Items 4, 10, 15 & 17

AGENDA QUESTIONS & ANSWERS

MEETING DATE: July 20, 2021

Item #4 [CONS 21-374](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$205,000 in Awarded Grant Funding from the State of California Office of Traffic Safety for the Hayward Police Department

For Item 4, STEP grant, will demographic data be collected for the various programs of the grant? Is it possible to have an informational report about the outcomes of the grant?

Demographic data is not collected as a grant requirement, however we will begin collecting it once RIPA requirements are implemented. An exception is DUI / CDL checkpoints. There is no way to collect data for every contact since most contacts last 30 seconds or less. RIPA requirements do not apply to DUI / CDL checkpoints for that reason.

Grant outcomes are reported to OTS quarterly and, if Council desires, can be reported during periodic updates from the Chief of Police.

Item #10 [CONS 21-407](#) Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Rincon Consultants in an Amount Not- to- Exceed \$599,565 to Prepare General Plan Amendments Related to the Housing Element, Climate Action Plan, Environmental Justice and the Safety Element and Related Environmental Analysis

I appreciated this highlight in the staff report regarding the consulting contract for the Housing Element+ update. Will such grants be part of the outreach in Hayward?

Page 4 of 6 "Staff found that Rincon Consultants has a strong and experienced team ... a strategy to address equity issues ...; a commitment to creating a flexible and far-reaching outreach program by creating small grants for local community groups that can conduct outreach using tool kits and helping to organize and run meetings;..."

Yes. The consultant is planning to include such grants as one component of the overall Outreach Strategy which will be developed as part of the project.

Item #15 [WS 21-036](#) Fireworks Mitigation Options (Report from Assistant City Manager Ott)

Why is Palma Ceia Park listed as an example for a sanctioned area for firework use? It is an area surrounded by homes, dry vegetation, bark, and trees? It seems like this is an unfair burden in this community who deals with fireworks not just through spring and summer but throughout the year. We need accountability for this nuisance not promote it in area already suffering.

Staff put forward Palma Ceia Park as one suggestion for a sanctioned site to provide additional resources in that neighborhood since we know that the Palma Ceia neighborhood and park experience a high number of illegal fireworks. The goal of having a highly-monitored sanctioned area would be to provide controls on the activity that is already occurring to give the neighborhood some relief, not draw more activity to the park. Alternatively, this could be another type of event that creates an outlet for the neighborhood but doesn't include sanctioned "safe and sane" fireworks, such as a laser show. Both of these options would require additional budget and staffing, with more needed for the second option.

<p>What were other locations considered?</p>	<p>If Council is interested in pursuing this concept, Staff is open to any suggested locations for sanctioned “safe and sane” firework use or for other City-sponsored activities on July 4th. The goal of this initial work session is to provide an overview of concepts and possible costs. Further analysis would be needed before moving forward on any concepts or locations.</p>
<p>What has been done regionally to address this issue?</p>	<p>To date, there has not been a coordinated regional response to fireworks enforcement. Most cities have pursued similar tools, such as a Social Host Ordinance, increasing fines, and incorporating drones. Both the Fire Chief and the Police Chief are interested in pursuing a regional response to target the sellers and flow of fireworks. However, additional resources may be needed to participate in such an effort.</p>
<p>What are the surrounding cities fine amounts? Do we have a ballpark of how many citations were administered?</p>	<p>Fines for a first offence range from \$100 to \$1,000 in surrounding communities. Fines increase for the number of violations within a year and for larger quantities of fireworks. On the high end, Redwood City has fines up to \$50,000.</p> <p>The numbers of citations written for Municipal Code 3-3.00 were 2 in 2017, 7 in 2018, 6 in 2019, 0 in 2020, and 0 in 2021.</p>
<p>What happens if a resident reports an address who may be illegally selling fireworks?</p>	<p>HPD can initiate a criminal investigation into reports of illegal fireworks sales, but staffing/resources will factor into this approach (particularly in cases where complaints are anonymous or lack specific detail).</p>
<p>Are shot spotters effective?</p>	<p>Even if shot spotters are effective in locating where fireworks are being used, there is still the obstacle of having officers respond to the incident whether it is not having enough staffing to respond to the location, or the heightened danger of having officers approach a large gathering.</p>
<p>Has staff looked into apps or if someone can submit via Access Hayward anonymously?</p>	<p>Currently community members can submit via Access Hayward anonymously. However, the existing ordinance language requires an officer to be present to witness the use of fireworks to issue a citation. Therefore, evidence gathered by residents and submitted via Access Hayward would not meet the threshold to issue a citation.</p> <p>If someone reported illegal firework sales through Access Hayward, there would be the same constraints on staffing and resources to investigate.</p> <p>If Council moves in the direction of citing property owners for fireworks violations, the City will need a staff witness of the violation to issue the citation. An anonymous complaint would not be sufficient evidence.</p>

<p>Was technology part of the discussion for addressing fireworks in the future?</p>	<p>Staff has explored the use of drones for spotting and evidence collection. However, the ordinance changes outlined in the staff report have to be addressed before the use of drones can be feasible.</p>
<p>Can we leverage the technology we use at the airport to help find people setting them off?</p>	<p>It is unlikely that the airport’s system would be helpful with fireworks enforcement. The airport has noise monitors at 4 locations around the airport. Although the software might pick up some of the noise it will not be able to discern where the noise is coming from or be able to give real time data. The noise recordings the airport receives are processed and sometimes take several hours before staff can listen to it. In addition, the noise monitors are designed to pick up aircraft noise not for explosives.</p>
<p>What role would drones have in this work?</p>	<p>Drones could act as spotters and potentially collect evidence for staff use to issue citations.</p> <p>If drones are used as spotters, HPD will still have the bottleneck of not having enough officers to respond to locations.</p> <p>If the City’s ordinance is changed to allow citations to be issued to property owners from sufficient photo and video evidence, drones could assist in the collection of evidence. The trade off for this option is less community privacy. In addition, this will create additional work for Code Enforcement to review and process the evidence, which will require resources.</p> <p>Finally, drones can be used for fire monitoring in high-risk areas during times of high fireworks use (this is not enforcement).</p>
<p>Is there data about the number of requests on Access Hayward regarding fireworks?</p> <p>Also, who responds to these requests?</p>	<p>Staff created a new Access Hayward category a couple months ago to “Report Illegal Fireworks” category a couple of months ago. There have been 38 reports in the past two months.</p> <p>In addition, during the past year, there were another 38 reports that contained the word fireworks.</p> <p>This topic is assigned to HPD’s Crime Prevention Specialists. If Access Hayward requests don’t have a specific department responsible, they are routed to HPD District Command.</p>

Item #17 [PH 21-065](#) Recommended FY 2022 and FY 2023 Water and Sewer Rates: Adopt a Resolution Amending the Master Fee Schedule and Approving the Proposed Water and Sewer Service Rates (Report from Director of Public Works Ameri)

Regarding the increase in Sewer Rates, what would be the impact to the system if we delayed the sewer rate increase across the board for 1 year?

It depends what is meant by “delay”. An estimated \$1M is expected to be generated from the sewer rate increase in the first year. If the implementation is *delayed* by one year, and next year the increase is doubled to make up for the delay, the revenue loss would be \$1M. However, if by “delay” it is intended to *forgo* the increase, the impact would be \$1M a year every year.

Given the magnitude of the sewer projects that are planned and required to be implemented, including close to \$100M for WPCF Phase 2 improvements and implementation of nutrients reduction projects, staff is not in support of a delay. Currently an \$8.5M headworks improvement project is in construction and an estimated \$10.3M electrical improvement project is in the design stage.

<u>Sewer SFR</u>	<u>FY22</u>	<u>FY23</u>	<u>FY24</u>	<u>FY25</u>	<u>Status</u>
Union Sanitary District	8.00%	8.00%	7.50%	6.80%	Adopted
DSRSD	3.71%	-	-	-	Adopted
City of San Leandro	0%	-	-	-	No updates to FY22 rates
Castro Valley	5.02%	-	-	-	Adopted
Oro Loma Sanitary District	7.50%	7.50%	7.50%	7.50%	Adopted
Hayward	3.80%	3.80%	-	-	Pending

For reference, the following is what neighboring sewer agencies have adopted for their sewer rate adjustment. The table also shows approved future rate increases for those agencies that have adopted multi-year plans:

During the discussion of rates at the Council Worksession, staff proposed to defer the implementation of sewer rate increases for restaurants by one year to next October 2022. Some Council members asked for more flexibility for restaurants. The current rate proposal includes deferring 50% of this year’s general rate increase to October 2022, and the other 50% to October 2023.

eCOMMENTS RECEIVED

Public Comments

eComments received for July 20, 2021 Hayward City Council Meeting:

Item	Name	Comment	Position
PUBLIC COMMENTS	Randy Waage	Can the city of Hayward PLEASE create a vinyl banner to hang at the Skywest Golf course entrance to advertise the website for the reuse of the Skywest Golf Course along with the workshop dates and proper Zoom links. Thanks so much & it was nice talking with some of you during the beautiful Heritage Park opening. Have a great meeting! :)	Support

PUBLIC COMMENTS

(Item Not On Agenda)

From: Igor Tregub
Sent: Monday, July 19, 2021 9:39 AM
To: List-Mayor-Council; advocacy@bikeeastbay.org
Subject: Please support protected bike lanes on Tennyson, Patrick Ave., and Huntwood Ave.

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Any driver-invoked fatality of a bicyclist is one too many. The painted bikeway is not enough. As this grim tragedy shows, we must stop prioritizing the convenience of drivers over the safety of pedestrians and bicyclists. Please take decisive action protecting bicycle safety as soon as possible.

Thanks,
Igor

--

Igor A. Tregub (he/him)

"The arc of history is long, but it bends towards justice." - Martin Luther King, Jr.

ITEM #15 WS 21-036

**Fireworks Mitigation Options
(Report from Assistant City Manager Ott)**

PUBLIC COMMENTS

From: Carl Gorringe
Sent: Tuesday, July 20, 2021 2:57 PM
To: List-Mayor-Council
Subject: Re: Fireworks in Hayward (Agenda Item 15)

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Also to add regarding Fireworks:

- Provide a "trade-in" program so folks can safely get rid of their existing fireworks, perhaps in exchange for VIP tickets or other incentives.
- Advertise the Big Show early since people buy fireworks year-round.
- Someone who's spending hundreds on fireworks probably doesn't care about a \$100 citation.

Thanks,
Carl

> On Jul 20, 2021, at 2:33 PM, Carl Gorringe wrote: >

> Dear Hayward City Council:

>

> While growing up in Hayward as a kid in the 80's I remember my family walking over to Greenwood Park to watch the professional fireworks show at the Hayward Airport.

>

> I think we should do that again. We could use a crowdfunding website to raise funds and possibly sell VIP tickets for some who would like to park and watch up close at the airport. This provides a way for folks to invest in the One Big Show and give up purchasing their own fireworks.

>

> Sell it as a deal between the City of Hayward and her residents: "If you give up fireworks for the Big Show, we'll put on more shows in the future!" Encourage people to pressure their friends.

>

> Enforcement (the "stick" approach) clearly isn't working, so I think we should try the "carrot" approach. Let's give folks a big show next year!

>

> Thank you,

>

> Carl Gorringe

> Hayward resident

>

From: Chris Knapp
Sent: Monday, July 19, 2021 10:20 AM
To: List-Mayor-Council
Subject: Fireworks are Noise Pollution as well as

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AIR pollution & are potential fire starters. I witnessed the huge fire in Ashland from a friends' window in San Leandro on the evening of the 4th.

???why if they are illegal to use are there not HUGE fines (at least a few thousand dollars per person involved) as well as giving the individuals caught (when they are) long term PUBLIC Service as punishment??
Punishment should include cleaning up human trash and waste EVERYWHERE With intense supervision from local residents who believe like I do.

We are living in a society that is out of control and think they can do anything and get away with it, because that is what has been happening.

Certainly a marked difference since the George Floyd murder.

If WE don't step up to the plate NOW, we are doomed.

Sent from my iPad

From: Julie Machado
Sent: Monday, July 19, 2021 9:30 AM
To: List-Mayor-Council; Kelly McAdoo; CityClerk
Subject: Re: Fireworks - Public Comment

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

After reading the agenda report, I urge you to revise the statutory language so that police officers do not need to witness the lighting of the fireworks in order to cite people.

I also urge you to add the Concord app approach, which seems to have been more effective for Concord than the other approaches that Hayward has used, as listed in the agenda report.

Please consider this my public comment on this issue.

Thank you,

Julie Machado
Hayward

On Friday, July 16, 2021, 09:44:16 AM PDT, Julie Machado wrote:

Hello. In preparation for your work session on fireworks on 7/20/21 or whenever it will be, I suggest that you consider using the app that Concord has started using. See the article from the East Bay Times, Monday July 12, 2021, below.

Thank you,

Julie Machado
Hayward

CONCORD — A mobile reporting app used for the first time last week helped Concord police confiscate more than 100 illegal fireworks, city officials said Sunday.

As Concord got ready to celebrate the Fourth of July, police set up a fireworks reporting app through Concord Connect that garnered 458 reports, far more than the 320 fireworks calls made to the city's 911 or general police line.

Police say it had its intended effect, as officials were trying to help decrease fireworks-related calls to 911 while improving response times to community reports of illegal fireworks.

The app tracks where and when complaints were filed and enables users to upload photos. The data showed that most reports came in between 9 p.m. and midnight and were more prevalent in certain parts of the city, police said.

Using that information, police officials set up four extra patrols from June 24 to June 27 and July 2 to July 4, with one supervising officer monitoring real-time reports as they were logged and then communicating back to the patrols.

Police say the app's information "resulted in the confiscation of more than 100 illegal fireworks." "This was a deterrence strategy that was intended to remind the community that fireworks are dangerous and illegal," Bustillos said. "Our officers were visible throughout the community. They issued a handful of citations and took dozens of fireworks off the streets."

<https://www.eastbaytimes.com/2021/07/11/concord-police-recover-over-100-fireworks-using-community-reporting-app/>

From: Kelly McAdoo
Sent: Tuesday, July 20, 2021 11:09 AM
To: Julie Machado; List-Mayor-Council; CityClerk
Cc: Garrett Contreras; Toney Chaplin
Subject: RE: Fireworks - Public Comment

Hi Julie-

I wanted to thank you for all your emails and suggestions on the fireworks issues and apologize for my delayed response directly to you. I did want to follow up on your concerns about the lack of citations being issued during 2020 - this was in the midst of the pandemic and officers were directed to minimize public contact to the extent possible, except when necessary to make arrests. Our officers did make a number of significant fireworks confiscations this year and were able to issue citations and in one instance, make an arrest.

As you have noted, our Municipal Code requires officers to observe a subject physically lighting a firework to issue a citation, or under the penal code which requires a full investigation and a case to be presented to the district attorney. Hopefully, some of the changes we are proposing to Council tonight will allow more staff more options for issuing citations to those in possession of fireworks. As noted in the staff report, this is a bigger issue than just Hayward and really necessitates State legislation to address the flow of fireworks into the state. The Police Chief and Fire Chief have volunteered to try and convene a regional working group on this issue and I am appreciative of their leadership.

Again, I am grateful for your thoughts and engagement on this topic and am always happy to discuss further if you have other suggestions.

Thank you-
Kelly

Kelly McAdoo
City Manager
City of Hayward | 777 B Street | Hayward, CA 94541
☎ Phone: 510.583.4305 | Fax: 510-583-3601 | * Email: kelly.mcadoo@hayward-ca.gov



For scheduling assistance, please contact Rosalinda Romero, at (510) 583-4301 or Rosalinda.romero@hayward-ca.gov.