



**SPECIAL CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, November 17, 2020, 7:00 p.m.**

The special meeting was called to order by Mayor Halliday at 7:00 p.m. The City Council meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No 29-20 dated March 17, 2020, and the Alameda County Health Officer Order No. 20-10 dated April 29, 2020 regarding the COVID-19 pandemic. Members of the City Council, City Staff, and members of the public participated via Zoom Webinar.

CALL TO ORDER: Mayor Halliday

Pledge of Allegiance: Mayor Halliday

ROLL CALL

Present: COUNCIL MEMBERS Lamnin, Márquez, Mendall, Salinas, Wahab, Zermeño
MAYOR Halliday
Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:00 p.m. regarding three items: 1) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; 2) conference with legal counsel pursuant to Government Code 54956.9 regarding Stoddard-Nunez v. City of Hayward, Ninth Circuit Case No. 18-16403; and 3) public employment pursuant to Government Code 54957(b)(1) for City Manager, City Attorney, and City Clerk. Mayor Halliday noted Item 3 was removed from the agenda and was not discussed. City Attorney Lawson added there was no reportable action related to the rest of the items.

PRESENTATION

Assembly Member Bill Quirk (20th Assembly District) provided a 2020 legislative recap which included challenges legislating during the COVID-19 pandemic, the impact of COVID-19 on the economy, highlights of the 2020 budget, legislative successes as well as shortfalls; and addressed questions related to housing, tenant protections, State budget reserve, and Power Charge Indifference Adjustment (PCIA) exit fees.

PUBLIC COMMENTS

Ms. Claire Dugan expressed support for the Hayward Police Department and noted that money for social work would need to come from a different source.

WestbayMGT, small business owner, indicated he brought to Council Members Zermeño and Salinas' attention that it was illegal to block people on social media and asked if staff would do something about the first amendment issue.

TJ with Hayward Concerned Citizens spoke about the recent FM3 Public Safety Community Engagement survey results and asked Council to keep the perspective that surveys do not reflect the feelings of all Hayward residents.

Mr. George Syrop made a comment about civility and encouraged the Council to stop tone policing the community when emotional topics are discussed.

Small business owner asked that meeting procedures and protocols be respected and suggested censoring commentary of people speaking on agenda items.

Ms. Vanessa Cuellar noted that residents have the right to call members of the Council out when they are not representing the community.

At the request of Council Member Wahab, City Manager McAdoo announced there was a two-week application period for Alameda County small businesses wishing to apply for one-time grants authorized by the Alameda County Board of Supervisors and administered by the East Bay Economic Development Alliance; and referred to the City Manager's office with any questions.

CONSENT

Consent Item 4 was removed from the Consent Calendar for separate vote.

1. Adopt a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2021 Pursuant to California Government Code Section 22892 of the Public Employees' Medical and Hospital Care Act **CONS 20-548**

Staff report submitted by Assistant City Manager Hurtado dated November 17, 2020, was filed.

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolution:

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

Resolution 20-196, "Resolution Agreeing to Meet the Minimum Employer Contribution toward Medical Cost as Set by California Public Employees Retirement System at One Hundred Forty-Three Dollars (\$143) Per Month for Calendar Year 2021"



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2. Adopt Resolutions to Execute Side Letter Agreements Amending the Memoranda of Understanding (MOU) between the City of Hayward and the Hayward Police Officers Association (HPOA), and the City of Hayward and the International Association of Firefighters, AFL-CIO, Local 1909 (Local 1909), to Change the Existing Cost-Sharing Amount for PEPRA Members **CONS 20-578**

Staff report submitted by Assistant City Manager Hurtado dated November 17, 2020, was filed.

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolutions:

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

Resolution 20-197, "Resolution Authorizing Execution of a Side Letter Agreement Amending the Memorandum of Understanding Between the City of Hayward and the Hayward Police Officers Association to Change the Existing Cost-Sharing Amount for PEPRA Members"

Resolution 20-198, "Resolution Authorizing Execution of the Side Letter Agreement Amending the Memorandum of Understanding Between the City of Hayward and the International Association of Firefighters, Afl-Cio, Local 1909 to Change the Cost-Sharing Amount for PEPRA Members"

3. Adopt a Resolution Authorizing the City Manager to Execute a Grant Deed Conveying an Easement to Pacific Gas and Electric Company for Underground Installation of its Utility Facilities Within Portions of the City Owned Parcels at 962 B Street and Municipal Parking Lot 1 and Alley North of B Street **CONS 20-571**

Staff report submitted by Director of Public Works Ameri dated November 17, 2020, was filed.

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolution:

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

Resolution 20-199, "Resolution Approving and Authorizing City Manager to Execute Documents Conveying an Easement to Pacific Gas and Electric Company for Underground Installation of its Utility Facilities on Portions of City Owned Parcels at 962 B Street and Municipal Parking Lot 1 and Accept Compensation therefor"

4. Adopt a Resolution Confirming Reappointment of Council Member Mendall as the City's Representative to the Boards of Directors of the Bay Area Water Supply and Conservation Agency and the San Francisco Bay Area Regional Water System Financing Authority
CONS 20-562

Staff report submitted by Director of Public Works Ameri, dated November 17, 2020, was filed.

Council Member Wahab removed the item from the Consent Calendar to seek clarification on staff's recommendation.

Council Member Mendall noted there were a number of representatives on the BAWSCA Board who were no longer current Council Members but were able to be influential on behalf of their cities because of their experience; and added he was willing to continue serving.

It was moved by Council Member Wahab, seconded by Mayor Halliday, and carried by the following roll call vote, to approve the resolution:

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

Resolution 20-200, "Resolution Confirming Reappointment of Council Member Mendall as the City's Representative to the Boards of the Bay Area Water Supply and Conservation Agency and the San Francisco Bay Area Regional Water System Financing Authority"

Mayor Halliday thanked Council Member Mendall for being agreeable to continuing to serve on the BAWSCA Board and representing Hayward.



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WORK SESSION

5. Hayward Police Department 2019- and 2020-Year End Review **WS 20-047**

Staff report submitted by Chief of Police Chaplin, dated November 17, 2020, was filed.

City Manager McAdoo announced the item and introduced Police Chief Chaplin who provided introductory remarks about the Hayward Police Department (HPD) 2019 and 2020 year-end review and spoke about crime and call statistics. Lieutenant Olsen spoke about hiring, staffing and training; CALEA Accreditation Manager Turner spoke about the Commission on Accreditation for Law Enforcement Agencies (CALEA) and Lexipol; Captain Matthews spoke about HPD recent policy changes and internal affairs; Chief Chaplin spoke about the Community Advisory Panel; Lieutenant Ormsby spoke about traffic responsibilities and complaints; Lieutenant Cantrell spoke about community engagement, outreach programs, and the Homeless Liaison Program; Dr. Young spoke about highlights of the Youth and Family Services Bureau; Captain Matthews spoke about the HPD internal engagement process and survey results; and Chief Chaplin provided concluding remarks. City Manager McAdoo outlined key points of her supplemental memorandum: formation of a Budget Advisory Committee, conversations about neighborhood connections/trust building, and evaluation of the Police Community Advisory Panel.

Due to the number of individuals wishing to speak, Mayor Halliday limited public comment to two minutes per speaker and opened the public comment section at 9:24 p.m.

Mr. Jesse Gunn spoke in favor of a citizen-based committee to oversee police reform.

Mr. George Syrop, Hayward Community Coalition member, spoke in support of a 3-1-1 system and a participatory budgeting committee composed of residents and selected through a democratic process.

Ms. Sara Prada, Police Community Advisory Panel (CAP) member, expressed concern with the plan for members of the CAP to be part of the Budget Advisory Committee, noted the CAP had only met a few times without an outside facilitator and suggested the CAP bylaws be reconsidered if the plan is to expand its role.

Ms. Rebecca Ruiz mentioned that what HPD is using for its law enforcement policy expertise (Lexipol) has drawn concerns from civil rights organizations; and spoke in favor of defunding the HPD and investing in services that keep residents safe.

Ms. Jade Le, Hayward youth coordinator, favored reducing HPD budget by prioritizing spending on community, health, education, and affordable housing; and spoke in support of the seven demands reinforced by the recent survey.

Ms. Elisha Crader, Hayward resident and Hayward Community Coalition co-founder, urged Council to direct staff to begin implementing changes and reduce the HPD budget, reallocate funds through a resident-led participatory budget committee and establish a 3-1-1 emergency hotline.

Mr. Leland Altez, Hayward resident, asked to reduce the HPD budget, reallocate funds through a resident led committee, establish a 3-1-1 emergency hotline, and demilitarize the police.

Ms. Selina McManus, Hayward resident, asked that the Youth and Family Services be removed from the HPD.

Ms. Vanessa Sadsad expressed opposition to a participatory budgeting committee because a budget committee already exists and spoke about the need to have an independent budget oversight and independent influence over disciplinary matters.

Ms. Eufemia Maynard, Hayward resident, spoke against defunding the HPD.

Ms. Vanessa, Hayward resident, urged the Council to direct staff to reduce the police budget, reallocate funds through a resident-led budgeting committee, establish a 3-1-1 urgency hotline that does not require police response, and re-envision public safety.

Mr. Jordan Leopold, Hayward native, supported reducing the police budget and reallocating it to the community, establishing a 3-1-1 hotline with unarmed response to scene, and creating a resident-led participatory committee to help re envision what public safety can do.

Ms. Lizzy Blancas, Hayward resident, noted the City has not invited local experts on abolition and defunding police to the community conversation, noted concern with the work HPD is doing with CALEA and Lexipol, and favored reallocating HPD funds to the community.

Mr. Isaac Harris, Hayward Community Coalition member, favored reducing the police budget and reallocating it towards community services, creating a participatory community-led budgeting committee to dictate how to allocate funds, and promoting and establishing a 3-1-1 urgency hotline that does not require a police response.

Westbay MGT asked if CAP member Oquenda was in line to get an appointment by HPD and if that would represent a conflict of interest; and questioned why was HUSD being charged for officers on patrol.

Ms. Rusty Shackelford supported the Hayward Community Coalition, noted the survey did not adequately capture unhoused and incarcerated community members and supported reinventing community safety and investing in people over property.



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Ms. TJ, with Hayward Concerned Citizens, noted HPD programs have had a high success rate and have been respected as national model, added that HPD needs better tools and resources to do their work and more staffing to ensure the population stays protected.

Ms. Theresa Rezendes expressed concern about the demoralization of HPD, supported the 3-1-1 emergency hotline, favored a cost sharing of riot gear between police departments, was concerned after seeing increases in crime subsequent to defunding police departments, and suggested putting aside funds for people to relocate to other states where the cost of living is more affordable.

Ms. Lacey Amodei, Hayward Community Coalition member, reaffirmed the demand to reduce and reallocate the police budget for community service needs, form a participatory budgeting committee for determination on how funds are allocated, and establish a 3-1-1 hotline for urgency needs requiring response of unarmed officers.

Ms. Lala, Hayward Community Coalition member, favored defunding the police budget and reallocating it for community resources, referred to lives lost and the Black Lives Matter (BLM) movement, and encouraged the Council to reimagine a better Hayward in which community members can feel safe and have the resources to succeed.

Mr. Alex Moreno, Agustin Gonzalez' cousin and Hayward Community Coalition member, supported establishing a 3-1-1 urgency hotline for service calls requiring response of unarmed officers and reallocating police funds through a resident led committee.

Ms. Vanessa Cuellar, Hayward resident, favored a precautionary versus reactionary approach and creative solutions to help inmates and reallocation of funds to help residents.

Ms. Alondra Flores supported the demands put forward by the Hayward Community Coalition.

Ms. Cynthia Nunes, Hayward Community Coalition member and Agustin Gonzalez' cousin, refused to praised officers making fun of BLM movement, favored reallocating funds toward community services and establishing a 3-1-1 hotline.

Mr. Emilio Ronquillo, Hayward resident, supported the Hayward Community Coalition's three demands, and supported funding mental health, education, public transportation, housing, social services, and food security.

Ms. Yenifer, Hayward native, asked Council to take action on the demands of the coalition, establish 3-1-1 urgency hotline, and reallocate police funds toward community needs.

Ms. Roxana De La O Cortez, Hayward resident and Hayward Community Coalition member supported three demands and did not agree with the supplemental memo.

Suzanne, Hayward native and Hayward Concerned Citizens member, noted the survey results demonstrated Hayward residents were against defunding HPD.

Mayor Halliday closed the public comments at 10:21 p.m.

Discussion ensued among members of the City Council and City staff and it was decided to continue the Commercial Cannabis Retail Dispensary public hearing to the December 1, 2020 City Council meeting.

Members of the City Council acknowledged community advocates and members of HPD and thanked them for their work and commitment to the community and thanked them for sharing their respective perspectives; and recognized HPD for various community engagement events.

Discussion ensued among members of the City Council and City staff regarding: disciplinary actions that would lead to termination; HPD internal accountability; selection process for the recommended structure of the Budget Advisory Committee members; adding beats from nine to ten; what it would take to establish a 3-1-1 emergency hotline model; police calls for service versus overall calls received into the Dispatch Center; call statistics and data for Priority 2, 3, 4, 5, and 6 calls and technology needed to provide such data; and staffing retention and recognition.

Council Member Márquez was amenable to a high-level comprehensive HPD report including statistical data on an annual basis understanding there were current workforce and technology limitations; noted the need to improve trust on multiple fronts and have more access and frequent conversations; mentioned the need to improve the complaint process by providing a user friendly alternative; favored expanding the proposed Budget Advisory Committee membership by two with representation from the Hayward Concerned Citizens and the Hayward Community Coalition for balanced perspectives and be clear in terms of time commitment; hold open meetings accessible on the Zoom platform allowing for public comment; prioritize analysis of the 3-1-1 emergency hotline model; and streamline communication.

Council Member Zermeño leaned towards reviewing the HPD report every six months, subject to staffing levels permitting, otherwise he was fine with an annual report; agreed with the proposed structure of the Budget Advisory Committee membership and suggested adding members from Hayward Concerned Citizens and Hayward Community Coalition; noted the trust building and neighborhood connections could be led by the Police Community Advisory Panel; favored exploring the 3-1-1 hotline concept; and added the need for trust building.



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Council Member Lamnin noted the need to understand the model for responding to calls that do not warrant armed response; suggested leveraging funds for situations that do not need armed response, suggesting that funds from frozen positions can be pivoted for unarmed responses; noted the Police Community Advisory Panel should be subject to the Brown Act; was agreeable to an annual HPD reporting and have data driven conversations on a quarterly basis; and expressed the need to invest in technology to have accessible data and increased transparency.

Council Member Mendall recommended to begin the conversation around consensus ideas, such as types of call for service that can be responded to by someone other than a police officer, and build from that effort; and appreciated the inclusion of groups underrepresented in the report.

Council Member Wahab requested a staffing retention comparison between the Police and Fire departments; suggested to focus on solutions that improve overall public safety and explore pilot projects; recommended bolder efforts around education and training; reminded she had also recommended mental health assistance and support for staff; suggested providing more automated call information on the website to increase transparency; favored having the Community Services Commission serve as the proposed Budget Advisory Committee; noted the 3-1-1 needs to be a robust system and in the interim the Call Center could handle non-emergency calls; and suggested utilizing the Fire Department to handle non-violent situations and adding to this department social workers and continuing to explore options such as non-profit agencies.

Council Member Salinas was in agreement with a committee that is participatory, democratic, open to neighborhood input and engages key stakeholders; agreed on building trust in the neighborhood and with one another; and noted his commitment to safety.

Mayor Halliday supported an annual HPD report and dedicating an entire meeting to allow for proper discussion; suggested the City Council could hear input from different committees/groups such as the Community Services Commission, Youth Commission, Hayward Concerned Citizens and Hayward Community Coalition; agreed to invest in the community; noted the need for more information on the 3-1-1 hotline model and consideration for a regional collaboration to bring better mental health services to the community; and consider, while the 3-11 hotline is evaluated, using the non-emergency Police number (293-7000).

PUBLIC HEARING

6. Commercial Cannabis Retail Dispensary with Ancillary Retail Delivery: Approve a Conditional Use Permit for a Commercial Cannabis Retail Dispensary with Ancillary Retail Delivery Service within an Existing Commercial Building located at 22701 Foothill Boulevard and 1055 C Street (Assessor Parcel Nos. 428-0066-058-01 and 428-0066-056-00) Application No. 201906312. Rajiv Pottabathni, Jiva Life LLC (Applicant); Ryan Bridge LLC (Property Owner) **PH 20-086**

Mayor Halliday announced the item was continued to the December 1, 2020 City Council meeting.

LEGISLATIVE BUSINESS

7. Adopt an Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code for a Major Modification to an Existing Planned Development District (Application No. 201706217) in Connection with the Development of a Fuel Facility at the Costco Business Center at 22330 Hathaway Avenue in the City of Hayward **LB 20-055**

Staff report submitted by City Clerk Lens, dated November 17, 2020, was filed.

City Clerk Lens noted the item appeared under Legislative Business because the introduction of the ordinance did not garner unanimous support by the City Council.

Mayor Halliday opened the public hearing at 11:50 p.m.

Mr. Tyler Dragoni, Eden Area Municipal Advisory Council (MAC) member, shared he would have liked for Costco to expand fresher/hot food options; and added that Hathaway Avenue needs improved bike facilities before adding more traffic volume and street sweeping needs to be expanded.

Mayor Halliday closed the public hearing at 11:55 p.m.

Council Member Wahab suggested that staff coordinate with Eden Area MAC on any future developments that are done in the area, noted Sierra Club and other activists supported the proposal and suggested staff pursue an environmental justice plan.

Council Member Wahab made a motion to approve staff's recommendation. Council Member Márquez seconded the item.

City Manager McAdoo noted she meets with Alameda County Supervisor Miley on a quarterly basis and added that sweeps are coordinated for the area.



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Council Member Salinas noted he would be voting against the motion noting support for the item would entail adding a ninth gas station within a three-mile corridor.

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the ordinance:

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

Adopt Ordinance 20-18, "An Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code for a Major Modification to an Existing Planned Development District (Application No. 201706217) in Connection with the Development of a Fuel Facility at the Costco Business Center at 22330 Hathaway Avenue in the City of Hayward"

CITY MANAGER'S COMMENTS

City Manager McAdoo announced that Alameda County was moving back to purple tier effective midnight which meant that indoor dining was no longer allowed, indoor retail was limited, and places of worship, gyms, fitness centers, and movie theaters were restricted to outdoor operations; and referred to the County guidelines for a healthy holiday season.

COUNCIL REPORTS AND ANNOUNCEMENTS

Mayor Halliday wished everyone a happy Thanksgiving season.

Council Member Salinas wished everyone a happy Thanksgiving and encouraged everyone to be safe and protect themselves and others.

Council Member Wahab wished all a happy Thanksgiving and expressed appreciation for all comments.

COUNCIL REFERRALS

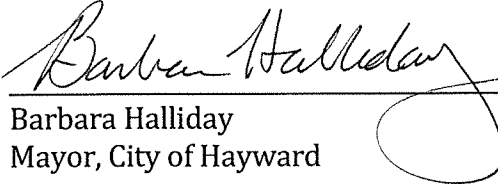
There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting on November 18, 2020 at 12:11 a.m. in memory of Ms. Bertha "Berty" Nebenzahl.

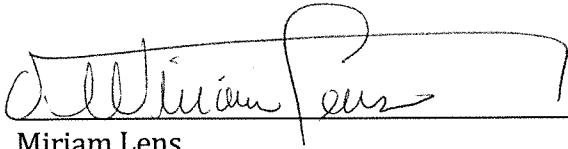
Ms. Bertha "Berty" Nebenzahl was a 60 year Hayward resident; a high school teacher; a contributor to the community in support of food banks, cultural institutions, such as the Hayward Arts Council and the Hayward Area Historical Society (HAHS); funded scholarships for college students; provided funds to HAHS for free of charge tours; contributed funds to the Friends of the Hayward Public Library to acquire devices for use by sight impaired visitors; volunteered at the Douglas Morrison Theater; volunteered along with former Mayor Roberta Cooper; and supported The Friends of the Chabot College Foundation. Mayor Halliday asked City staff to work with the family to plant a tree in memory of Berty Nebenzahl.

APPROVED



Barbara Halliday
Mayor, City of Hayward

ATTEST:



Miriam Lens
City Clerk, City of Hayward