



CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541

Virtual Platform – Zoom

<https://hayward.zoom.us/j/86142259797?pwd=bTJRQW1GazNsQUtwRmE5dTBQVdidz09>

Tuesday, December 7, 2021, 7:00 p.m.

The City Council regular meeting was called to order by Mayor Halliday at 7:02 p.m. The City Council held a hybrid meeting which included in-person and teleconference participation by members of the City Council, staff and public.

Pledge of Allegiance: Council Member Salinas

ROLL CALL

Council Chamber: Council Members Lamnin, Salinas and Zermeño
Mayor Halliday

Virtual Platform (Zoom): Council Members Andrews, Márquez and Wahab

CLOSED SESSIONS ANNOUNCEMENTS

The City Council convened in closed session on November 30, 2021, at 5:30 p.m., pursuant to Government Code Section 54957.6, with all members present, to discuss labor negotiations with all groups. City Attorney Lawson announced the Council took no reportable action and adjourned the meeting at 7:00 p.m.

The City Council convened in closed session on December 6, 2021, at 5:30 p.m., pursuant to Government Code Section 54956.9(d)(1)(2)(3)(4), with all members present, to discuss seven anticipated litigation cases. City Attorney Lawson announced the Council took no reportable action as to six matters; and with Mayor Halliday and Council Member Salinas recusing, the Council discussed the seventh matter and took no reportable action and adjourned the meeting at 8:15 p.m.

The City Council convened in closed session on December 7, 2021, at 5:30 p.m., pursuant to Government Code Section 54956.8, with Mayor Halliday absent, regarding Caltrans Parcel Group 6: Carlos Bee Boulevard and Overlook Avenue; APN 455-0180-001-00. City Attorney Lawson announced he asked the Council to add two matters to the closed session agenda based on information that came to the City's attention after the posting of the agenda. Per Government Code Section 54956.9(d)(2) and 54956.9(e)(5), one matter involving anticipated litigation was added to the agenda by unanimous vote with Council Member Salinas moving and Council Member Márquez seconding. A second matter involving property transactions concerning Caltrans Parcel Group 3, adjacent to Tennyson Road, East 16th Street and Calhoun Street, APNs: 078C-0626-003-16, 078C-0626-003-09, 078C-0626-001-07, was added to the agenda by unanimous vote with Council Member Salinas moving and Council Member Márquez seconding and Council Member Andrews recusing. With no action taken, the closed session adjourned at 6:22 p.m.

PRESENTATION

Mayor Halliday read a Proclamation recognizing November 27, 2021, as Small Business Saturday. The proclamation supported local small businesses and encouraged community members to shop locally during the holiday season. Mayor Halliday noted the proclamation would be sent to Ms. Pam Wu from Small Business Saturday Coalition at Women Impacting Public Policy.

PUBLIC COMMENTS

TJ with Hayward Concerned Citizens, expressed concern about the Hayward People's Budget community participatory process noting that allotted funds were too restrictive and COVID recovery funds could have been used for community needs to improve safety; suggested staff take suggestions and create a website for them and for when funds become available; and noted Council Infrastructure Committee meeting videos were not available via YouTube.

Mr. Tom Ferreira, with Hayward Concerned Citizens, spoke in favor of having a new Police Department building noting it would attract new officers to fill current vacancies and new families, and would strengthen Hayward's future.

Suzanne, with Hayward Concerned Citizens, agreed with TJ about the Hayward People's Budget process and noted most suggestions were related to safety; suggested better lighting and solar lighting on existing light poles; and noted TJ was unable to rejoin the Zoom meeting.

In response to Council Member Wahab's inquiry about an update on the Police Department building, City Manager McAdoo indicated staff would present a timeframe for building improvements during the mid-year budget discussion. Ms. Wahab asked staff to keep track of suggestions from community input and perhaps add them to the website for increased transparency.

In response to Mayor Halliday's request for information on plans for revisiting the City's Strategic Roadmap, City Manager McAdoo announced the City would be holding a work session on January 29, 2022, to review the Strategic Roadmap and community members could express priority projects they want Council to focus on.

CITY MANAGER'S COMMENTS

City Manager McAdoo made three announcements: Weekes Branch Library would have the same high speed internet service as at the Hayward Main Library starting December 11, 2021; a modified "Light Up the Season" event was scheduled for December 11, 2021, outside City Hall with festivity activities following; and City Hall and non-emergency facilities would be closed for business operations from December 20, 2021 through January 2, 2022 and urged residents to access the website for information or call the non-emergency number.

City Clerk Miriam Lens announced the Youtube feed was down and shared, via video screen, alternative methods to view the live City Council meeting.



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CONSENT

1. Approve Minutes of the Special City Council Meeting on November 16, 2021
MIN 21-157

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the Special City Council Meeting on November 16, 2021.

2. Adopt an Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located at 1000 La Playa Drive from Neighborhood Commercial (CN) District to Planned Development (PD) District in Connection with General Plan Amendment, Rezone and Vesting Tentative Tract Map Application No. 202004457 for the La Playa Commons Development **CONS 21-629**

Staff report submitted by City Clerk Lens, dated December 7, 2021, was filed.

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

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

Ordinance 21-07, "An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located at 1000 La Playa Drive from Neighborhood Commercial (CN) District to Planned Development (PD) District in Connection with General Plan Amendment, Rezone and Vesting Tentative Tract Map Application No. 202004457 for the La Playa Commons Development"

3. Adopt a Resolution Accepting Transmittal of the Annual Mitigation Fee Act Report (AB 1600) **CONS 21-632**

Staff report submitted by Director of Finance Claussen, dated December 7, 2021, was filed.

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

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

Resolution 21-234, "Resolution Accepting the Report and Adopting Findings Related to Fees Collected for the Development Projects Subject to the Requirements of the Mitigation Fee Act"

4. Adopt a Resolution Accepting the Fiscal Year 2022 Statement of Investment Policy and Delegation of Authority **CONS 21-630**

Staff report submitted by Director of Finance Claussen, dated December 7, 2021, was filed.

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

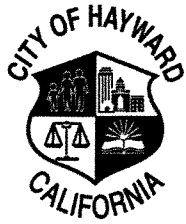
AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-235, "Resolution Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance"

5. Adopt an Initial Study/Mitigated Negative Declaration and a Resolution Approving the Plans and Specifications, and Call for Bids for the Water Line Improvements Project, Project No. 07093 **CONS 21-631**

Staff report submitted by Director of Public Works Ameri, dated December 7, 2021, was filed.

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



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Wahab, Zermeño
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 21-236, “Resolution Adopting an Initial Study/
Mitigated Negative Declaration in Accordance with the California
Environmental Quality Act, and Approving the Plans and
Specifications for the Water Line Improvements Project, Project
No. 07093, and Call for Bids”

6. Adopt a Resolution Approving the Final Map of Tract 8359, a 13 Lot Subdivision at 24765 Hesperian Boulevard, Hayward to Allow the Construction of Single-Family Residences with Common Open Space Area, and Related Site Improvements; Applicant/Owner: Jason Creek Ventures, LLC., Application No. 202101368 **CONS 21-636**

Staff report submitted by Development Services Director Ott,
dated December 7, 2021, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 21-237, “Resolution Approving the Final Map of Tract
8359, Accepting the Easements Dedicated Thereon for Public
Use and Authorizing the City Manager to Negotiate and Execute
the Subdivision Improvement Agreement and Related Other
Documents”

WORK SESSION

7. Measure C Annual Report: Review Annual Report of Measure C Revenues and Expenditures, Approved by Voters on June 3, 2014 **WS 21-044**

Staff report submitted by Director of Finance Claussen, dated December 7, 2021, was filed.

Director of Finance Claussen provided a synopsis of the staff report.

Mayor Halliday opened the public comment section at 7:48 p.m.

TJ, with Hayward Concerned Citizens, noted Measure C was a general tax approved in 2014 with Council priorities based on community input, added Library and Police were prioritized as capital improvement projects in 2016, and wondered what the next step would be for moving funds to public safety needs.

Mayor Halliday closed the public comment section at 7:51 p.m.

Discussion ensued among members of the City Council and City staff regarding: Measure C funds and discussion during the budget development process about priorities for spending Measure C revenue; capital improvement projects and the Police Department building; Measure C annual cash flow and cumulative balance; and funding for a new Police Department building, including locating a viable site, determining the scope of the project, and financing the project.

Members of the City Council offered the following suggestions: start discussion regarding next steps for Measure C revenue and expenditure, perhaps during the January 29, 2022 Strategic Roadmap retreat or have a preliminary conversation with the Council Budget and Finance Committee early in the spring; focus on vacancies in Fire and Police departments, particularly firefighters and Call Center vacancies and consider discussing them during the mid-year budget process; have a community conversation about what a new 21st century Police Department building would look like as policing is reimagined; consider a new Police building as a potential place to train and partner with other agencies such as educational institutions; consider the long-term needs of public safety; leverage some Measure C funds to join the goal of the Clean California program to clean local streets; and evaluate use of funds toward public art to help beautify the city and deter graffiti and dumping.

Members of the City Council thanked City staff for maintaining what was promised in Measure C ballot measure language and management of funds; acknowledged staff for the work by Street Maintenance staff ensuring neighborhoods are clean and responding to homelessness needs which were enabled by Measure C funds; and acknowledged staff for the completion of projects such as pavement management index, 21st Century Library construction, Fire Station 6 construction, Fire Stations 1-5 rehabilitation and improvements, and increase of police officers.



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8. 2021 Resident Survey Results: Presentation of 2021 Biennial Resident Satisfaction Survey Results WS 21-046

Staff report submitted by City Manager McAdoo, dated December 7, 2021, was filed.

City Manager McAdoo gave an overview of the 2021 Resident Satisfaction Survey and introduced Ms. Miranda Everitt, Vice President of Fairbank, Maslin, Maullin, Metz & Associates (FM3) Research, who presented survey findings conducted from October 5 to 17, 2021, with 914 interviews conducted in both English and Spanish languages.

Mayor Halliday opened the public comment section at 8:42 p.m.

TJ, with Hayward Concerned Citizens, commented on a question about a hypothetical parcel tax measure of \$89 a year on all residential and commercial property, and noted she would not support a General Fund tax because there was no assurance it would be used for what voters vote for.

Suzanne, Hayward resident, noted she would not support a parcel tax measure to support homelessness services and emphasized survey results indicated the need for more police services.

Mayor Halliday closed the public comment section at 8:46 p.m.

Discussion ensued among members of the City Council and City staff regarding differences in perception by ethnicity, race, and geography; feelings of safety in neighborhoods; homelessness, traffic, and safety were key issues consistent with open-ended responses; and public art and the positive impact it could have on reducing graffiti, blight, and public safety.

Members of the City Council provided the following comments: comparison data regarding regional trends and challenges was helpful; there were serious concerns related to homelessness; having the survey in a language other than English was appreciated; evaluate if feeling of safety/security shift by demographic; it was pleasing to learn that most respondents felt Hayward was a clean and well maintained City; trust in government could be improved by personal contact; there was reluctance to consider a parcel tax measure during a pandemic and knowing sales tax was higher than in neighboring cities and in the interim continue to be creative identifying funding to address issues of the unsheltered community; spoke of the need to prioritize cannabis revenue for housing, lighting and cleanliness; increase sharing of information with the public about measures and public safety; consider that some folks might not want to talk to a government hired consultant to discuss government services when planning the next survey; there was support for any approach that did not present a burden on the Police Department; look at public safety through design and not just law enforcement;

continue to work with businesses to improve safety; COVID might have affected survey results; continue to look at homelessness with a regional lens and place pressure to the federal government for solutions; activate public spaces; consider economic ways of bringing more lighting in neighborhoods avoiding light pollution to make neighborhoods safer; interviewing individuals beyond just registered voters was appreciated; consider discussion around what used to be the Neighborhood Watch Program in helping people feel safe in their neighborhoods; distribute copies of survey results for discussion at the Council retreat; and consider adding a question to the next survey on how residents obtain their information.

City staff and FM3 consultant were commended for a comprehensive survey and increased inclusiveness efforts.

PUBLIC HEARING

9. Groundwater Sustainability Plan: Adopt a Resolution Approving the East Bay Plain Subbasin Groundwater Sustainability Plan PH 21-099

Staff report submitted by Director of Public Works Ameri, dated December 7, 2021, was filed.

Public Works Director Ameri announced the staff report and introduced Water Resources Manager Muñoz who provided a synopsis of the staff report which sought the adoption of a resolution approving the East Bay Plain Subbasin Groundwater Sustainability Plan. Water Resources Manager Muñoz indicated that per notification of the East Bay Municipal Utility District (EBMUD) there were four edits necessary to language in the proposed resolution and stated that Dr. Christopher Heppner, a hydrogeologist from EKI Water and Environment, was available to answer any questions.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:50 p.m.

Council Member Salinas moved staff's recommendation including four clarifications to the resolution and Council Member Zermeño seconded the motion.

Mayor Halliday thanked staff for work done, was pleased the Subbasin in a sustainable condition with stable water levels and with continuous monitoring of conditions.

It was moved by Council Member Salinas, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution, including clarification language on four recitals in the Resolution, as follows:

Add to **Recital No. 5** as follows, "... and each GSA exercises management responsibility within the portion of the East Bay Plain Subbasin underlying its boundaries..."; revise **Recital No. 9** to read "WHEREAS, on March 19, 2019" correcting the date; revise **Recital No. 11** to read "WHEREAS on November 9, 2021 and November 16, 2021, the EBMUD Board and the City Council of the City of Hayward, respectively, authorized the amendment



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of the..."; and **add Recital No. 14** as follows, "WHEREAS, on September 7, 2021, the GSAs notified the cities and counties within the East Bay Plain Subbasin of their intent to adopt a GSP for the Subbasin pursuant to California Water Code section 10728.4..."

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

Resolution 21-238, "Resolution Adopting the East Bay Plain Subbasin Groundwater Sustainability Plan for the City of Hayward"

LEGISLATIVE BUSINESS

10. Mayor Pro Tempore Election: Adopt a Resolution Authorizing the Election of Mayor Pro Tempore of the City of Hayward for 2022 LB 21-054

Staff report submitted by City Clerk Lens, dated December 7, 2021, was filed.

City Clerk Lens provided a synopsis of the staff report.

There being no public comment, Mayor Halliday opened and closed the public comment section at 9:56 p.m.

Mayor Pro Tempore Wahab thanked the City Council for allowing her to serve during a challenging year due to COVID-19 and made a motion for Council Member Lamnin to serve as the Mayor Pro Tempore for 2022.

Mayor Halliday thanked Council Member Wahab for her service, was pleased for the orderly change in the appointment to the role and seconded the motion.

Council Member Márquez commented in support of the motion, thanked Council Member Wahab for serving during a challenging year, and congratulated Council Member Lamnin for her upcoming service in the role.

It was moved by Council Member Wahab, seconded by Mayor Halliday, and carried by the following roll call vote, to adopt the resolution electing Council Member Lamnin to serve as Mayor Pro Tempore for the year 2022.

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

Resolution 21-239, "Resolution Authorizing the Election of
Mayor Pro Tempore of the City of Hayward for 2022"

Council Member Lamnin thanked her colleagues for their vote of confidence in her to serve as Mayor Pro Tem for the coming year; and thanked Council Member Wahab for her service.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews recognized Community Services Commissioner Mehdavi for helping the Afghan Refugees with Five Pillars with the coat and toy drive event, recognized Working Dogs for collecting pet supplies for the Hayward Animal Shelter, and acknowledged the State for cleaning the freeways in Hayward.

Mayor Halliday echoed the acknowledgment of Commissioner Mehdavi and community members from local mosques who help those recently arrived from Afghanistan.

Council Member Salinas announced the Fremont Unified School District was hosting an Afghan Newcomer Resources Fair on December 10, 2021, at the Fremont Teen Center, 39770 Paseo Padre Parkway.

Council Member Zermeño announced the Eden Youth and Family Center was hosting the BikeMobile for a free bike repair event on December 11, 2021.

Council Member Wahab appreciated efforts of the larger Afghan community and especially Hayward staff for their efforts to assist newly arriving families, noted she would be speaking at the Fremont fair, and wished Happy Hanukah to those who celebrate the holiday.

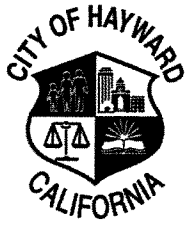
Mayor Halliday invited all to the Light Up the Season event on December 11, 2021, at the City Hall Plaza, and urged support of local businesses during planned festivities.

COUNCIL REFERRALS

There were no City Council referrals.

ADJOURNMENT

Mayor Halliday adjourned the City Council meeting at 10:10 p.m.



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APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward

