



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Conference Room 2A and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVJoVXJBckdmQT09>

Tuesday, August 15, 2023, 7:00 p.m.

The City Council meeting was called to order by Mayor Salinas at 7:00 p.m. The City Council held a hybrid meeting in Conference Room 2A and virtually via Zoom.

Pledge of Allegiance: Council Member Syrop

Present: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on July 13, 2023, at 5:30 p.m., with all members present and no public speakers, regarding four items: 1) conference with legal counsel pursuant to Government Code Section 54957(a) regarding matters posing threat to the public's right of access to public services or public facilities; 2) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding Garcia v. City of Hayward, et al. Alameda County Superior Court, No. RG19009457; 3) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding City of Hayward, et al. v. County of Alameda, et al., Alameda County Superior Court, No. 23-cv-036712; and 4) conference with labor negotiators pursuant to Government Code section 54957.6 regarding all labor groups. City Attorney Lawson indicated the Council discussed Items 1 and 4 and took no reportable action; regarding Item 2, the Council discussed the item and unanimously approved settlement of the lawsuit with the City contributing \$700,000; and regarding Item 3, the Council discussed the item and gave direction to staff but otherwise took no reportable action. The closed session adjourned at 9:00 p.m.

The City Council convened in closed session on July 24, 2023, at 5:30 p.m., with all members present and no public speakers, pursuant to Government Code Section 54957(a) regarding matters posing threat to the public's right of access to public services or public facilities. City Attorney Lawson indicated the Council unanimously added two additional matters to the closed session agenda because information about such matters came to the City's attention after the agenda was posted. Consequently, the Council discussed three matters with no public speakers: 1) conference with legal counsel pursuant to Government Code Section 54957(a) regarding matters posing threat to public's right of access to public services or public facilities, and the Council took no reportable action; however, the Council convened in public at 7:00 p.m., and adopted a resolution declaring and confirming the emergency proclamation of the City Manager, acting as the City's Director of Emergency Services, on July 9, 2023; 2) the Council reconvened in closed session and discussed pending litigation, Roane v. City of Hayward, Alameda County Superior Court No. 22CV005151, pursuant to Government Code section 54956.9, and gave direction to staff but otherwise took no reportable action; and 3) the Council met with its labor negotiations team to discuss all employee groups, pursuant to

Government Code section 54957.6 and gave direction to staff but otherwise took no reportable action. The meeting adjourned at 10:00 p.m.

The City Council convened in closed session on August 15, 2023, at 6:15 p.m., with all members present and no public speakers, regarding two items: 1) conference with labor negotiators pursuant to Government Code section 54957.6 regarding all labor groups; and 2) conference with legal counsel pursuant to Government Code section 54956.9(d)(1) regarding City of Hayward, et al. v. Pacific Gas & Electric Company, et al. Alameda County Superior Court, No. 21CV00464. City Attorney Lawson indicated the Council met but did not complete its closed session and would reconvene at the conclusion of the 7:00 p.m., Council meeting.

Mayor Salinas shared he had joined the Bloomberg Harvard City Leadership program in New York where mayors and senior municipal leaders participate in a professional management training program, nominated the City Manager and Acting Police Chief to join the program and that was the reason why City Manager McAdoo was joining the Council meeting remotely.

PRESENTATIONS

Mayor Salinas noted the City of Hayward's Economic Development Team earned two awards from the California Association for Local Economic Development (CALED): 1) an Award of Excellence in the Economic Resiliency and Recovery Category; and 2) an Award of Merit in the Community Partnerships Category for the Hayward Open for Business Video Series with CSU East Bay College of Business & Economics. Chief Economic Development Officer Nguyen introduced Mr. Stephen Baiter, CALED Board Member and Executive Director of the East Bay Economic Development Alliance and Professor Nancy Mangold from California State University East Bay to say a few words about the awards from CALED. Chief Economic Development Officer Nguyen was commended for his work and dedication to economic development.

Mayor Salinas read a certificate of commendation recognizing Ms. Marjorie Rocha for her service as Executive Director of Eden Council for Hope and Opportunity Housing (ECHO Housing) and her work in fostering equal access to housing, and congratulated her upon her retirement from ECHO Housing. Ms. Marjorie Rocha accepted the commendation, spoke about the service through ECHO Housing and thanked the City for such recognition.

PUBLIC COMMENTS

Ms. TJ, with Hayward Concerned Citizens, expressed there was greater awareness about fireworks and the process for reporting them, and suggested it would be helpful to provide, via social media platforms, statistics on citation issued and areas with most frequent activity.

Mr. John Ostarello spoke about water consumption during past droughts, favored the solution in the early 70's when the county allocated a fixed number of gallons of water per day per individual, and urged the Council to establish policies and encourage water conservation.



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Ms. Lisa Lorenz, President of Bay Philharmonic, announced the Bay Philharmonic's new location would be at Chabot College, and shared that talent was being attracted from the East Coast including the Broadway Show Hamilton.

Mr. Jung-Ho Pak, Artistic Director of Bay Philharmonic, shared there would be four dramatic and theatrical programs starting on October 1, 2023, expressed it was the Bay Philharmonic's mission to showcase diversity and represent the East Bay, had a goal to present the world's best entertainment, invited all to attend the symphony, and noted free tickets would be offered to Chabot College and Las Positas students.

CITY MANGAGER'S COMMENTS

City Manager McAdoo noted she was attending the Bloomberg Harvard City Leadership program in New York sponsored by the Bloomberg Foundation, and that was the reason for her remote participation at the meeting.

CONSENT

Consent Items 6, 7, and 10 were removed from the Consent Calendar for comment.

1. Approve the Minutes of the Special City Council Meeting on June 27, 2023 **MIN 23-083**
It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the City Council Meeting on June 27, 2023.
2. Approve the Minutes of the Special City Council Meeting on July 13, 2023 **MIN 23-084**
It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the City Council Meeting on July 13, 2023.
3. Approve the Minutes of the Special City Council Meeting on August 7, 2023 **MINS 23-085**
It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the City Council Meeting on August 7, 2023.
4. Adopt a Resolution Authorizing the City Manager to Amend the Vegetation Management Contract for Specific City-Owned and Maintained Properties with Joe's Landscape and Concrete by Increasing the Contract by an Additional \$300,727.83, For A Total Not-to-Exceed Amount of \$615,727.83, and Extend the Contract Through FY2026 **CONS 23-432**

Staff report submitted by Maintenance Services Director Rullman, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, 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 23-208, “Resolution Authorizing the City Manager to Amend the Vegetation Management Contract for Specific-Owned and Maintained Properties with Joe’s Landscape and Concrete by Increasing the Contract by an Additional \$300,727.83, for a Total Not-to-Exceed Amount of \$615,727.83, and Extend the Contract Through FY2026”

5. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Memorandum of Understanding with the Hayward Area Recreation and Park District for Operations and Maintenance of Certain Landscape and Lighting Assessment District (LLAD) Parks **CONS 23-433**

Staff report submitted by Maintenance Services Director Rullman, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, 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 23-209, “Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Memorandum of Understanding with the Hayward Area Recreation and Park District for Operations and Maintenance of Certain Landscape and Lighting Assessment District (LLAD) Parks”



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6. Adopt a Resolution Authorizing the City Manager to Appropriate the Necessary Funds and Execute Agreements for a Business Assistance Package to Cerveceria LLC, (DBA Buffalo Bill's Brewery) Including a \$75,000 Grant, a \$50,000 Small Business Loan, a \$295,000 Economic Development Loan, and a \$230,000 CDBG Revolving Loan Fund Small Business Loan to Assist in the Refurbishment and Reopening of the Full-Service Restaurant and Outdoor Dining at 1082 B Street **CONS 23-440**

Staff report submitted by Chief Economic Development Officer Nguyen, dated August 15, 2023, was filed.

In response to Council Member Bonilla Jr.'s request for clarification about the three loans and the grant, Chief Economic Development Officer Nguyen confirmed the loans will have payment deferrals for one year and interest payments at 1% interest per terms as established, except for the financial assistance in the form of a grant in the amount of \$75,000. Council Member Bonilla Jr. wanted to ensure this was clear to the public.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, 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 23-210, "Resolution 1) Authorizing the City Manager to Execute an Agreement for \$75,000 to be Dispersed as an Economic Development Grant, a \$50,000 Small Business Loan, a \$295,000 Economic Development Loan, and a \$230,000 CDBG Revolving Loan Fund Small Business Loan with Cerveceria LLC (DBA Buffalo Bills) to Assist in the Re-Opening of the Buffalo Bill's Brewery and Restaurant, and 2) Appropriating Dollars from the Appropriate Fund Accounts for the Implementation of This Business Assistance Package"

7. Adopt a Resolution Authorizing the Transfer and Appropriation of \$100,000 from the General Fund to the Community Development Block Grant Fund (Fund 225) for Repayment of the Russell City Distillery Loan to the Department of Housing and Urban Development **CONS 23-442**

Staff report submitted by Assistant City Manager Youngblood, dated August 15, 2023, was filed.

Council Member Bonilla Jr. received confirmation that the transfer of \$100,000 from the General Fund to the CDBG Fund 225 to repay the Department of Housing and Urban Development (HUD) for the repayment of the Russel City Distillery loan would be recovered because there was a lien that would be placed on the property and asked if there were penalty or interest that will be charged on the \$100,000 in case the loan is not paid according to stipulated terms. Chief Economic Development Officer Nguyen responded that while he did not have the agreement details available, it was typical that when there was a default on the loan, additional interest can be collected.

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

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-211, "Resolution Authorizing the Transfer and Appropriation of \$100,000 from the General Fund to the Community Development Block Grant Fund (Fund 225) for Repayment of the Russell City Distillery Loan to the Department of Housing and Urban Development"

8. Adopt a Resolution Authorizing the City Manager to Amend the Professional Services Agreement with First Presbyterian Church of Hayward to Increase the Winter Warming Shelter at South Hayward Parish Contract Amount by \$405,686 for a Total Not-To-Exceed Amount of \$2,050,000 **CONS 23-445**

Staff report submitted by Assistant City Manager Claussen, dated August 15, 2023, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None



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Resolution 23-212, "Resolution Authorizing the City Manager to Amend the Professional Services Agreement with First Presbyterian Church of Hayward to Increase the Winter Warming Shelter at South Hayward Parish Contract Amount by \$405,686 for a Total Not to Exceed Amount of \$2,050,000 and Extend Emergency Shelter Services Through July 31, 2024"

9. Adopt a Resolution Authorizing the City Manager to Extend and Amend an Agreement with the Alameda County Probation Department to Provide Services at the Delinquency Prevention Network Youth Service Center and to Accept and Appropriate \$250,000 From Alameda County to Fund the Extension **CONS 23-446**

Staff report submitted by Acting Chief of Police Matthews, dated August 15, 2023, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-213, "Resolution Authorizing the City Manager to Extend and Amend an Agreement with the Alameda County Probation Department to Provide Services at the Delinquency Prevention Network Youth Service Center and to Accept and Appropriate \$250,000 from Alameda County to Fund the Extension"

10. Adopt a Resolution Authorizing the Purchase of Ammunition from Dooley Enterprises, Inc. for Hayward Police Department Training and Operations, in an Amount Not-to-Exceed \$200,000 **CONS 23-448**

Staff report submitted by Acting Chief of Police Matthews, dated August 15, 2023, was filed.

In response to Council Member Syrop's inquiry as to how ammunitions would be purchased in the absence of salary savings, City Manager McAdoo responded such purchase requests would be allocated through the CIP Fund via transfer from the General Fund. It was noted the

request was not budgeted in the CIP budget because the department did not anticipate the number of recruits and training needs.

In response to Council Member Bonilla Jr.'s inquiry as to the drivers for the increase in cost for ammunition and whether the City was spending the amount in increments but with different vendors, Captain Deplitch stated that Dooley Enterprises was the sole source vendor for ammunition during the last few years, added the request was for training, operations and HPOA obligations, and noted that in the previous year the amount of money used for recruitment and training was through personnel and training funds which had been depleted.

In response to Council Member Bonilla Jr.'s inquiry if there were guidelines for the use of salary savings, City Manager McAdoo responded that the policy is to generally avoid use of salary savings and prioritize one-time expenditures, and salary savings could be reallocated to other departments via Council's action for reappropriation of funds for other uses.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, 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 23-214, "Resolution Authorizing the Purchase of Ammunition from Dooley Enterprises, Inc. for Hayward Police Department Training and Operations, in an Amount Not-to-Exceed \$200,000"

11. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$113,797.39 in Awarded Officer Wellness and Mental Health Grant Funding from the State of California Board of State and Community Corrections **CONS 23-449**

Staff report submitted by Acting Chief of Police Matthews, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, 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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Resolution 23-215, “Resolution Authorizing the City Manager to Accept and Appropriate \$113,797.39 in Awarded Officer Wellness and Mental Health Grant Funding from the State of California Board of State and Community Corrections”

12. Adopt a Resolution Awarding a Contract to The Garland Company for the Hayward Executive Airport - Hangars J, K, L, and M Roof Repair Project, Project No. 06826, in an Amount Not-to-Exceed \$807,000 and Appropriate an Additional \$107,000 from the Airport Capital Fund (Fund 621) to Project 06826 **CONS 23-451**

Staff report submitted by Public Works Director Ameri, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, 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 23-216, “Resolution Authorizing the City Manager to Negotiate and Execute a Contract with the Garland Company for the Hayward Executive Airport – Hangars J, K, L, And M Roof Repair Project, Project No. 06826, in an Amount Not-to-Exceed \$807,000”

Resolution 23-217, “Resolution Authorizing the Appropriation of \$107,000 from the Airport Capital Fund (Fund 621) to the Hayward Executive Airport – Hangars J, K, L, and M Roof Repair Project, Project No. 06826”

13. Adopt a Resolution Approving Plans and Specifications, and Calling for Bids for the Municipal Parking Lot No. 11 Improvement Project No. 05741 **CONS 23-454**

Staff report submitted by Public Works Director Ameri, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, 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 23-218, “Resolution Approving Plans and Specifications and Call for Bids for Municipal Parking Lot No. 11 Improvement Project, Project No. 05741”

14. Adopt a Resolution to Authorize the Mayor to Enter into a Sister City Agreement with the City of Faro, Algarve, Portugal **CONS 23-455**

Staff report submitted by Assistant City Manager Youngblood, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, 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 23-219, “Resolution Approving the Attached Sister City Agreement Between the City of Hayward, California, USA, and Faro, Algarve, Portugal”

LEGISLATIVE BUSINESS

15. FY 2024 Salary Plan Amendment: Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2024 **LB 23-032**

Staff report submitted by Human Resources Director Frye, dated August 15, 2023, was filed.

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

There being no public comments, Mayor Salinas opened and closed the public hearing at 8:11 p.m.



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It was moved by Council Member Roche, seconded by Council Member Bonilla Jr., and carried by the following roll call vote, to approve the resolutions.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-220, "Resolution Approving the Amended Fiscal Year 2024 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 23-173 and all Amendments Thereto"

16. Cal Cities 2023 Annual Conference: Adopt a Resolution Designating Voting Delegates and Alternates for the Annual Conference Scheduled for September 20-22, 2023 (Report from City Clerk Lens) **LB 23-030**

Staff report submitted by City Clerk Lens, dated August 15, 2023, was filed.

City Clerk Lens provided a synopsis of the staff report.

Council Member Syrop expressed that he would be interested in being a delegate depending on policy proposals and wondered if there could be multiple alternates. City Clerk Lens confirmed there could be up to two alternates.

Council Member Zermeño spoke favorably of Cal Cities conferences and indicated he would be attending Thursday's session.

There being no public comment, Mayor Salinas opened and closed the public hearing at 8:15 p.m.

Council Member Andrews favored having two alternates and shared she was interested in serving as an alternate if no one else was interested.

Council Member Bonilla Jr. indicated that he would be attending the conference as well, made a motion to approve the resolution designating Mayor Salinas as the delegate, and Council Members Goldstein and Syrop as alternates.

It was moved by Council Member Bonilla Jr., seconded by Council Member Zermeño and Roche, and carried by the following roll call vote, to approve the resolutions.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-221, “A Resolution Designating a Voting Delegate and an Alternate Voting Delegate as Hayward’s Representatives to the Cal Cities 2023 Annual Conference”

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews commended Mayor Salinas for his announcement in the news about the lawsuit to protect children at the Assessment Center in Hayward and hoped for a prompt resolution.

Council Member Zermeño encouraged all to attend the Hayward Street Party on August 17, 2023, in downtown Hayward.

Council Member Syrop thanked all attendees of the grand opening of the Makerspace and Art Studio on August 12, 2023, at the Sun Gallery, and thanked those who voted to fund it through the Hayward People’s Budget.

Mayor Salinas highlighted events over the summer to activate economic corridors in the city and the downtown, including the opening of businesses and street parties; appreciated the efforts of the Economic Development team; and shared that as a member of the East Bay Economic Alliance, he was pleased that crime and safety around economic and transit hubs was prioritized.

Council Member Bonilla Jr. shared the Together for Hayward E-Gift Card Program to support City businesses had launched highlighting that participants would receive bonus cards and noted there were over 122 businesses participating.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Salinas adjourned the City Council meeting back to closed session at 8:25 p.m.



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Tuesday, August 15, 2023, 7:00 p.m.

APPROVED

Mark Salinas
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward