



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform (Zoom)

<https://hayward.zoom.us/j/82183737191?pwd=Vi8yNHkwQkITWnpCN3lPRlRBNz09vdz09>

Tuesday, November 15, 2022, 7:000 p.m.

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

Pledge of Allegiance: Mayor Halliday

Roll Call

Present

Council Chamber: Council Members Lamnin, Zermeño
Mayor Halliday

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

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:00 p.m., with all members present and no public comments, regarding three items: 1) public employment pursuant to Government Code section 54957 regarding the upcoming performance evaluation for City Manager, City Attorney and City Clerk; 2) conference with legal counsel pursuant to Government Code sections 54956.9(d)(2) and 54956.9(e)(1) regarding one anticipated litigation; and 3) conference with property negotiators pursuant to Government Code section 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 the Council discussed Item 1 and unanimously approved, with Mayor Halliday moving and Council Member Márquez seconding, selection of Pivotal Group as the consultant to perform a 360 assessment of the Council-appointed officers in an amount not to exceed \$21,500, plus additional options in an amount not to exceed \$5,350, and authorized Assistant City Manager Youngblood to execute an agreement with said consultant; regarding Item 2, the Council discussed one case of anticipated litigation in consultation with City Attorney Lawson and took no reportable action; and regarding Item 3, the Council discussed property transactions, specifically Caltrans Route 238 Parcel Group 5 ('Bunker Hill'), and took no reportable action, but public action was anticipated on Consent Item No. 13. The closed session adjourned at 6:25 p.m.

PUBLIC COMMENTS

Ms. TJ, Hayward Concerned Citizens representative, shared that it had been three years since the homicide of Hayward resident John Creech Jr. and the family was requesting to contact the Police Department with any information about the case.

Mr. Gabriel Altamirano, South Hayward Now/Ahora representative, urged the City to implement enforcement of street vendors selling without proper permits within the South Hayward neighborhoods and expressed health concerns about the food being served by street vendors and the streets and sidewalks being blocked.

Mr. Nate Rizvi shared that activities related to street vendor operations were widespread from the corner of Tennyson Road down to Huntwood Avenue Thursdays through Sundays, noted there was a flea market type of environment, and asked if there was a designated area in the city for street vendors to operate.

Ms. Savana echoed prior comments and expressed concern about people double parking to purchase food from street vendors and getting sick due to poor sanitation; and suggested the City provide a space for street vendors.

CITY MANAGER ANNOUNCEMENTS

City Manager McAdoo noted that timeline on sidewalk vending and community engagement was shared with the City Council in preparation of recommendations for City regulations consistent with Senate Bill (SB) 946; spoke about SB 946; indicated that an informal listening session would be held at the end of December, continue the community outreach through January, present preliminary work sessions to the Council Economic Development Committee and the City Council in February, and propose adoption of the ordinance at the end of spring; and noted that if the public had concerns about a vendor operating unsafely or without a health permit, to contact Code Enforcement staff during business hours and HPD after hours.

City Manager McAdoo announced that City Hall and other non-emergency services would observe a business closure the week of November 21, 2022; and the Light Up the Season event was scheduled for December 3, 2022

CONSENT

1. Approve the City Council Minutes of the City Council Meeting on October 25, 2022 **MIN 22-128**

It was moved by Council Member Zermeño, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council Meeting on October 25, 2022.

2. Adopt a Resolution Approving the Appropriation of \$150,000 for the Golden Oaks II - Tract 8058 Improvement Project No. 08058, and Authorizing Staff to Increase the Construction Contract with Golden Bay Construction, Inc., Contract No. 22132, by the Same Amount for a Total Not-To-Exceed Amount of \$1,093,733 **CONS 22-623**

Staff report submitted by Director of Public Works, Ameri, and City Attorney Michael Lawson dated November 15, 2022 was filed.



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

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

Resolution 22-274, "Resolution Approving the Appropriation of \$150,000 for the Golden Oaks II Tract 8058 Improvement Project No. 08058 and Authorizing Staff to Increase the Construction Contract to a Total Amount not Exceeding \$1,093,733"

3. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with ESRI for a Small Municipal and County Government Enterprise Agreement (SGEA) in an Amount not to Exceed \$303,000 **CONS 22-630**

Staff report submitted by Information Technology Director Kostrzak, dated November 15, 2022, was filed.

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

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

Resolution 22-275, "Resolution Approving the Dissolution of the South Hayward Bay Area Rapid Transit Station Access Authority; and Authorizing the City Manager to Negotiate and Execute an Intergovernmental Agreement Pertaining to Parking and Access near the South Hayward BART Station"

4. Adopt an Ordinance Establishing a Building Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of Structures; Providing for the Issuance of Permits and Collection of Fees; Repealing Chapter 9 Article 1, and All Amendments Thereto **CONS 22-632**

Staff report submitted by City Clerk Lens, dated November 15, 2022, was filed.

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

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

Ordinance 22-09, "Ordinance Establishing a Building Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of Structures; Providing for the Issuance of Permits and Collection of Fees; Repealing Chapter 9 Article 1, and All Amendments Thereto"

5. Adopt an Ordinance Establishing a Fire Prevention Code for the City of Hayward, Adopting the California Fire Code, 2022 Edition, Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion, Providing for the Issuance of Permits and Collection of Fees, Providing for Penalties for Violation, and Repealing Ordinance No. 19-20, As Amended, and All Other Ordinances and Parts of Ordinances in Conflict Therewith **CONS 22-633**

Staff report submitted by City Clerk Lens, dated November 15, 2022, was filed.

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

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



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Ordinance 22-10, "Ordinance Establishing a Fire Prevention Code for the City of Hayward, Adopting the California Fire Code, 2022 Edition, Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion, Providing for the Issuance of Permits and Collection of Fees, Providing for Penalties for Violation, and Repealing Ordinance No. 19-20, As Amended, and All Other Ordinances and Parts of Ordinances in Conflict Therewith"

6. Adopt an Ordinance Establishing Reach Codes for the City of Hayward, Repealing Ordinance 20-05, Adopting Chapter 9, Article 8 of the Hayward Municipal Code to Amend Part 11 (California Green Building Standards Code) of the California Building Standards Code (Title 24 of the California Code of Regulations), and Amending the City's Off-Street Parking Regulations (Chapter 10, Article 2) of the Hayward Municipal Code **CONS 22-634**

Staff report submitted by City Clerk Lens, dated November 15, 2022, was filed.

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

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

Ordinance 22-11, "Ordinance Establishing Reach Codes for the City of Hayward, Repealing Ordinance 20-05, Adopting Chapter 9, Article 8 of the Hayward Municipal Code to Amend Part 11 (California Green Building Standards Code) of the California Building Standards Code (Title 24 of the California Code of Regulations), and Amending the City's Off-Street Parking Regulations (Chapter 10, Article 2) of the Hayward Municipal Code"

7. 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 22-635**

Staff report submitted by City Clerk Lens, dated November 15, 2022, was filed.

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

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

Resolution 22-276, "Resolution Making the Required Findings Pursuant to Ab 361 to Continue to Hold Teleconferenced Public Meetings During the Covid 19 State of Emergency"

8. Adopt a Resolution Approving a Side Letter of Agreement Amending the Memorandum of Understanding (MOU) Between the City of Hayward and the Hayward Police Officers' Association (HPOA) to Revise Scheduled Salary Increases **CONS 22-641**

Staff report submitted by Assistant City Manager and Interim Human Resources Director, Youngblood, dated November 15, 2022, was filed.

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

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

Resolution 22-277, "Resolution Approving a Side Letter of Agreement Amending the Memorandum of Understanding (MOU) Between the City of Hayward and the Hayward Police Officers' Association (HPOA) to Revise Scheduled Salary Increases"

9. Adopt a Resolution Approving the Amended Fiscal Year 2023 Salary Plan That Designates Classifications and Corresponding Salary Ranges **CONS 22-636**

Staff report submitted by Assistant City Manager and Interim Human Resources Director, Youngblood, dated November 15, 2022, was filed.

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



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Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 22-278, "Resolution Approving the Amended Fiscal Year 2023 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Ranges; and Superseding Resolution No. 22-265 and All Amendments Thereto"

10. Adopt a Resolution Authorizing the City Manager to Amend an Agreement with Tiburcio Vasquez Health Center for Mobile Integrated Health Unit Services for Fiscal Year 2022-2023 **CONS 22-637**

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

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

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

Resolution 22-279, ""Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Tiburcio Vasquez Health Center to Increase the Contract Amount by \$126,000 for a Total Amount Not-To-Exceed \$200,000 for the Mobile Integrated Health Unit"

11. Adopt a Resolution Accepting the Resignation of Ms. Elena Lepe from the Community Services Commission, Effective Immediately **CONS 22-638**

Staff report submitted by City Clerk Lens, dated November 15, 2022, was filed.

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

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

Resolution 22-280, "Resolution Accepting the Resignation of Ms. Elena Lepe from the Community Services Commission"

12. Adopt a Resolution: (1) Approving the Dissolution of the South Hayward Bay Area Rapid Transit Station Access Authority; and (2) Authorizing the City Manager to Negotiate and Execute an Intergovernmental Agreement Pertaining to Parking and Access Near the South Hayward BART Station **CONS 22-639**

Staff report submitted by Assistant City Manager Ott, dated November 15, 2022, was filed.

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

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

Resolution 22-281, "Resolution Approving the Dissolution of the South Hayward Bay Area Rapid Transit Station Access Authority; and Authorizing the City Manager to Negotiate and Execute an Intergovernmental Agreement Pertaining to Parking and Access near the South Hayward BART Station"

13. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute the First Amendment to the Disposition and Development Agreement with Trumark Properties, LLC to Allow Deferral of the Excess Purchase Price Above the Caltrans Base Purchase Price Until Issuance of Certificates of Occupancy for the Transfer of Parcel Group 5, Bunker Hill **CONS 22-642**

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



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

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

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 22-282, "Resolution Authorizing the City Manager to Negotiate and Execute the First Amendment to the Disposition and Development Agreement with Trumark Properties, LLC to Allow Deferral of the Excess Purchase Price above the Caltrans Base Purchase Price until Issuance of Certificate of Occupancy for the Transfer of Parcel Group 5, Bunker Hill"

WORK SESSION

14. Dispatch Needs Assessment and Capacity Improvement: Presentation of Consultant Evaluation and Recommendations (Report from City Manager McAdoo, Fire Chief Contreras, and Acting Police Chief Matthews) **WS 22-037**

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

City Manager McAdoo announced the item, introduced team members of Federal Engineering Consulting, City and Hayward Police Department (HPD) staff, who provided a summary of the work done around the City of Hayward Communications Center, assessment, and strategy implementation plan report, and Hayward Evaluation and Response Teams HEART program data analysis recommendations.

Mayor Halliday opened the public comment period at 8:10 p.m.

Ms. TJ, Hayward Concerned Citizens member, appreciated the work done around the training and staffing recommendations, however, she did not agree that the policy innovation workshop priority recommended last year had morphed into another consulting firm to come to the conclusion that the organization's dispatch staffing, leadership, governance, and operations facility is not sustainable; and asked how dispatch operations workers feel about the prospect of moving to an independent communications center in isolation from those they serve.

Ms. Suzanne Luther, Hayward Concerned Citizens member, agreed with TJ and wished that the City had not spent funds as it was forced to do in response to defunding the police when the funds could be better spent where needed.

Mayor Halliday closed the public comment period at 8:15 p.m.

Discussion ensued among members of the City Council, City Manager McAdoo, Acting Police Chief Matthews, Fire Chief Contreras and Federal Engineering Consultant team (Cindy Sparrow, Tracy Ward, Scott Strom, and Erik Perry) regarding: budget for the Hayward Call Center (HCC) housed under the Police budget; the locker facility was being constructed outside HPD's building and it may not be able to accommodate a second story; training for dispatch would consist of a combination of training performed by Peace Office Standards Training (POST) program, professional organizations, and an in-house academy; there will be software purchases necessary for protocol implementation that will be embedded into the existing consoles; staff was considering adding two dispatchers and four call takers and Measure C identified as a potential fund source; aspirational goals to bring a behavioral health specialist into the communications center to perform onsite diversion and bring a clinician to triage calls; noted that HIPPA presented barriers for sharing data across disciplines and industries; translation/interpretation assistance available in many languages for communications center services; training current staffing and hiring laterals while stabilizing staffing levels and making sure pay is aligned with current industry standards; not having all calls go through dispatch and creating opportunities to bring staff from other departments or police and fire personnel on light duty to ease workload in dispatch center; there would be an item on a future agenda with updates on the ambulance response time and alternate models that were being explored in Alameda County; best practice for staff to have space away from the work to regulate in between calls or provide an opportunity to reset such as through a fitness center, quiet room, yoga room, television, massage room, or meditation room; 988 Suicide and Crisis Lifeline phone number was a new solution to reduce calls for service and staff could report on data collected in the future; exploring alternative information lines, such as 311, could be a long-term goal once core emergency staffing issues are addressed; and GIS data was used as a tool for resource deployment and hotspot mapping.

Members of the City Council offered the following recommendations and thoughts: consider having a separate budget line item for the Hayward Call Center since additional new positions were being considered as well as a new site; consider contacting Chabot College for potential use of its old library for an interim, temporary or new branch of the City's dispatch center (HCC); hoped that additional staffing could be filled soon and potentially promote within and continue to have planned career progression; urged that hiring Hayward residents be considered; consider having implementation measurements in place reported regularly indicating trends in the community for call types which would enable staff to perform data analysis on call types and inform Council to address findings; as data analyst is sought, work with IT Department related to data storage and retention; explore hosting a testing fair day, potentially multi-lingual at a school/college site, dedicated to recruiting and engaging professionals to perform background checks and psychological assessments; consider adding new positions during the development of the annual budget process as opposed to at mid-year; it is a priority to keep current employees healthy and sound and find creative ways to



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retain them; consider separating the communications center to be its own department understanding this to be a longer-term goal; it is important to have a shared responsibility and vision in responding to the public but also keeping the public safe; hoped the collaboration with community partners continue to evolve to be more responsive to the public and minimize the response from armed officers when unnecessary; explore a hotline to field non-emergency calls for frequent inquiries and publicize the information in the Stack newsletter on appropriate departments to contact, having pre-recorded messages in an effort to decrease unnecessary phone calls; consider having a mobile testing at community events to expand recruitment efforts; consider recruitment efforts such as via popup events at Southland Mall or a tent outside of Target; consider commercial space available in shopping malls for a location for a call center; evaluate Access Hayward, how this is handled and explore if a different model might work better; review data on the work of Hayward Mobile Emergency Team (HMET) and Mobile Integrated Health Unit (MIHU) and the outcomes so far; and evaluate current hours of HMET responses as these did not appear to be in line with when mental health emergencies may happen.

Members of the City Council were pleased with the analysis and presentation; collaboration among departments; thanked dispatch center personnel; supported the goals of the Hayward Evaluation and Response Teams (HEART) program for its collaboration between the Police and Fire departments; supported software updates that would assist staff in performing their jobs in an effective manner; and appreciated the comprehensive analysis provided by Federal Engineering Consulting which would serve to have the information documented and readily available to the public.

PUBLIC HEARING

15. Retiree Hiring Exception: Adopt a Resolution Approving an Exception to the 180-Day Waiting Period Requirement for Up to Six (6) Retired CalPERS Annuitants to Work as City of Hayward Communications Operators **PH 22-062**

Staff report submitted by Bryan Matthews, Acting Chief of Police and Regina Youngblood, Assistant City Manager/Interim Director of HR, dated November 15, 2022, was filed.

City Manager McAdoo announced the item and introduced Acting Police Chief Matthews who provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing period at 9:15 p.m.

by Council Member Márquez, seconded by Council Members Zermeño and
the following roll call vote, to adopt the resolution.

COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
None

T: None

N: None

ion 22-283, "Resolution Authorizing the Exception to the
y Waiting Period Requirement for up to Six (6) Retired
S Annuitants to Work as City of Hayward Communications
ors"

AND ANNOUNCEMENTS

quez shared information on her attendance at the fourth annual Let's
r brought to the community by A-1 Community Housing Services and
min residents to take advantage of bulky pickup services provided
eda nty Waste Management.

ed information on her attendance at the launch of Bay Area Housing
(BAHFA) on November 10, 2022 in San Francisco; thanked American
milia and Silicon Valley Lions Club for a food delivery event they held
22 at the Hayward Veterans Memorial Hall; and announced City Hall
a business closure the week of November 21, 2022, and the next
ld on December 6, 2022. Mayor Halliday added that on December 13,
ed members of the City Council would be sworn-in and congratulated

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rned the meeting at 9:23 p.m.