



## CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

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

<https://hayward.zoom.us/j/82697325767?pwd=MEhBV3lxM29VWXhhNTEqaFZwYUlydz09>

**Tuesday, June 21, 2022, 7:00 p.m.**

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The City Council meeting was called to order by Mayor/Chair Halliday at 7:00 p.m. The City Council held a hybrid meeting in Council Chambers and virtually via Zoom.

**Pledge of Allegiance:** Council Member Wahab

### ROLL CALL

Present:

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

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

Absent: None

### CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on June 21, 2022, at 5:30 p.m., with all members present and no public speakers, regarding three items: (1) conference with property negotiators pursuant to Government Code section 54956.8 regarding Caltrans Parcel Group 8: Grove Way; APNs, 415-0180-070-00, 415-0180-068-01, 415-0180-076-00, 415-0180-084-01, 415-0180-073-00, 415-0180-074-00, 415-0180-075-00, 415-0180-072-00, 415-0180-071-00, 415-0180-069-01, 415-0190-064-00, 415-0180-083-01, 415-0180-080-00, 415-0180-082-01, 415-0180-081-01; (2) conference with labor negotiators pursuant to Government Code section 54957.6 regarding labor groups; and (3) conference with legal counsel pursuant to Government Code section 54956.9 regarding Stoddard-Nunez v. City of Hayward, U.S. District Court, N.D. CA, No. 4:13-cv-04490 KAW. City Attorney Lawson announced there was no reportable action related to the items, there was an action item related to Item 2 under Legislative Business, and indicated the closed session adjourned at 6:15 p.m.

### PRESENTATION

Mayor Halliday read a Certificate of Commendation presented to Hayward Chamber of Commerce President and CEO, Kim Huggett, upon his retirement and in honor of his dedication and commitment to the Hayward Chamber of Commerce. Mr. Kim Huggett accepted the certificate and thanked the City Council and City staff for their support throughout his tenure.

### PUBLIC COMMENTS

Ms. Velda Goe, Hayward resident, referred to documents sent to Council and requested a Council referral memorandum be agendized to address the actions recommended in the Campus Drive University Campus Neighborhood Association (UCNA) resident proposal which was shared with Council regarding traffic concerns on Campus Drive.

City Manager McAdoo noted that City staff had engaged with Ms. Goe and the neighborhood about Campus Drive and will continue to meet with them.

### **CITY MANAGER'S COMMENTS**

City Manager McAdoo did not have any comments.

### **CITY COMMISSIONS**

1. Hayward Youth Commission: Adopt a Resolution Confirming the Appointment of Hayward Youth Commission Members **APPT 22-001**

Staff report submitted by City Clerk Lens, dated June 21, 2022, was filed.

City Clerk Lens provided a synopsis of the staff report and expressed appreciation to the newly appointed Hayward Youth Commissioners and their parents for attending the ceremony.

There being no public comments, Mayor Halliday opened and closed the public comment section at 7:24 p.m.

It was moved by Council Member Zermeño, 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

Resolution 22-151, "Resolution Confirming the Appointment of Members of the Hayward Youth Commission"

Newly appointed members of the Hayward Youth Commission were sworn-in by City Clerk Lens.

Mayor Halliday thanked Council Member Zermeño and Council Member Salinas for their participation in the selection process, congratulated the newly appointed members, and urged them to share their thoughts and ideas with the Council about issues impacting the community.

Council Member Zermeño thanked the parents of the newly appointed members for their support.





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2. Adopt a Resolution Affirming the City's Support for the Library Bill of Rights, the Freedom to Read Statement, and the Freedom to View Statement **ACT 22-068**

Staff report submitted by Director of Library Services Addleman, dated June 21, 2022, was filed.

Library Director Addleman provided a synopsis of the staff report and introduced Library Commission Chair Patterson who spoke on behalf of the Library Commission about the recommendation asking the Council to support the right of all residents to access information and a resolution affirming the City's support for the Library Bill of Rights, Freedom to Read Statement and Freedom to View Statement.

There being no public comment, Mayor Halliday opened and closed the public comment section at 7:38 p.m.

Council Member Márquez thanked the Library Commission for their advocacy and partnership with Library staff and stated that these statements make it clear to the public that acts of discrimination, such as a recent incident at the San Lorenzo Library where a drag queen member was harassed, are not tolerated in the community.

Council Member Márquez made a motion per staff's recommendation and Council Member Salinas seconded the motion.

Council Member Andrews thanked Library staff and Library Commission for taking a stand on matters protecting rights, and supporting the community with resources, and expressed condolences to drag queen participants for the recent incident.

Council Member Zermeño expressed his support for the library.

Mayor Halliday spoke about the 1953 Freedom to Read Statement, the 1939 Library Bill of Rights, and emphasized this was a time to stand up for constitutional rights to read, speak, and believe what we want as long as not interfering with others' rights.

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

Resolution 22-152, "Adopt a Resolution Affirming the City's Support for the Library Bill of Rights, the Freedom to Read Statement, and the Freedom to View Statement"

**CONSENT**

3. Approve the City Council Meeting Minutes of the City Council Meeting on June 21, 2022  
**MIN 22-084**

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the City Council Meeting on June 21, 2022, with an amendment.

4. Adopt a Resolution (1) Authorizing the City Manager to Amend the Agreement with Tyler Technologies to Extend the Term of the Contract for Six Months and Reflect Revised Tasks, and (2) Authorize the Transfer of \$150,000 to Cover Previously Authorized and Appropriated Project Budget **CONS 22-352**

Staff report submitted by Acting Assistant City Manager/Development Services Director Claussen, dated June 21, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, 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 22-153, "Resolution Authorizing the City Manager to Execute an Amendment to the Contract with Tyler Technologies to Extend the Term by Six Months and to Reflect Additional Tasks, and Authorizing a Transfer of \$150,000 from the General Fund to the Information Technology Capital Fund to Cover Previously Authorized and Appropriated Project Budget for the Online Permitting Project"

5. Adopt a Resolution Authorizing the City Manager to Amend the FY2022 Operating Budget for the Development Services Department Building Division for Outside Plan Check, Building Inspection, and Permit Technician Services **CONS 22-355**

Staff report submitted by Acting Assistant City Manager/Development Services Director Claussen, dated June 21, 2022, was filed.





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It was moved by Council Member Lamnin, seconded by Council Member Zermeño, 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 22-154, "Resolution Appropriating an Additional \$470,000 for Consulting Services for Plan Check, Building Inspection, and Permit Technician Services for Fiscal Year 2022"

6. Adopt a Resolution Awarding a Contract to GSW Construction, Inc., for the Trash Capture Device Installation on Cotter Way Project No. 07675 in the Amount of \$188,600, Approving \$18,900 Construction Contingency Budget, and Appropriating an Additional \$70,000 to the Project **CONS 22-358**

Staff report submitted by Public Works Director Ameri dated June 21, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution with modifications as reflected in staff's memorandum.

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

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 22-155, "Resolution Awarding the Contract for the Trash Capture Device Installation on Cotter Way Project No. 07675, to Gsw Construction, Inc., Approving a Construction Contingency Budget, and Appropriating an Additional \$70,000 to the Project"

7. Adopt a Resolution Awarding the Construction Contract to Rosas Brothers Construction, Inc., for the FY22 Sidewalk Rehabilitation and Wheelchair Ramps Project No. 05318 in an Amount Not-to-Exceed \$752,392 **CONS 22-360**

Staff report submitted by Public Works Director Ameri dated June 21, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, 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 22-156, "Resolution Awarding the Construction Contract to Rosas Brothers Construction, Inc., for the Fy22 Sidewalk Rehabilitation and Wheelchair Ramps Project No 05318 in the Amount of \$752,392"

8. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate Funds from the California Water and Wastewater Arrearage Payment Program (CWWAPP) for Wastewater Arrearages in an Amount Not-to-Exceed \$744,389 **CONS 22-364**

Staff report submitted by Public Works Director Ameri, dated June 21, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, 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 22-157, "Adopt a Resolution Authorizing the City Manager to Accept and Appropriate Funds for the California Water and Wastewater Arrearage Payment Program (CWWAPP) for Wastewater Arrearages in an Amount Not to Exceed \$744,389"

9. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Assessments for Fiscal Year 2023 for Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 18, and Set July 5, 2022, as the Public Hearing Date **CONS 22-366**



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Staff report submitted by Maintenance Services Director, Rullman, dated June 21, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, 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 22-158, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2023 for Consolidated Landscaping and Lighting District No. 96-1, Zones 1-18, and Setting July 5, 2022, as the Public Hearing Date"

10. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2023 for Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit Located at Pacheco Way, Stratford Road and Ruus Lane, and Set July 5, 2022, as the Public Hearing Date **CONS 22-369**

Staff report submitted by Maintenance Services Director Rullman dated June 21, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, 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 22-159, "Resolution of Intention Preliminarily Approving the Engineer's Report; Declaring Intention to Levy Assessments for Fiscal Year 2023; and Setting July 5, 2022, as the Public Hearing Date Concerning Maintenance District No. 1 -



Storm Drainage Pumping Station and Storm Drain Conduit -  
Pacheco Way, Stratford Road, and Ruus Lane”

11. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy and Assessments for Fiscal Year 2023 for Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer, and Set July 5, 2022, as the Public Hearing Date **CONS 22-371**

Staff report submitted by Maintenance Services Director Rullman, dated June 21, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, 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 22-160, “Resolution of Intention Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2023, and Setting July 5, 2022, as the Public Hearing Date Concerning Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer”

12. Adopt Resolutions Authorizing the City Manager to Establish a Communications Operator Lateral & Entry Level (COLE) Hiring Bonus Program in the Amount of \$10,000 per Qualified Candidate and Authorizing the Establishment of a Hiring Incentive Referral Program (HIRP) in the Amount of \$2,000 to Be Paid to Qualifying City of Hayward Employees Who Successfully Refer Communications Operator Candidates **CONS 22-370**

Staff report submitted by Police Chief Chaplin, dated June 21, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, 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 22-161, "Resolution Authorizing the City Manager to Establish a Communications Operator Lateral and Entry-Level (Cole) Hiring Bonus Program"

Resolution 22-162, " Resolution Authorizing the City Manager to Establish a Communications Operator Hiring Incentive Referral Program (HIRP) in the Amount of \$2,000 to Qualified Referring Employees"

13. Adopt a Resolution Authorizing an Amendment to the FY 2022 Operating Budget for Fleet Management Fund (Fund 735) to Increase the Annual Appropriation in the Maintenance Services Department Budget by \$195,000 Through Use of Existing Funds  
**CONS 22-390**

Staff report submitted by Maintenance Services Director Rullman, dated June 21, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, 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 22-163, "Resolution Authorizing an Amendment to the FY 2022 Operating Budget for Fleet Management Fund (735) to Increase the Annual Appropriation in the Maintenance Services Department Budget by \$195,000 Through Use of Existing Funds"

14. Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361 **CONS 22-395**

Staff report submitted by City Manager McAdoo and City Clerk Lens, dated June 21, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, 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 22-164, "Resolution Making the Required Findings Pursuant to Ab 361 to Continue to Hold Teleconferenced Public Meetings During the Covid 19 State of Emergency"

15. Adopt a Resolution Calling for the City of Hayward General Municipal Election to be Consolidated with the General Election to Be Held on November 8, 2022, for the Purpose of Electing Two Council Members and One Mayor for Full Terms of Four Years; and Adopt a Resolution Setting Regulations for Candidates Pertaining to Candidate Statements **CONS 22-399**

Staff report submitted by City Clerk Lens, dated June 21, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, 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 22-165, " Resolution of the City Council of the City of Hayward Calling for a General Municipal Election to be Held on November 8, 2022, for the Purpose of Electing Two Members of the City Council and One Mayor for Terms of Four Years; and Requesting the Alameda County Board of Supervisors to Provide for the Consolidation of a General Municipal Election of The City of Hayward with the General Election"

Resolution 22-166, "Resolution of the City Council of the City of Hayward, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidate Statements Submitted to the Voters at an Election to be Held on Tuesday, November 8, 2022"





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### WORK SESSION

#### 16. Police Department Dash Cameras: Work Session to Review a Proposed Hayward Police Department Capital Improvement Project Regarding the Purchase of Axon Fleet Vehicle Dash Cameras with Automated License Plate Reading (ALPR) Technology **WS 22-024**

Staff report submitted by Police Chief Chaplin, dated June 21, 2022, was filed.

Police Chief Chaplin announced the report and introduced Captain Deplitch and Lieutenant Dorn who provided a synopsis of the staff report about the purchase of Axon fleet vehicle dash cameras with automated license plate reading (ALPR) technology and showed a sample video of patrol cars with Axon Dash/ALPR cameras.

Mayor Halliday opened the public comment section at 8:15 p.m.

Mr. Jesse Gunn, Hayward Community Coalition (HayCoCoa) member, underscored the importance of having an independent oversight body and transparency on how to file a complaint or investigate incidents related to dash cameras through a reporting system other than through the Hayward Police Department (HPD).

The following public members spoke in support of HPD's purchase of dash cameras with automated license plate reading technology because the technology would increase safety on the streets, video footage would provide actual representation of incidents, would decrease litigation and cash settlements, would promote transparency and accountability while responding to incidents, would serve to document critical events, aid investigations, help locate stolen vehicles and prevent criminal activity. TJ's comments were dedicated in memory of Sgt. Scott Lunger who was killed on duty during a traffic stop in July 2015.

Ms. Claire Dugan, Hayward resident  
Ms. Theresa R, Hayward Concerned Citizens member  
Ms. TJ, Hayward Concerned Citizens member  
Ms. Suzanne  
Mr. Tom Ferreira, Hayward Concerned Citizens member

Mayor Halliday closed the public comment section at 8:28 p.m.

Members of the City Council thanked City staff for the report and the community outreach conducted, and appreciated Hayward Concerned Citizens and Hayward Community Coalition for their input.

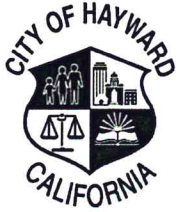
Members of the Council Infrastructure Committee, comprising Council Members Andrews, Márquez, and Salinas were thanked for reviewing the item and providing input

There was general support for the purchase of Axon fleet vehicle dash cameras with automated license plate reading technology.

Discussion ensued among members of the City Council, City staff, Mr. Steven Flowers, with Cloud Trust and Security, and Mr. Jason South with Axon about: the Police Chief's Community Advisory Panel (CAP) involvement with purchase and implementation of Axon fleet vehicle dash cameras with automated license plate reading (ALPR) technology through quarterly reports; triggering events (up to ten customizable) to activate dash cameras and reasons for keeping them on and turning them off; use of ALPR to obtain vehicle's registration information or capture images of fraudulent paper plates; video footage not being shared with federal agencies; dash cameras used by public members as a way to collect evidence in the event of accidents; 53 marked police vehicles and some special duty units would have the proposed technology; having a complaint liaison outside of HPD was a policy innovation project that would be updated in the fall; privacy concerns and measures to access data by the custodian of record; contract terms and operations; data breach and security measures with Axon; the reason for not recording videos 24/7 was because the cost of hosting data would increase; resolution of proposed videos; alerts would be for felony crimes and for situations such as a missing person experiencing mental crisis; and life-saving potential from the use of proposed technology by HPD.

Members of the City Council offered the following recommendations and comments: Hayward Community Coalition members can reach out to Council if there is a better method to communicate and provide input; have incidents, where dash cameras were not activated and not used for evidence, reviewed with the CAP; consider vehicle dash cameras for the Hayward Fire Department; include statistics on the use of dash cameras in future HPD reporting to Council; community members can ask to receive notifications about Council Infrastructure Committee meeting agendas via the City Clerk as items related to capital improvement projects fall under the purview of the Council Infrastructure Committee; have language in the resolution, when the item comes back for Council's approval, that specifically expresses that the City would not release footage to the federal government pursuant to a policy of nondisclosure and the City would vigorously fight if the federal government wanted access to the information; consider the highest resolution possible for video recording; consider including strong data restrictive language in the terms of the contract regarding use/view of data including a log; include language about alerts that would trigger use of activation of dash cameras; have a better understanding of ACLU metrics and provide information about the engagement process; when the item comes back for action, reference the City's sanctuary policy related to camera use; update policy language to make it gender neutral so it aligns with other policies; and ensure there are reference to existing and relevant policies.





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### LEGISLATIVE BUSINESS

#### 17. Military Equipment Use Policy: Introduction of an Ordinance Approving Military Equipment Use Policy No. 706 Regarding the Hayward Police Department's Funding, Acquisition, and Use of "Military Equipment," as Defined by Assembly Bill 481 **LB 22-016**

Staff report submitted by Chief of Police, Chaplin, dated June 21, 2022, was filed.

Police Chief Chaplin announced the report and introduced Deputy Police Chief Matthews who provided a synopsis of the staff report including introduction of an ordinance approving a Military Equipment Use Policy No. 706 regarding the Hayward Police Department's funding, acquisition, and use of military equipment as defined by Assembly Bill (AB) 481.

Discussion ensued among members of the City Council and City staff regarding: clarification that grenades, grenade launchers and tanks were not in the possession of the Hayward Police Department (HPD); HPD has to report military equipment as listed in AB 481 to Council at a minimum on an annual basis after the ordinance is adopted; different ways to file complaints and for staff to consider a clear process for filing complaints to increase transparency; AB 48 governs the use of chlorobenzylidene malononitrile CS (tear gas) for riot control and multiple announcements are made to discontinue unlawful gatherings before using riot control agents and suggested to pre-record standard announcements in multiple languages; if HPD borrows military equipment in exigent circumstances, the Police Chief will need to come before Council reporting on its use; process for referring a complaint to HPD and requested that future onboarding of Council Members include training on how to receive complaints; recommendation for removing three munitions (stingerballs) from HPD's equipment inventory; authorized use of 40 mm sponge round munitions and CS along with clear documentation on their use moving forward; HPD's webpage to share information about AB 481, proposed policy, equipment inventory list, and staff reports including the annual report to Council; and various ways to submit complaints and staff would explore a more formal complaint liaison program and a graphic on the website for the community in the interim.

Mayor Halliday opened the public hearing at 10:14 p.m.

Mr. Jesse Gunn, HayCoCoa member and Hayward resident, recommended Policy 706 be amended to include: the minimum requirement for use of the equipment, the specific requirement for de-escalation, that chemical agents, including CS, be banned, prioritize developing a complaint process; and indicated carbine rifles are military weapons.



Ms. TJ, Hayward Concerned Citizens member, stated that Hayward residents should be assured that public safety and having resources are among Council's highest priorities and urged Council to approve the proposed policy.

Ms. Theresa R., Hayward Concerned Citizens member, noted HPD needs as much firepower to what is on the streets to defend residents, and stated that tear gas would be used in extreme situations and police should have access to them at their discretion.

Ms. Suzanne Luther, Hayward Concerned Citizens member, supported HPD's use of all their safety equipment, noted today's crimes are organized with big firearms and body armor, and urged Council to support HPD's safety equipment.

Mr. Collin Thormoto, Community Services Commission member, appreciated the inclusion of the specific exemptions for items that HPD does not have and have no intention of acquiring, encouraged using the phrase "to be used" for the purpose section throughout the equipment list, suggested having paperwork for complaints to promote transparency, stated that more firearms do not make people feel safer.

Mr. Tom Ferreira, Hayward Concerned Citizens member, expressed support for HPD's safety equipment; and suggested installing digital screens with a QR code, potentially in front of the police station, to inform the community and increase transparency.

Mayor Halliday closed the public hearing at 10:27 p.m.

Council Member Zermeño made the motion to approve staff's recommendation; supported removing the three stingerballs from HPD's equipment inventory in response to community input; encouraged staff to seek opportunities to have community conversations from an equity perspective; noted the ordinance had checks and balances; and noted HPD was doing well in complying with AB 481 because transparency would lead to community trust.

Council Member Salinas seconded the motion.

Council Member Salinas thanked HPD staff for including community groups in outreach efforts; stated the proposed policy was a reminder of the responsibility to keep communities safe and be accountable for equipment used; appreciated the mutually agreed discontinued use of three munitions; noted the information on the website would be beneficial; expressed he wanted to see included in an update the places where one could file a complaint; and was satisfied with the record keeping and data collection attached to the deployment and use.

Council Member Lamnin indicated that the proposed policy was better and appreciated the thoughtfulness, engagement and transparency; however, she wished this was a work session and offered suggestions to amend the policy by adding language to indicate the three stingerballs would be removed from HPD's equipment inventory, articulate better the complaint procedure, articulate that a carbine rifle is capable of harming or killing an armed subject at various distances, and clarify language about authorized use, authorized users, and the purpose for each piece of equipment.



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City Manager McAdoo stated the item was an introduction of ordinance and if Council was amenable to language changes, staff could make proposed changes and bring them back for the adoption of ordinance.

Discussion ensued about the proposed language changes. The motion maker and seconder were amenable to proposed amendments.

Council Member Márquez appreciated how quickly HPD conducted community meetings and were available to address Council's questions and made the following suggestions: specify the minimum uses for the equipment, consider conducting a six-month review to address concerns about exigent circumstances, and remove the three pieces of munitions from HPD's equipment inventory.

Council Member Andrews thanked staff for the presentation and appreciated the community engagement and outreach to members of the City Council, requested community groups share ideas for better ways to engage the community, wanted the complaint/compliment system/process project prioritized and suggested using social media platforms, supported exploring having pre-recorded announcements in different languages, stated that the previous information shared with the community started the dialogue on the topic, appreciated information on the risk assessment of not having the equipment, and supported the six-month review within the first year of the requirement.

City Manager McAdoo noted the six-month review within the first year of the requirement would be explored.

Council Member Wahab thanked HPD for the multiple community engagement events; supported removing equipment that HPD views as unnecessary; wanted to have a framework for when to engage the equipment and who would use it to increase accountability; and added that more robust data would garner safety, transparency and trust building in the community.

Mayor Halliday noted that for the amendments that are not going to be stated in the policy, they could be included in the staff report.

Mayor Halliday commented about the January 6, 2021, attack on the United States Capitol by a mob and wished the Capitol Police were better equipped to respond to the incident, held concerns about disclosing information required by the bill but understood the responsibility to oversee HPD and ensure they are not using excessive force unnecessarily, noted there were peaceful protests in Hayward, and appreciated HPD's community engagement and how input was incorporated into the policy.



City Manager McAdoo summarized that the motion consisted of staff's recommendation with the following amendments: strikethrough the three pieces of equipment associated with stingerballs from the inventory list; there would be an enhancement to the complaint language and have it mirror the existing complaint policy or provide additional clarification; consider language, under Military Equipment Inventory List, that indicates a carbine rifle is a firearm capable of harming or killing an armed subject at various distances; further clarify the breakdown between authorized use, authorized users and the purpose for each piece of equipment; and further articulate minimum uses for the equipment. Items for the staff report would include: a six-month review on the uses and implementation of the policy, prioritize work on the complaint system project from the policy innovation workshops, and evaluate having pre-recorded warning messages in different languages when using CS gas during incidents.

City Manager McAdoo stated the ordinance would return for adoption at the July 5, 2022 Council meeting.

Council Member Zermeño and Council Member Salinas were in agreement with the restated motion and amendments.

It was moved by Council Member Zermeño, seconded by Council Member Salinas, and carried by the following roll call vote, to introduce the ordinance as stated above.

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

Introduction of Ordinance 22-\_, "An Ordinance of the City of Hayward, California, Adding Article 15 to Chapter 3 of the Hayward Municipal Code Relating to the Use of Military Equipment by Law Enforcement"

The Council took a five-minute recess and Mayor Halliday reconvened the meeting at 11:05 p.m.

18. Unrepresented Salary and Benefits: Adopt a Resolution Amending the Salary and Benefits Resolution for Unrepresented Executives, Management, City Manager, Human Resources, and City Attorney Employees **LB 22-014**

Staff report submitted by Assistant City Manager/Interim Director of Human Resources, Youngblood dated June 21, 2022, was filed.

Assistant City Manager/ Interim Director of Human Resources Youngblood provided a synopsis of the staff report.



**CITY COUNCIL MEETING**  
**777 B Street, Hayward, CA 94541**  
**Council Chamber and Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/82697325767?pwd=MEhBV3lzM29VWXhhNTExaFZwYUlydz09>

**Tuesday, June 21, 2022, 7:00 p.m.**

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In response to Council Member Andrews' inquiry regarding the reason the salary study was done in December, City Manager McAdoo indicated that other agencies implement cost of living adjustments on July 1<sup>st</sup> of the year, and that by doing the study in December, the study would consider other agencies adjustments.

In response to Council Member Márquez's inquiry, Assistant City Manager/ Interim Director of Human Resources Youngblood responded that the fiscal impact was for the upcoming fiscal year.

There being no public speakers, Mayor Halliday opened and closed the public hearing at 11:20 p.m.

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

Resolution 22-167 "Resolution Approving an Amendment to the Salary and Benefits Resolution for Unrepresented Executives, Management, City Manager, Human Resources and City Attorney Employees"

City Manager McAdoo and City Clerk Lens left the Council Chambers and City Attorney Lawson left the Zoom webinar because they had to recuse themselves from participating on Legislative Business Item 19 as it pertained to their employment agreements.

**19. Unrepresented Salary and Benefits: Adopt a Resolution Amending the Salary and Benefits Resolution for Unrepresented Executives, Management, City Manager, Human Resources, and City Attorney Employees **LB 22-014****

Staff report submitted by Assistant City Manager/Interim Director of Human Resources, Youngblood dated June 21, 2022, was filed.

Assistant City Manager Youngblood provided a synopsis of the staff report.

There being no public comment, Mayor Halliday opened and closed the public hearing at 11:25 p.m.



Council Member Márquez noted the City Council performs an annual evaluation on the three Council's appointed officers and shared that all three were doing a remarkable job.

Council Member Salinas seconded the motion.

Mayor Halliday noted that Council Member Lamnin, Council Member Salinas and herself serve on the Council Appointed Officers Committee which organizes the review of the three appointed officers, echoed Council Member Márquez's comment and noted that City resources were carefully considered when evaluating compensations.

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

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

Resolution 22-168 "Resolution Approving the Amendment to the Employment Agreement Between the City of Hayward and City Attorney and Authorizing the Mayor to Execute the Agreement"

Resolution 22-169 "Resolution Approving the Amendment to the Employment Agreement Between the City of Hayward and City Clerk and Authorizing the Mayor to Execute the Agreement"

Resolution 22-170 "Resolution Approving the Amendment to the Employment Agreement Between the City of Hayward and City Manager and Authorizing the Mayor to Execute the Agreement"

## **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Andrews thanked all attendees for their participation at the June 18, 2022 Juneteenth Wellness event held at the Heritage Plaza and thanked Russell City Blues Festival for the concert at City Hall Plaza, and shared concern about the incident at Southland Mall on June 20, 2022, and indicated she stands in solidarity with the Asian-American community.

Mayor Halliday thanked Council Member Andrews for all her efforts organizing the successful Juneteenth Wellness event.

Council Member Salinas shared the Hayward Family Festival held on June 17, 2022, at the Mia's Dream Come True playground was a phenomenal success and thanked Library staff and announced that June 21, 2022, was the first day of summer and the start of the Words for



**CITY COUNCIL MEETING**

777 B Street, Hayward, CA 94541

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

<https://hayward.zoom.us/j/82697325767?pwd=MEhBV3IzM29VWXhhNTExaFZwYUlydz09>

**Tuesday, June 21, 2022, 7:00 p.m.**

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Lunch program at the Heritage Plaza and Mia's Dream Come to True playground where children can receive free lunch and participate in reading activities.

Council Member Márquez thanked Council Member Andrews for her vision and passion with the Juneteenth event and suggested that next year, the Downtown Farmers' Market be held closer to Heritage Plaza for connectivity and synergy.

Mayor Halliday congratulated the Hayward Rotary on its 100th Anniversary and for holding a celebration at City Hall on June 17, 2022; and shared she, along with fellow Council members, attended a reception prior to the Council meeting for HUSD Superintendent Dr. Wayne as he will be joining the San Francisco Unified School District and presented him with a certificate of commendation for his service to Hayward.

**COUNCIL REFERRALS**

There were none.

**ADJOURNMENT**

Mayor Halliday adjourned the special meeting at 11:38 p.m.

**APPROVED**

A handwritten signature in black ink that reads "Barbara Halliday".

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

A handwritten signature in blue ink that reads "Miriam Lens".

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Miriam Lens  
City Clerk, City of Hayward



