



## **CITY COUNCIL MEETING**

**777 B Street, Hayward, CA 94541**

**Council Chamber and Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/85270817384?pwd=RIQ3UHNFMmRHZ01zb09hRklDTCszZz09>

**Tuesday, April 18, 2023, 7:00 p.m.**

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The 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 Andrews

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

MAYOR Salinas

Absent: COUNCIL MEMBER None

### **OATH OF AFFIRMATION**

City Clerk Lens administered the Oath of Affirmation to Council Member Ray Bonilla Jr., who was sworn into office to fill the seat left by former Council Member Márquez who had been appointed to the Alameda County Board of Supervisor for District 2.

Mayor Salinas congratulated Council Member Bonilla Jr. and welcomed him to join the Council at the dais. Council Member Bonilla Jr. stated he had been serving the community for twenty years and was excited to serve as a member of the City Council, thanked everyone who helped him through the process, and stated it was an honor and privilege to serve the City of Hayward.

The City Council took a three-minute recess at 7:06 p.m. and Mayor Salinas reconvened the meeting at 7:09 p.m.

### **PRESENTATION**

Mayor Salinas announced the presentation of the 40<sup>th</sup> Annual Earth Day Poster and Writing Contest; welcomed award recipients and thanked teachers for their support of the contest; noted that Earth Day would be celebrated on April 22, 2023, during the annual Citywide Clean-up Day at Weekes Park; stated that 616 entries had been received from 30 different Hayward schools; thanked staff from Environmental Services and the judges from the Hayward Arts Council who evaluated and selected the winners. Council Member Andrews, also a member of the City Council Sustainability Committee, announced the winners of the Earth Day Poster and Writing Contest for grades kindergarten through high school. Second place winners received a \$150 gift card, and first place winners received a \$200 gift card. Council Member Andrews gave recognition to teachers of essay and poster winners. Each teacher with a first-place poster or writing winner received a \$100 gift card and for second place a \$75 gift card. Mayor Salinas invited Fire Chief Contreras to draw names for two bonus prizes of \$200 each. All students, families and teachers were congratulated for their participation. Mayor Salinas invited all participants to the City Hall Rotunda for refreshments.

## **PUBLIC COMMENTS**

Ms. Diann Castleberry announced that AC Transit was gathering data and community input to plan a new bus service network, urged residents to take the online survey ([www.actransit.org/realign](http://www.actransit.org/realign)), and noted the results would help identify priority destinations and connections, and inform the development of the new service plan.

Ms. TJ, Hayward Concerned Citizens member, congratulated winners of the Earth Day Poster and Essay Contest, acknowledged residents who keep their neighborhoods clean, recognized Council Member Zermeño for inspiring residents to keep their streets clean, acknowledged individuals who participate in the Adopt-a-Block program and praised Council Member Andrews and the Keep Hayward Clean and Green Task Force for their cleanup events.

Mr. Mahdi Funfest, District Representative with the Office of Senator Wahab, congratulated Council Member Bonilla Jr. on his appointment to the City Council and presented him with a letter of support and recognition on behalf of Senator Wahab.

## **CITY MANAGER'S COMMENTS**

City Manager McAdoo acknowledged it was Volunteer Recognition Month and announced three events: 1) the Hearts of Hayward Volunteer Awards and Recognition Event on April 20<sup>th</sup> at City Hall, 2) the Citywide Cleanup and Earth Day Fair on April 22<sup>nd</sup> at Weekes Park, and 3) the second annual LitHop on April 22<sup>nd</sup> at the Heritage Plaza followed by Earth Day themed poetry by Hayward's Poet Laureate Bruce Roberts and Youth Poet Laureate Germani Latchinson and culminating with an afterparty celebration at the Sun Gallery.

## **CONSENT**

1. Adopt 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) **CONS 23-208**

Staff report submitted by City Clerk Lens, dated April 18, 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



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Ordinance 23-05, "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)"

2. Adopt a Resolution Authorizing the City Manager to Amend the Landscape Maintenance Contract with Los Loza Landscaping to Increase the FY 2023 Contingency Budget by \$7,200, Include Maintenance of Linear Park in an Annual Amount of \$175,200 and an Annual Contingency of \$17,520, for a Total Contract Not-to-Exceed Amount of \$2,071,860 and Appropriate \$36,500 from the General Fund **CONS 23-170**

Staff report submitted by Maintenance Services Director Rullman, dated April 18, 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 23-087, "Resolution Authorizing the City Manager to Amend the Landscape Maintenance Contract with Los Loza Landscaping to Increase the FY 2023 Contingency Budget by \$7,200, Include Maintenance of Linear Park in an Annual Amount of \$175,200 and an annual Contingency of \$17,520, for a Total Contract Not-to-exceed Amount of \$2,071,860, and Appropriating \$36,500 from the General Fund"

3. Adopt a Resolution Authorizing the City Manager to Extend the Abandoned Vehicle Abatement Program with Alameda County Until May 31, 2033 **CONS 23-190**

Staff report submitted by Acting Chief of Police Matthews, dated April 18, 2023, was filed.

Council Member Andrews was pleased that the Abandoned Vehicle Abatement program was extended, noting that Council receives concerns related to abandoned vehicles occurring throughout the city.

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 23-088, "Resolution Authorizing the City Manager to Extend the Abandoned Vehicle Abatement Program with Alameda County Until May 31, 2033"

4. Adopt a Resolution Authorizing the Procurement of a Skid-Steer from Peterson Caterpillar in an Amount Not-to-Exceed \$130,000 **CONS 23-196**

Staff report submitted by Maintenance Services Director Rullman and Landscape Manager Nield, dated April 18, 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 23-089, "Resolution Authorizing the City Manager to Execute the Procurement of a Skid-Steer from Peterson Caterpillar in an Amount Not-to-Exceed \$130,000"

## **WORK SESSION**

5. Utility Rate Adjustments: Review Recommended FY 2024 and FY 2025 Water, Sewer, and Recycled Water Rates and Connection Fees (Report from Director of Public Works Ameri) **WS 23-013**

Staff report submitted by Public Works Director Ameri, dated April 18, 2023, was filed.



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Public Works Director Ameri announced the item. Senior Management Analyst Lo provided a synopsis of the staff report on FY 2024 and FY 2025 water, sewer, and recycled water rates, and Consultant Phan with Raftelis Financial Consultants, Inc., provided a synopsis of the report on facilities and connection fees.

There being no public comment, Mayor Salinas opened and closed the public comment period at 8:08 p.m.

Discussion ensued among members of the City Council and City staff regarding: the City is maintaining the low-income by-monthly service fee reduction for water and sewer service; approximately 60,000 notices of proposed water and sewer rate changes will be mailed to residents encouraging them to provide comment; the Recycled Water Project is going to be expanded into Phase 2 to meet demand; the rate increase notification was in accordance with Proposition 218 and the City was also sending the notice to tenants; the City's methodology for determining rate increases was done in compliance with the law; the city, as a wholesale customer, does not have the option to negotiate with San Francisco on water rate increases; calculated and staff recommended rate increases were explained; rate differentiation between public (local hospital) and commercial (Pepsi) benefit would not be in compliance with the law; there are incentives for industries to use recycled water; the increase for a single-family residential customer would be \$5.60 per month for water cost in the first year and \$6.20 in the second year, and \$2.70 per month for sewer cost in the first year and \$2.90 in the second year, which would strike a balance for the City to cover its costs and maintain a healthy reserve for capital projects that need a vibrant and robust water and sewer system; water rate increase would be approximately \$5 and \$2-\$3 for sewer rate increase for the first year; fixed meter charges would see a 10% increase across all customer class types, and the commodity fee for water usage would see a 10% increase regardless of tier; business users were the top users of recycled water; the higher cost of water for businesses and residents when compared to rates in neighboring jurisdictions is justified by the quality of water; 2/3 of the water revenue will be to purchase water and 1/3 was for operations and maintenance including replacing the aging system; information about the City's Water Conservation Program is available on the City website and through water bill inserts; phase-in increases of 10% for water and 25% for sewer fees would occur over a two-year period at which time staff would return to Council for reassessment of fees; the legacy of former Public Works Director Philips was the City's contract he negotiated with Hetch Hetchy in the 1960s; the Proposition 218 notice has information that could be made available on the City's website and distributed via social media to make residents aware of proposed changes; and residents could be directed to the City's Capital Improvement Program to see a number of infrastructure projects that were made possible with past rate increases.

Members of the City Council were in broad support of the staff's recommendation and offered recommendations.

Council Member Zermeño recommended including information on water costs for everyday activities in mailers sent to residents to help explain rate increases.

Council Member Andrews recommended incorporating lessons learned from prior projects in the community outreach related to rate increases; and asked staff to encourage the public to view the tour by the San Francisco Public Utilities Commission (SFPUC) to learn more about the water's infrastructure and the work involved bringing water service into homes.

Council Member Syrop expressed he was interested in a plan that has three or four tiers of pricing for commercial/industrial users given they are the largest consumers of water; and was interested in learning more, perhaps as part of the Recycled Water Master Plan, about how the city is marketing recycled water services to new customers as this was valuable enterprise product and wondered if this could be a source of revenue generation once the infrastructure has been built out; requested data on the largest water users in the City by segment, the percentage of water being used, and the percentage of water revenue coming from these segments.

Council Member Roche asked staff to consider passing SFPUC increase rates onto users and adjusting them as needed but not stalling them as done in prior years.

Council Member Bonilla Jr. expressed he was interested in understanding the average impact of water/sewer increase on apartment dwellers and the average impact on a monthly basis for small businesses compared to large businesses; and wanted to ensure the City was in a place to support its capital upgrades with the revenue generated.

Council Member Andrews asked what additional approach can the City take to outreach to businesses such as beverage companies to promote water conservation such as through the manufacturing process or materials used; added that since she serves on the Bay Area Water Supply and Conservation Agency, it was pointed out that Hayward was the lowest user of water, and requested that staff share information materials with new members of the Council .

Mayor Salinas shared the legacy of former Public Works Director Philips was the City's contract with Hetch Hetchy which he had negotiated in the 1960s and is a part of.

6. Residential Design Study Work Session: Options and Recommendations Report for the Hayward Residential Design Study (Report from Acting Director of Development Services Buizer) **WS 23-012**

Staff report submitted by Acting Development Services Director Buizer, dated April 18, 2023, was filed.

Senior Planner Blanton and Associate Planner Richard provided a synopsis of the staff report and introduced Consultant Poonam Narkar with WRT Design.

Mayor Salinas opened the public comment period at 8:53 p.m.



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Mr. Carl Gorringer, Library Commissioner, stated he would like to see more bike routes away from roads and integrated into neighborhoods, and noted the City of Davis features effective use of this design with bike routes behind homes, through parks, and integrated altogether.

Mayor Salinas closed the public comment period at 8:54 p.m.

Discussion ensued among members of the City Council, City staff and Consultant Narkar regarding development standards; noted that standards should address good design principles without being too prescriptive about architectural styles; standards for Medium Density Residential (RM) and High Density Residential (RH) zoning districts for multifamily development; regarding setbacks, an approach could be to reduce the setback for the primary building and require that the garages be recessed from the primary building allowing for a minimum driveway length that can be established to ensure that an entire length of a vehicle fits within the driveway and does not hang onto the sidewalk; and suggested that if the front setback was reduced, it can be required to have landscape treatment to create a transition between the building, the sidewalk and the street to allow for privacy; design standards for underground parking in multifamily developments;

Members of the City Council offered the following recommendations for the Hayward Residential Design Study.

Council Member Andrews offered the following: condominiums would benefit by having bicycle facilities to free up storage space in their garages; consider increasing bicycle safety at intersections known to have collisions until bike lanes are installed; consider approaches for mail theft prevention; have more pet relief areas if full dog parks are not feasible; have spaces for programming and meeting where residents could gather; consider a community asset such as a security guard to protect vehicles in communities experiencing criminal activity; connect with Reserve and Eden Shores residents who have been experiencing issues; ensure new homes and single-family additions have consistency and a building step-back approach; add community gathering areas such as meeting and rooftop spaces; have a menu of options such as approved park or open space with a point system for amenities; and designate coworking space if the development cannot add retail.

Council Member Goldstein offered the following: consider color variation as a design standard; consider the overall shape and size of the building; increase lighting to make spaces more walkable and safe while at the same time be mindful of the potential of light pollution; consider installing sturdy mailboxes to prevent vandalism; evaluate use of high resolution cameras at ingress and egress entry points into neighborhoods to serve as a deterrent for criminal behavior; consider having bicycle secure storage and preferably bike design to remain on the street and be wide enough to accommodate safe bike lanes; and include consideration for more dog parks.

Council Member Zermeño supported adding language in the design standards about color and texture variation; suggested requiring new developments to have mail slots near the door to avoid issues with mailbox theft; supported having diverse projects that included varied architecture, massing, and height; suggested having rooftop gardening and solar paneling; requested that projects include abundance of trees, agreed with his colleagues about bicycle lanes and community meeting rooms.

Council Member Andrews indicated the City needs to advocate to the United States Postal Service regarding requirements for mail and engage them regarding mailbox designs and the issues being experienced.

Council Member Syrop expressed support for pedestrian and bike safety and pedestrian accessibility; supported the idea that developments include a community room; favored a point system model to flexibly manage design standards on a regular basis and modified based on community needs; advocated for special amenities in a development site such as a daycare, office supply store, small grocer, and businesses that may reduce small road trips; preferred specific mailbox standards to build security from the start; favored construction of higher buildings; noted sustainability requirements were missing in the report such as electrification; suggested bike facilities be included as a menu option but discouraged against making it a hard requirement depending on the housing audience; supported brutalist style projects as they were sustainable and energy efficient.

Council Member Roche stated she would favor higher density around transit areas while preserving the character of homes and maintain a corridor to preserve its history; favored proportional density as lots could be split with requiring setbacks; was concerned about setbacks that reduce the ability to park cars in driveways; was worried about the longevity of brutalist design and wondered how the design would age the city; expressed concern about multicolored housing; liked the use of true setbacks for higher floors; would like to see the City exhaust options for easements and pathways to existing trails; suggested increasing common outdoor space depending on the number of units in the development; and emphasized adding public art in the design standards.

Council Member Bonilla Jr., understood the need to reach maximum density but emphasized the need to be thoughtful in this process; did not favor reducing too much front setbacks in RH zoning districts in an effort to include more units; highlighted the importance of designing to a higher design standard; noted setbacks and open space were both desirable and did not want to compromise one over the other, and added it was important to strike the right balance to meet the needs of the community; supported having landscape treatment for front setbacks; supported increasing building height if there was architectural variation between the buildings, roof lines and lighting within the same neighborhood; supported having open space and greenery between buildings as a method to achieve reducing setbacks but also masking the buildings from the streets to avoid looking too bulky; wanted to include objective standards to avoid a bait and switch strategy with some developments when Council thinks it is approving one version of a development of a project when something else is constructed; wanted to preserve the buildings looking attractive from the street view; indicated standards would be needed for the entrances, lighting and seating; was receptive to a variety of options





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to ensure there is well-designed public and private open space; supported having at least fifty feet of open space for dwellings; supported increased building heights for roof gardens and open space designs; felt that adequate lighting and landscaping gives a sense of pride and provides safety; supporting landscaping and planting on front setbacks; agreed with including a variety of colors and textures without being overly prescriptive; and underscored the importance of having standards for trees and public art.

Council Member Goldstein expressed concern that smaller developers may be discouraged with design standards and the potential for having developers with a greater profit margin due to having met many requirements; and urged consideration given to how to achieve the standards and make the process accessible, e.g., perhaps incentivize the first few developers and make their files available for free to level off the playing field.

Mayor Salinas agreed with the comments about mailbox thefts; shared that previously approved projects did not resemble the proposal upon being built; supported architectural design that was beautiful, having a themed and harmonious variety; noted it was stifled with what local governments can do with designs due to new housing policies established by the State; advocated for having high quality architectural design without being too prescriptive, deterring good developers, and aimed for a vision for a project that mirrors the values of the City; agreed he did not want to compromise the high quality and architectural design; and supported having a new dog park in the Cannery area as this would create additional opportunities for neighborhoods with pets.

Council Member Syrop requested that design standard fonts be changed from Helvetica font.

### **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Zermeño announced that there will be Lit Hop event on April 22, 2023, with a Spanish component held at the Dirty Bird Lounge; shared there is a Hayward Sister City section in the Downtown Library; and the Cesar Chavez bust donated by La Alianza de Hayward was on display at the Downtown Library.

### **COUNCIL REFERRALS**

There were none.

### **ADJOURNMENT**

Mayor Salinas adjourned the meeting at 10:03 p.m.

**APPROVED**

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Mark Salinas  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward