



SPECIAL JOINT HAYWARD CITY COUNCIL/HAYWARD REDEVELOPMENT SUCCESSOR AGENCY/HAYWARD HOUSING AUTHORITY MEETING
777 B Street, Hayward, CA 94541
Council Chambers and Virtual Platform (Zoom)
<https://hayward.zoom.us/j/89000792464?pwd=Q1Z4OUtQK0tKa3BsSGpBZmN5V3VMZz09>
Tuesday, June 6, 2023, 7:00 p.m.

The special joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority meeting was called to order by Mayor/HRSA Chair/HHA Chair Salinas at 7:05 p.m. The City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority held a hybrid meeting in Council Chambers and virtually via Zoom.

PLEDGE OF ALLEGIANCE: Council/HRSA/HHA Member Bonilla Jr.

ROLL CALL

Present: COUNCIL/HRSA/HHA MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop,
Zermeño
MAYOR/HRSA CHAIR/HHA CHAIR Salinas
Absent: NONE

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:30 p.m., with all members present and no public comment, regarding three items: 1) public employment pursuant to Government Code section 54957 regarding the annual performance evaluation for City Attorney, City Manager, and City Clerk; 2) conference with labor negotiators pursuant to Government Code section 54957.6 regarding all labor groups; and 3) conference with legal counsel pursuant to Government Code section 54956.9(d)(4) regarding one anticipated litigation case. City Attorney Lawson reported the Council discussed Items 1 and 2 but took no reportable action. Mayor Salinas noted there was no reportable action related to Item 3. The closed session adjourned at 7:00 p.m.

PRESENTATIONS

Mayor Salinas read a proclamation declaring the month of June as LGBTQIA + Pride Month in the City of Hayward. Mr. Robert Lopez and Ms. Collins with Project Eden's Lambda Youth Project at Horizon Services thanked the Council for such a recognition.

PUBLIC COMMENTS

Ms. Suzanne Luther, Hayward Concerned Citizens member, asked if the City was preparing to send information on fines for fireworks violation in anticipation of the upcoming Fourth of July holiday.

Ms. Peggy Guernsey stated that while she was proud that Hayward was the first city nationally to have a Gay Prom, she was saddened that local public schools do not allow nor encourage students to celebrate gay pride at their own school proms.

Mr. Robert Stevens, Hayward resident, spoke about Comcast's use of the public right of way for power backup cabinets and the City's process to grant revocable encroachment permits with no policy regarding outreach, shared he was going to request at the meeting between the neighborhood and Comcast that the permit be revoked under Section 7-2.16 of the Municipal Code, and encouraged the Council to review encroachment permit policies.

Dr. Robert Carlson, Old Highlands Homeowners Association (OHHA) member, followed Mr. Stevens' concern noting that in recent years OHHA and the City had conferred and reached compromise on a few issues, and stressed that a notice via a doorhanger was a one-way communication and did not serve to have a dialogue which he urged to have in maintaining a relationship with OHHA.

Mr. Gabriel Altamirano, South Hayward Now Ahora (SHNA) member, expressed concern the proposed project for the St. Regis facility did not have any community input on its scope, noted there were adverse impacts including traffic, drug use, and frequent calls for police/fire service; and requested that the Council and Planning Division hold public hearings regarding conditions of the project to protect service recipients.

CITY MANGAGER'S COMMENTS

City Manager McAdoo indicated that notices about fireworks would be issued soon, shared that some signage had been posted on D Street, and noted that the fine system used last year would be implemented again this year.

CONSENT

Consent Items 9 and 18 were removed for comment.

1. Approve the City Council Minutes of the City Council Meeting on May 13, 2023 **MIN 23-068**

It was moved by Council Member Roche, seconded by Council Member Goldstein, and carried unanimously, to approve the minutes of the City Council Meeting on May 13, 2023.

2. Approve the City Council Minutes of the City Council Meeting on May 16, 2023 **MIN 23-069**

It was moved by Council Member Roche, seconded by Council Member Goldstein, and carried unanimously, to approve the minutes of the City Council Meeting on May 16, 2023.

3. Approve the City Council Minutes of the City Council Meeting on May 23, 2023 **MIN 23-070**

It was moved by Council Member Roche, seconded by Council Member Goldstein, and carried unanimously, to approve the minutes of the City Council Meeting on May 23, 2023.



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4. Adopt a Resolution Rescinding Implementation of Level 2 of the City of Hayward's Water Shortage Contingency Plan **CONS 23-313**

Staff report submitted by Public Works Director Ameri, dated June 6, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-131, "Resolution Rescinding Resolution 22-117 Implementing Level 2 of the City of Hayward Water Shortage Contingency Plan"

5. Adopt a Resolution Authorizing the City Manager to Execute a One-Year Extension of a Joint Exercise of Powers Agreement for the Hayward Area Shoreline Planning Agency **CONS 23-319**

Staff report submitted by Public Works Director Ameri, dated June 6, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-132, "Resolution Authorizing the City Manager to Execute a One-Year Extension for Renewal of the Hayward Area Shoreline Planning Agency Joint Exercise of Powers Agreement"

6. Adopt a Resolution Authorizing the City Manager to Execute a Contract Amendment with JP Morgan Chase, N.A. for Banking and Cash Management Services for an Additional Three-Year Term **CONS 23-344**

Staff report submitted by Finance Director Gonzalez, dated June 6, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-133, “Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement Between the City of Hayward and JP Morgan Chase, N.A. for Banking and Cash Management Services for an Additional Three Years”

7. Adopt a Resolution: (1) Authorizing the Reallocation of \$2 Million in American Rescue Plan Act of 2021 (ARPA) Funds for a Down Payment Assistance (DPA) Program; and (2) Authorizing the City Manager to Execute Loan Documents and Administer the Loans Including Subordinating, Extending, or Modifying Repayment Terms to Provide Down Payment Assistance Loans in an Amount Not-to-Exceed \$300,000 per Loan **CONS 23-322**

Staff report submitted by Assistant City Manager Claussen, dated June 6, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-134, “Resolution Authorizing (1) the Reallocation Of \$2 Million in American Rescue Plan Act of 2021 (ARPA) Funds for a Down Payment Assistance (DPA) Program; and (2) the City



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Manager to Execute Loan Documents and Administer the Loans Including Subordinate, Extend or Modify Repayment Terms to Provide Down Payment Assistance Loans in an Amount Not-to-Exceed \$300,000 Per Loan”

8. Adopt a Resolution of Intention to Preliminarily Approve the Engineer’s Report and Assessments for Fiscal Year 2024; and Set June 27, 2023, as the Public Hearing Date for Such Actions for Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 18 **CONS 23-323**

Staff report submitted by Maintenance Services Director Rullman, dated June 6, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-135, “Resolution of Intention to Preliminarily Approve the Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2024 for Consolidated Landscaping and Lighting District No. 96-1, Zones 1-18, and Setting June 27, 2023, as the Public Hearing Date”

9. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2024 for Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit Located at Pacheco Way, Stratford Road and Ruus Lane, and Set June 27, 2023, as the Public Hearing Date **CONS 23-325**

Staff report submitted by Maintenance Services Director Rullman, dated June 6, 2023, was filed.

In response to Council Member Goldstein’s inquiry about the May 31, 2022 community meeting for FY 2024 assessments, Maintenance Services Director Rullman indicated there was no one in attendance for Maintenance District No. 1.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-136, "Resolution of Intention Preliminarily Approving the Engineer's Report; Declaring Intention to Levy Assessments for Fiscal Year 2024; and Setting June 27, 2023, 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"

10. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2024 for Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer, and Set June 27, 2023, as the Public Hearing Date **CONS 23-324**

Staff report submitted by Maintenance Services Director Rullman, dated June 6, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-137, "Resolution of Intention Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2024, and Setting June 27, 2023, as the Public Hearing Date Concerning Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer"

11. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 Increasing the Contract Amount for Newton Construction & Management for the Tenant Improvements and Workspace Reconfiguration for Fire Administration by \$36,850, for a Total Not-to Exceed Contract Amount of \$348,612 **CONS 23-326**



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Staff report submitted by Maintenance Services Director
Rullman, dated June 6, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-138, "Resolution Authorizing the City Manager to
Negotiate and execute Amendment No.1 to the Construction &
Management for the Workspace Reconfiguration for Fire
Administration by Increasing the Contract Amount by \$36,850,
for a Total Amount Not to Exceed \$348,612"

12. Adopt A Resolution Authorizing the City Manager to Execute a Professional Services
Agreement with Samsara Inc. in an Amount Not-to-Exceed \$105,465 and an Effective
Term Length Through FY2026 **CONS 23-327**

Staff report submitted by Maintenance Services Director
Rullman, dated June 6, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-139, "Resolution Authorizing the City Manager to
Execute a Professional Services Agreement with Samsara Inc in
an Amount Not-to-Exceed \$105,465 and an Effective Term
Length Through FY2026"

13. Adopt a Resolution Approving Plans and Specifications, and Calling for Bids for the FY23 Median Landscape Improvement - Phase 2, Project No. 05281 and Appropriate an Additional \$497,700 from the Street System Improvements (Fund 450) to Project 05281 **CONS 23-329**

Staff report submitted by Public Works Director Ameri, dated June 6, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-140, "Resolution Approving Plans and Specifications for FY23 Median Landscape Improvement – Phase 2 Project - Hesperian Boulevard (West "A" Street to Sueirro Street, Phillips Way to W Winton Avenue) Project No. 05281, and Call for Bids"

Resolution 23-141, "Resolution Authorizing the Appropriation of \$497,700 from the Street System Improvements (Fund 450) to the Median Landscape Improvement Project No. 05281 Phase 1 and 2"

14. Adopt a Resolution Authorizing the City Manager to Execute a Contract with HdL Coren & Cone for Property Tax, Information and Audit Services **CONS 23-333**

Staff report submitted by Finance Director Gonzales, dated June 6, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-142, "Resolution Authorizing the City Manager to Execute a Contract with Hdl Coren & Cone for Property Tax, Information and Audit Services for Three Years with the Option to Extend for Two Additional One-Year Periods"

15. Adopt a Resolution Authorizing the City Manager to Execute a Contract with MuniServices for Municipal Sales Use Tax Management and Auditing Services **CONS 23-334**

Staff report submitted by Finance Director Gonzales, dated June 6, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-143, "Resolution Authorizing the City Manager to Execute a Contract with Muniservices, LLC for Sales Use Tax Management and Auditing Services for Three Years with the Option to Extend for Two Additional One-Year Periods"

16. Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2023 **CONS 23-335**

Staff report submitted by Finance Director Gonzales, dated June 6, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-144, "Resolution Approving the Amended Fiscal Year 2023 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 23-057 and All Amendments Thereto"

17. Adopt a Resolution Authorizing the City Manager to Execute a Professional Agreement for Auditing Services with Maze & Associates **CONS 23-338**

Staff report submitted by Finance Director Gonzales, dated June 6, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-145, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement Between the City of Hayward and Maze and Associates for Professional Financial Audit and Reporting Services for an Additional Two Years for an Annual Amount of \$110,000"

18. Adopt a Resolution Approving Updates to the City's Strategic Roadmap **CONS 23-339**

Staff report submitted by Assistant City Manager Youngblood, dated June 6, 2023, was filed.

Mayor Salinas commended staff for the work done and for helping Council land on a specific and concise strategic priorities which represent collaborative work.

It was moved by Council Member Roche, seconded by Council Member Goldstein, 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 23-146, "Resolution Approving and Adopting the City of Hayward Strategic Roadmap for Fiscal Years 2024 to 2025+"

WORK SESSION

19. Sidewalk Vending Ordinance: Review and Discuss Draft Program Policies for an Amendment to the Hayward Municipal Code to Comply with Senate Bill (SB) 946, the "Safe Sidewalk Vending Act" **WS 23-023**

Staff report submitted by Development Services Director Buizer dated June 6, 2023, was filed.

Acting Development Services Director Buizer introduced Senior Planner Thompson and Assistant Planner Ochoa who provided a synopsis of the staff report.

Mayor Salinas opened the public comment period at 7:55 p.m.

The following individuals spoke against sidewalk vending because there were concerns with sanitation, food preparation, use of local law enforcement to regulate street vendors, proper permitting, sale of alcohol, trash generated in neighborhoods, congestion of traffic generated by street vending; noted street vendors do not pay sales tax, rent, utility bills, and employee related costs as do brick-and-mortar businesses which create an unfair competition; and sidewalk vending would further diminish the appearance of Hayward neighborhoods.

Ms. Peggy Guernsey, Hayward resident

Mr. Luis Barba, La Casita Restaurant owner, via a Spanish interpreter

Mr. Bruce Richmond, Hayward resident

Mr. Alejandro Garcia, Metro Taquero owner

Ms. Perla Corona was interested in receiving information on how to obtain a business permit and sales tax; and noted that sidewalk vendors were prospective business owners who could work cooperatively with one another.

Mr. Gabriel Altamirano, South Hayward Now Ahora (SHNA) member, was pleased that the proposed ordinance will make it easier for vendors to obtain mobile food facility permits to vend which will address health and safety concerns and protect brick-and-mortar businesses and favored equitable enforcement in all areas of Hayward.

Mr. Robert McKay expressed concern about the welfare and health of potential patrons of sidewalk vendors and suggested that the enforcement mechanisms in the proposed ordinance be more stringent and not just a verbal or written notice.

Mr. Antonio Solorio, Tacos Uruapan owner, noted that sidewalk vending evolved in the City from being permitted in commercial areas to restricted in industrial areas, and further expanded with the pandemic; and commented that if a balance was not attained, there would soon be more street vendors than businesses in the City.

Mr. Jorge Flores, Don Polvoron owner, suggested freeing taxes for brick-and-mortar businesses to level the playing field; noted that sidewalk vending would prevent the progression of the city; added that most established businesses struggled and started small, received education, consulted nonprofit organizations; and noted that government agencies gave loans to start a business.

Mr. Diego Cervantes noted he understood the need to have regulations in place and urged the City not to be too restrictive; and indicated that street vendors provided food options.

Ms. Andrea Salazar noted that SB 946 provided reasonable guidelines to protect vulnerable and historically marginalized and oppressed communities, mentioned that Hayward's mission and status as a sanctuary city should be considered, and added that being equity oriented was important for moving forward with the proposed ordinance.

Ms. Suzanne Luther, Hayward Concerned Citizens member, noted that if street vendors do not pay taxes, the city should give established businesses that pay taxes and employee-related costs the same fair chance at succeeding, and asked Council to take comments made by business owners into consideration.

Mr. Christian Estrada, Hayward resident, noted that each month the number of street vendors was increasing, noted that a vendor that roasts chicken near a building was melting the paint off a building, and suggested that the proposed regulation consider the distance requirement from building entrances and exits to vending operations.

Mayor Salinas closed the public comment period at 8:28 p.m.

Members of the City Council thanked members of the public for their comments and advocacy on such an important item, commended staff on the community outreach and research that went into drafting a policy, and thanked residents who participated in the survey.

Discussion ensued among members of the City Council and City staff regarding: no sidewalk vendor shall vend within 15 feet from driveway or alleyway, within 100 feet of any emergency facility (Fire Station, Police Station, Hospital); sidewalk vendors are prohibited from entering or encroaching onto private property; per SB 946, sidewalk vendors could not be set up close to brick-and-mortar restaurants based on health safety and welfare but prohibitions could not depend on economic competition; mobile food facility (MMF) permit costs (\$500-\$700) and enforcement through the Alameda County Department of Environmental Health (ACEH); proposed enforcement and fines for vending without a sidewalk vending permit or other provisions of the regulations; Code Enforcement Division would be undertaking the effort to enforce provisions in the proposed ordinance; mechanism for computing sales tax and business license; implementation plan after the ordinance is adopted; and the regulations did not



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prohibit creating spaces in the City to allow vendors to congregate and staff had conversations with HARD and farmers market regarding potential places for street vendors.

Council Member Syrop indicated that he wanted to ensure that the ordinance was not too restrictive or trying to solve problems that were actually not happening; wanted to ensure that technical assistance and help through the compliance process were provided if new regulations were being enforced, especially if individuals were not native English speakers and wanted to take cultural sensitivity into account; was opposed to the additional guideline of no vending or establish a setback requirement from public plazas; noted that restricting vending within landscaped areas was too broad and was amenable to vendors being on public landscaped areas as long the areas were not severely damaged; was opposed to limiting sidewalk vendors in residential zones to roaming only; supported no vending in designated parking zones and stressed this should be required as opposed to optional; noted the timeframe (9am-7pm) for sidewalk vending activities should be expanded; noted that requiring sidewalk vendors to provide a trash receptacle for customers seemed unrealistic; was strongly opposed to sidewalk vendors not being able to erect freestanding appurtenances adjacent to their person, cart, wagon, or rack for vending activities because it felt unreasonable and overly stringent; supported sidewalk vendors not able to sell or offer to sell services for any type of rental activity; noted that sanitation and taxation guidelines were missing as well as traffic safety guidelines; noted that having vendors be 50 feet from one another was restrictive and favored that they congregate away from brick-and-mortar businesses and congregate closer to one another; appreciated the alternative enforcement approach indicating that he liked that it was not punitive and rather there was an educational component; and suggested that the Economic Development Department provide any technical support as a part of enforcement, emphasizing that vendors should be permitted.

Council Member Zermeño expressed he was not pleased with the 100 feet distance limitation for sidewalk vending near brick-and-mortar restaurants due to SB 946; suggested increasing the distance between stationary sidewalk vendors from 50 feet to 200 feet or 300 feet; suggested identifying a centrally located place, similar to a marketplace, where street vendors could vend according to permits and regulations in place; urged the importance of sidewalk vendors to conduct business in a sustainable manner including no use of Styrofoam products and composting waste practice; agreed with staff's recommendations; requested to have information available on how to start a business in English and Spanish; noted the ordinance was missing a definition of what a street vendor is; noted that the guidelines should include language ensuring that vendors cannot cook onsite and perishables should be properly refrigerated; and urged business owners to also reach out to state legislators for help in identifying solutions.

Council Member Goldstein suggested that staff consider adding a health-related liability insurance for vendors as a requirement to help protect the public from food-borne illness; urged sidewalk vendors to look at the business community where they want to locate in

determining what type of business would be welcoming and complimentary; asked staff to investigate if the Franchise Tax Board would compute some type of value for proceeds from the street vendor in efforts to level the playing field; stated that he was not in favor of prohibiting freestanding appurtenances, as permitting this would be doing the community a favor by allowing for a place for customers to sit and vendors to rest unless it became a health, safety, or welfare issue; was concerned that if trash collection prohibitions were too stringent, this could contribute to illegal dumping being resorted to and recommended exploring if vendors could take trash to the corporation yard or receive a discount for taking trash to Davis Street Transfer Station or some other facility; agreed generally with the local and operational guidelines; concurred with Council Member Zermeño's comments about exploring a way for sidewalk vendors and brick-and-mortar businesses to work cooperatively, and stated that his reading of SB 946 was that the City could define what vendors exist at a location like a farmers market.

Council Member Bonilla Jr. wanted to ensure the ordinance strikes the right balance for sidewalk vendors and brick-and-mortar businesses including having clear guidelines that improve safety, getting taxes paid, and supporting entrepreneurship; agreed with restricting sidewalk vending in parking structures and lots and wanted to ensure the ordinance has clear language on how the City would authorize vending in a city owned property; wondered if there was a strategic way in assigning areas on certain days where vendors could vend supported by the City via marketing and provision of restrooms; suggested exploring scholarships for farmers markets as a way to bring street vendors to farmers markets; agreed with having clear definition on what sidewalk vending is; wondered if the ordinance would apply to individual's private driveways if they were selling goods from their own property; wondered how to avoid street-kitchens on the sidewalk but enabling vending in a way that is safe; suggested that staff consider community survey responses related to vending in parks; wondered if ARPA funds or Economic Development funds could help cover the cost of one time vendors' permit or if vendors could receive technical assistance to help get through the permitting process; agreed with restricting sidewalk vendors within a park if the City has signed an agreement for concessions; agreed with the proposed sidewalk vending times (9am-7pm), and asked if there could be a stipulation for some vendors to be open later in the downtown to support patrons; wanted to ensure that street vendors are not leaving litter and causing blight across the city and requested that staff further explore proper disposal of customer trash; was interested in learning how people would voice locational or operational violations; did not support prohibiting erecting freestanding appurtenances adjacent to the vendors' person, cart, wagon; appreciated the approach on education before fines and progressive enforcement action and requested that language about ceasing operations be clearly articulated; agreed with prohibiting the sale of merchandise such as marijuana or adult-oriented products; and did not support limiting sidewalk vendors in residential zones to roaming only.

Council Member Roche confirmed from staff that the ordinance was not addressing sanitation and food handling because the enforcement mechanism resided with the ACDEH; added that SB 946 prohibited the City from stating that sidewalk vendors could not set up in front of businesses; spoke about the enactment of SB 946 and how the City was attempting to restore balance without villainizing street vending; appreciated the educational component in the



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ordinance; expressed that the expansion of vendors resulted from permission by lack of enforcement and could be attributable to lack of staff at county and state levels for enforcement; supported businesses that are in compliance by getting permits and paying taxes; agreed that trash receptacles for street vendors were necessary and asked that the proposed guideline be added to the ordinance as well as the guideline requiring sidewalk vendors to clean up any grease or fluid related to their vending activities; wanted to ensure the program implementation contained an education component; requested that staff ensure that residents could use Access Hayward to request enforcement of a food vendor that is not operating properly and add a link to ACDEH for health code related violations; and stated she supported staff's recommended policy language.

Council Member Andrews emphasized it was important to have education and a pathway to supporting small businesses get started; supported the recommendation to include an education component prior to enforcement; suggested partnering with HARD as there were underutilized facilities that could support vendors and recommended conducting outreach to identified communities before establishing locations; noted that vendors should be reminded of the farmers market and the Chabot College Flea Market as additional opportunity sites and Hayward Chamber of Commerce, Small Business Development, and Alliance as resources; noted one of the main concerns with street vending was the public safety issue at medians, e.g., Jackson Street and Hesperian Boulevard; added that some vendors operating directly under trees posed potential fire hazard and hoped the Fire Department could help educate; echoed the request to use Access Hayward to request enforcement; asked staff to look into a checklist, similar to the one from San Leandro, which includes information on what mobility facilities should have, the definition of a mobile food vendor and special requirements such as a vendor could not be on the sex offender registry, distance from a restaurant; and was assured that implementation would include materials available in different languages and language assistance for workshops planned with ACDEH and community-based organizations.

Mayor Salinas appreciated the patience of business owners who advocated on behalf of restaurants; echoed the comment of Council's desire to strike a balance for street vendors and brick-and-mortar businesses; noted the City was attempting to curate a process despite limitations by the State; stressed the importance of requiring liability insurance noting this was not too restrictive; favored uniform signage requirements with signs including contact information; supported requiring trash receptacles and suggested designating greenways for street vending; stated the goal was also to protect neighborhood aesthetics and to prevent unwieldy street vendors; noted that survey results showed support for street vending and interviews of street vendors revealed they want to comply with the ordinance and get permitted; requested that staff explore pushing the distance requirement from restaurants to street vendors as it was unequitable that street vendors could set up in front of a brick-and-mortar restaurant and sell the same food items.

The City Council took a recess at 9:35 p.m., and Mayor Salinas reconvened the meeting at 9:42 p.m.

PUBLIC HEARING

20. FY 2024 Budget/CIP Public Hearing and Adoption: Hold Public Hearing and Adopt Resolution for Adoption of the Proposed FY 2024 Operating Budgets for the City of Hayward, Hayward Redevelopment Successor Agency, and Hayward Housing Authority; FY 2024 Capital Improvement Program Budget; Adoption of the FY 2024 Operating Budgets and Appropriations for FY 2024; Adoption of the FY 2024 Capital Improvement Program Budget and Appropriations for FY 2024; Adoption of the Hayward Redevelopment Successor Agency Budget; and Adoption of the Hayward Housing Authority Budget **PH 23-022**

Staff report submitted by Finance Director Gonzales dated June 6, 2023, was filed.

Finance Director Gonzales provided a synopsis of the staff report.

In response to Council/HRSA/HHA Member Andrews' inquiry about the \$100,000 request from Delta Sigma Theta Sorority for the Juneteenth event, City Manager McAdoo noted staff will meet with the group to discuss the request further and will provide information to Council.

Members of the Council/HRSA/HHA commended Finance Director Gonzales and her team on the budget process, the strategic roadmap process, overall transparency and for helping Council be good fiscal agents for Hayward.

Council Member Bonilla Jr. mentioned that while he did not like the use of reserves especially for operating costs, he was comfortable knowing that revenue projections are modest and there will be a mid-year budget review.

There being no public comment, Mayor/HRSA/HHA Chair Salinas opened and closed the public hearing at 10:02 p.m.

Council/HRSA/HHA Member Bonilla Jr. asked staff to respond to the letter submitted by the Hayward Community Coalition (HayCoCoa) which requested to address investing in prevention and unarmed responses, continue funding the Hayward People's Budget, and increase staffing for strategic roadmap projects.

Council/HRSA/HHA Member Syrop echoed Council/HRSA/HHA Member Bonilla's request and encouraged staff to continue conversations with HayCoCoa.

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



**SPECIAL JOINT HAYWARD CITY COUNCIL/HAYWARD REDEVELOPMENT
SUCCESSOR AGENCY/HAYWARD HOUSING AUTHORITY MEETING**
777 B Street, Hayward, CA 94541
Council Chambers and Virtual Platform (Zoom)
<https://hayward.zoom.us/j/89000792464?pwd=Q1Z4OUtQK0tKa3BsSGpBZmN5V3VMZz09>
Tuesday, June 6, 2023, 7:00 p.m.

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

Resolution 23-147, “Resolution Approving the Operating Budget of The City of Hayward for Fiscal Year 2024; Adopting Appropriations for Fiscal Year 2024, Except for General Fund Community Agency Funding”

RSA Resolution 23-01, “Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Successor Agency for the Redevelopment Agency of the City of Hayward, Approving the Budget of the Redevelopment Successor Agency of the City of Hayward and Adopting Appropriations for Fiscal Year 2024”

HHA Resolution 23-01, “Resolution Confirming the Proposed Hayward Housing Authority Budget for Fiscal Year 2023”
Resolution Approving Capital Improvement Projects for Fiscal Year 2024

Resolution 23-148, “Resolution Approving Capital Improvement Projects for Fiscal Year 2024”

Resolution 23-149, “Resolution Approving and Appropriating the Community Agency Funding Recommendations for Fiscal Year 2024”

21. Gann Limit Adoption: Adopt a Resolution Establishing a Gann Appropriations Limit for Fiscal Year 2024 **PH 23-027**

Staff report submitted by Finance Director Gonzales dated June 6, 2023, was filed.

Mayor Salinas announced the item, indicated he was forgoing staff’s presentation, and provided members of the City Council with an opportunity to ask questions of staff.

There being no public comment, Mayor Salinas opened and closed the public hearing at 10:02 p.m.

In response to Council Member Andrews, Finance Director Gonzales indicated the Gann Appropriation Limit is a requirement for Council to establish each fiscal year and sets a limit on tax proceeds that can be appropriated, and indicated the limit was \$402 million.

It was moved by Council Member Goldstein, seconded by Council Member Roche, 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 23-150, “Adoption of Appropriations Limit for Fiscal Year 2024 Pursuant to Article XIII B of the Constitution of the State of California”

LEGISLATIVE BUSINESS

22. Reach Code Amendments: Introduction of Revised Electrification Reach Code Ordinance with Minor Modifications Required by California Building Standards Commission **LB 23-022**

Staff report submitted by Public Works Director Ameri dated June 6, 2023, was filed.

Mayor Salinas announced the item, indicated he was forgoing staff’s presentation, and provided members of the City Council with an opportunity to ask questions of staff.

In response to Council Member Syrop’s inquiry, Environmental Services Manager Pearson indicated the Reach Code ordinance was a term used for a local ordinance that amends the State’s Building Code; and noted Council’s action on the item would amend the current Reach Code ordinance by incorporating section numbers of CALGreen (California Green Building Standards Code) to satisfy requirements of the California Building Standards Commission.

Council Member Syrop expressed appreciation for the Council Sustainability Committee in advancing sustainability goals.

There being no public comment, Mayor Salinas opened and closed the public hearing at 10:02 p.m.

It was moved by Council Member Zermeño, seconded by Council Member Goldstein, and carried by the following roll call vote, to adopt the resolution and approve the introduction of an ordinance.



**SPECIAL JOINT HAYWARD CITY COUNCIL/HAYWARD REDEVELOPMENT
SUCCESSOR AGENCY/HAYWARD HOUSING AUTHORITY MEETING**
777 B Street, Hayward, CA 94541
Council Chambers and Virtual Platform (Zoom)
<https://hayward.zoom.us/j/89000792464?pwd=Q1Z4OUtQK0tKa3BsSGpBZmN5V3VMZz09>
Tuesday, June 6, 2023, 7:00 p.m.

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

Resolution 23-151, “Resolution Finding and Determining the Need for Adoption of Modifications to the 2022 California Building Standards Code”

Intro Ordinance 23- “An Ordinance Establishing Reach Codes for the City of Hayward; 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”

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews shared information for two Juneteenth events: the Hayward June Teenth Street Party on June 15, 2023, in the downtown and the Hayward Russell City Juneteenth Celebration on June 17, 2023, in the plaza behind City Hall.

Council Member Syrop thanked City Manager McAdoo for her work on the budget process and stated that the budget was reflective of community needs.

Mayor Salinas reported on his attendance at the U.S. Mayor’s Conference in Columbus, Ohio where approximately 1,000 mayors from across the country were present; highlighted the different work sessions he attended including response to influx of migrants to cities, children health and human services, advocating climate and equity plans, community development and housing, jobs, education and the workforce, transforming vacant commercial buildings to residential; noted the top agenda item was mental health; and added that one of the biggest issues discussed was federal and state legislation that geared towards taking rights away from what cities can do locally to solve problems.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Salinas adjourned the special City Council/HRSA/HHA meeting at 10:27 p.m.

APPROVED

Mark Salinas
Mayor, City of Hayward
Chair, Hayward Redevelopment Successor Agency
Chair, Hayward Housing Authority

ATTEST:

Miriam Lens
City Clerk, City of Hayward
Secretary, Hayward Redevelopment Successor Agency
Secretary, Hayward Housing Authority