



HAYWARD CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform – Zoom

<https://hayward.zoom.us/j/84119129052?pwd=T3M1TUhTZ1c3ZjUwMGFPU2gzRkpZQT09>

Tuesday, February 15, 2022, 7:00 p.m.

The City Council meeting was called to order by Mayor Halliday at 7:0 p.m. The City Council held a virtual meeting with teleconference participation by members of the City Council, staff and public.

Pledge of Allegiance: Council Member Zermeño

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

Absent: None

CLOSED SESSION

The City Council convened in closed session at 5:30 p.m., with all members present, regarding three items: (1) conference with property negotiators pursuant to Government Code 54956.8 regarding City Center Properties: 22300, 22292, and 22321 Foothill Boulevard; APNs: 415-0250-111-02, 415-0250-112-00, and 415-0250-113-00; 2) conference with legal counsel pursuant to Government Code section 54956.9 regarding Barnes v. City of Hayward, et al. United States District Court Case No. 3:20-cv-09245-JSC; and 3) conference with property negotiators pursuant to Government Code 54956.8 regarding Caltrans Parcel Group 5: Maitland Drive, Bunker Hill Court, Bunker Hill Boulevard and Central Boulevard; APNs: 445-0250-041-01, 445-0260-084-03, 445-0260-018-04, 445-0270-054-02, 445-0250-060-00, 445-0250-059-01, 445-0260-109-04, 445-0260-018-03, 445-0260-109-03, 445-0260-002-00. City Attorney Lawson reported that Council discussed all items but took no reportable action. It was noted the Council adjourned the closed session at 6:47 p.m.

PRESENTATION

Mayor Halliday read a Proclamation recognizing January 2022 as Human Trafficking Awareness Month and celebrate the focus of residents to participate in efforts to raise awareness of and end all forms of human trafficking. Ms. Vanessa Russell, Love Never Fails Executive Director, and Ms. Necole Daniels, Ruby's Place, Director of Programs, accepted the Proclamation on behalf of their non-profit organizations that serve survivors of human trafficking in Hayward.

PUBLIC COMMENTS

Ms. Jade had a comment about residential objective standards indicating that if more multi-unit housing was built, that should be smoke-free and offer protections, and looked forward to further discussion when a related ordinance is introduced.

Ms. Suzanne reminded the City Council to add to an upcoming agenda discussion on illegal fireworks and the concern of the community. City Manager McAdoo noted that an amendment to the social nuisance ordinance was scheduled for March 22, 2022.

Ms. Velda Goe asked when the item related to the Russell City restitution for descendants would be discussed and City Manager McAdoo noted she would be notified when the item and related budget was scheduled to be heard.

Council Member Wahab stated that she wanted to add cannabis to the smoke-free regulation for multi-unit housing, asked the City Manager to give an update on the timeline for the Russell City project, and favored prioritizing discussion of illegal fireworks.

CITY MANAGER'S COMMENTS

City Manager McAdoo made three announcements: the City, along with community partner agencies, was on its search to find the City's first Youth Poet Laureate; the Hayward Executive Airport had been awarded a Federal Aviation Administration infrastructure grant to fund capital projects; and while the state's masking requirements would change as of February 16, 2022, the City planned to continue the requirement in all City facilities through the end of February.

CONSENT

1. Approve City Council Minutes of the City Council Meeting on January 25, 2022 **MIN 22-020**

It was moved by Council Member Márquez, seconded by Council Member Salinas, and carried unanimously, to approve the minutes of the City Council meeting on January 25, 2022.

2. Adopt a Resolution Approving Addendum No. 1, Awarding a Contract to Ranger Pipelines, Inc. for the Water Line Improvements Project, Project No. 07093, in an amount Not to Exceed \$12,488,057 and Appropriating Additional Funds in an Amount of \$3,734,000 **CONS 22-079**

Staff report submitted by Director of Public Works Alex Ameri, dated February 15, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Salinas, 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



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Resolution 22-039, “Resolution Approving Addendum No. 1, Awarding a Contract to Ranger Pipelines, Inc. for the Water Line Improvements Project, Project No. 07093, in an amount Not to Exceed \$12,488,057 and Appropriating Additional Funds in an Amount of \$3,734,000”

3. Adopt a Resolution Approving Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconference Public Meetings Pursuant to Assembly Bill 361 **CONS 22-101**

Staff report submitted by City Manager McAdoo and City Clerk Lens, dated February 15, 2022, was filed.

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

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

Resolution 22-040, “Resolution Making Findings Pursuant to Assembly Bill 361 to Continue to Hold Teleconferenced Public Meetings During the Covid-19 State of Emergency”

WORK SESSION

4. Public Safety Projects Update: Receive and Discuss Public Safety Policy Innovation Workshop Projects Update

Staff report submitted by Hayward City Manager McAdoo, dated February 15, 2022, was filed.

City Manager McAdoo announced the work session and Management Analyst James, Management Analyst Gallagher, Fire Chief Contreras, YFSB Administrator Young, Police Deputy Chief Matthews, and Management Analyst Thomas provided a six-month implementation update on the Public Safety Policy Innovation Workshop Pilot projects: Communications Center Needs Assessment and Strategic Plan (Project #1 Dispatch Needs Assessment and Capacity Improvement); Hayward Evaluation and Response Team (HEART) Program (Project #2 Mobile Mental Health Response Team, Project #3 District

Command Behavioral Health Clinician, Project #4 Behavioral Health Coordinator); Project 5 Expand Shelter Options and Outreach; Project #6 Community Service Officers Respond to Property Crimes; Hayward People's Budget (Project #8 Neighborhood Participatory Budgeting); Project #9 HPD Training Curriculum Working Group; and Project #17 Community Complaint Liaison.

Mayor Halliday opened public comments at 7:48 p.m.

Ms. Cynthia Nunes, Hayward Community Coalition member and cousin of Agustin Gonzalez (deceased), asked to include in the process of pilot programs the names of public members killed by Hayward police, and expressed concern with the HEART service model and Mobile Evaluation Team (MET) process.

TJ, Hayward Concerned Citizens member, noted the public safety projects implementation website and link for project #1 needed to be updated, added there should be data for the HEART Program and Project #6, and noted more police staffing was needed.

Mr. Jessie Gunn, Hayward resident and Hayward Community Coalition member, agreed with the need for data, in particular the ratio of calls sent for mental health issues having armed officers, and spoke about the importance for people to feel safe about the number they call.

Mayor Halliday closed public comments at 7:58 p.m.

Discussion ensued among members of the City Council and City staff regarding: protocol for Community Services Officers (CSOs) encountering violent crimes where weapons are produced which would involve calling an armed officer; budget recommendations would allow to full scale project launches; situations when an armed officer may be engaged or not in responding to a call for service regarding mental health crises; the Hayward People's Budget project and proposal for ballots and voting; process for assessing how dispatch handles calls which involves gathering as much information as needed to determine if a MET team or police officer should be involved; sustainability of the programs and strategies for formulating budget recommendations; conversations with Hayward Concerned Citizens and Hayward Community Coalition about soft launches of the initiatives; reimagining the communication and dispatch center in assessing alternatives to calling 9-1-1, such as 2-1-1 and 9-8-8; capacity issues at John George county facility related to mental health crisis and the need for county resources; and update on involving people with lived experience and brainstorming how to incorporate a formalized partnership.

Members of the City Council made the following comments/suggestions: urged staff to gather and report data to ensure full transparency; the City needs to collectively acknowledge the reason for public safety projects which started from back-to-back shootings in Hayward; underscored the value of getting feedback for improvement; in gathering data, report on the number of incidents for use of force and the demographic of the people involved in traditional and new approaches; appreciated collaboration and communication efforts at the state level to support the work, but underscore the need for



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collaboration and working relationship at the county level; get the Call Center fully staffed first, and then assess types of calls and ensure staff ask appropriate questions; consider expanding the concept of the Firehouse Clinic and working with agencies locally and regionally; need to identify the types of calls and separate them to allow police officers to concentrate on crime-related calls; continue to engage community partners; engage county representatives; staffing level needs to be addressed; and the website should be updated related to the goals of the People's Budget project.

Members of the City Council praised the progress made thus far with the implementation of projects; thanked community members for their input; and appreciated the collaboration among City departments and Government Alliance on Race and Equity (GARE) team engagement.

PUBLIC HEARING

5. Pt. Eden Way U-Haul Facility: Appeal of Planning Commission Denial to Develop a New Approximately 116,844 Square Foot Industrial Building for U-Haul at 4150 Point Eden Way (Assessor Parcel Number 461-0085-020-02) Requiring Approval of Site Plan Review and Historic Resources Demolition Permit Application No. 201901039 Including Certification of an Environmental Impact Report, Adoption of a Statement of Overriding Considerations, and Approval of a Mitigation, Monitoring and Reporting Program. Jerry Owen, on behalf of U-Haul; Amerco Real Estate Co. (Applicant/Property Owner) **PH 22-007**

Staff report submitted by Assistant City Manager/Development Services Director Ott, dated February 15, 2022, was filed.

Acting Principal Planner Schmidt provided an update on the public hearing continued from the December 15, 2021 City Council meeting, on the proposed U-Haul development at 4150 Pt. Eden Way in Hayward. The update included summary of key issues regarding labor negotiation, identification of area on site for future gateway signage and contribution toward signage, reuse of historic materials onsite, sea-level rise, potential for bird strikes, use of permeable pavers, and bay trail and State Route 92 additional landscaping. Acting Principal Planner Schmidt noted there was a correction in Condition No. 7 related to the percentage and noted "0.0033%" was the correct percentage.

Applicant Mr. Jerry Owen of U-Haul East Bay was glad to team up with Swinerton to build the project and provide local labor to construct the new building and introduced, project architect Ms. Renata Tyler and Mr. Ed Yarbrough, who provided additional information about the National Historical Preservation designation and work with the Hayward Area Historical Society.

Mayor Halliday opened the public hearing at 9:31 p.m.

The following individuals supported the U-Haul facility for the following reasons: work has been slow during the pandemic and the project will create work opportunities for apprentices, will provide employees who work in the area a trail to walk outside, will help Hayward's economy through influx of laborers who will work and spend money in Hayward, will replace the dilapidated building with a new one, will relocate part of the bay trail, will contribute land and funds for gateway signage, will pay labor standards and provide benefits for members, will improve the image of Hayward and attract businesses, happy to work on the interpretive signage regarding the salt mining operations, will improve the aesthetics of the existing land and urged the City Council to approve the proposed project.

Mr. Jesus Madera, Carpenters Local Union 713 apprentice

Mr. Nick Sousa, Carpenters Local Union 713 member

Ms. Karen Bation, employee of building close to the project

Ms. Margret Gabriel, Hayward small business owner

Mr. Tony Muñoz, Northern California Carpenters Local Union 713 field representative

Mr. Jorgensen Anchetta, Hayward resident and property owner

Ms. Diane Curry, Hayward Area Historical Society Executive Director

Mr. Jim Sales, East Bay resident and residential realtor

Ms. Marlina Selva, Ohlone Audubon Society Board Member, lifelong Hayward resident, Native American, and environmentalist, asked to shift the perspective and stated her opposition to the proposed project because of potential irreversible environmental destruction.

Mayor Halliday closed the public hearing at 9:43 p.m.

Members of the City Council thanked public members for their input and the applicant and his team for addressing issues raised at the prior hearing including reaching environmental goals.

Council Member Zermeno noted there were more positives than negatives in the project, expressed it would be a good gateway project as people drove into Hayward on the bridge, added the project proponent addressed issues raised, expressed satisfaction with agreement reached with local union labor for project construction, and made a motion to approve staff's recommendation.

Council Member Lamnin seconded the motion.

Council Member Márquez recommended that the design and options for the gateway signage be presented to the Council Infrastructure Committee for review.

In response to Council Member Wahab's request to reiterate details concerning the environmental aspects of the project, Ms. Hope Kingma, with the applicant team, noted federal agencies would be involved with oversight and permits to authorize the project, including the US Army Corps of Engineers for impacts to wetlands, the Regional Water Quality Control Board for impacts to waters and the State and US Fish and Wildlife Service for impact to



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protected species.

Council Member Wahab recommended the owner ensure upkeep of the property, noted the environmental aspect of the property was of importance, and appreciated the work that went into addressing the issues raised at the prior hearing.

Council Member Lamnin confirmed the motion included the amendment to Condition No. 7 with the correct percentage (0.0033%) and appreciated the applicant's partnership in reaching environmental goals.

Council Member Andrews expressed concern about the shoreline but acknowledged the proposal with anticipated 50 workers at the site would be less intensive use of land in the area, noted the art needs more work to make it more enticing, and agreed the building was dilapidated.

Council Member Salinas appreciated the applicant's partnership with the labor community, noted to keep eyes on the Council vision for the industrial sector, expressed that he looked forward to having the gateway signage vetted by the Council Economic Development and Council Infrastructure Committees, and urged care by the project developer to make the gateway spectacular.

Mayor Halliday noted the proposed signage included knowledge about the salt industry in that area, trusted the applicant will work with the Historical Society to construct sign features that are pleasing and informative, added the westernmost area would be best for the gateway sign, and noted art grants could help with the potential high cost for the gateway signage.

It was moved by Council Member Zermeño, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution approving the project, which included the amendment to Condition No. 7 with the correct percentage (0.0033%).

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

Resolution 22-041, "Resolution Overturning the Planning Commission Denial, Approving Site Plan Review and Historic Resources Demolition Permit Application No. 201901039 Certifying the Environmental Impact Report, Adopting a Statement of Overriding Considerations, and Approving a

Mitigation, Monitoring and Reporting Program for a New Approximately 116,844 Square Foot Industrial Building for U-Haul at 4150 Point Eden Way. Jerry Owen, on behalf of U-Haul; Amerco Real Estate Co. (Applicant/Property Owners)”

LEGISLATIVE BUSINESS

6. Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year (Report from Human Resources Director Sangy)

Human Resources Director Sangy provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 10:09 p.m.

Council Member Salinas made a motion per staff’s recommendation.

Council Member Márquez seconded the motion.

It was moved by Council Member Salinas, seconded by Council Member Márquez, 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 22-042, “Resolution Approving the Amended Fiscal Year 2022 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Band; and Superseding Resolution No. 21-215 and All Amendments Thereto”

COUNCIL REPORTS AND ANNOUNCEMENTS

There were none.

COUNCIL REFERRAL

There were none.

ADJOURNMENT

Mayor Halliday adjourned the special meeting at 10:11 p.m.



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APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward