



## **CITY COUNCIL MEETING**

**777 B Street, Hayward, CA 94541**

**Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/81518963688?pwd=YTJrT2xET3U2N2pPcEk4cW1WY3pwZz09>

**Tuesday, February 21, 2023, 7:00 p.m.**

The City Council meeting was called to order by Mayor Salinas at 7:00 p.m. The City Council held a virtual meeting via the Zoom platform.

### **Pledge of Allegiance:** Council Member Andrews

Present: COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche, Syrop, Zermeno  
MAYOR Salinas

Absent: None

### **PRESENTATION**

Mayor Salinas and Mayor Pro Tempore Andrews read a proclamation acknowledging February 2023 as Black History Month in the City of Hayward and urged its recognition and support by all residents. Black Women Organized for Political Action (BWOPA) Hayward South County Chapter President Rita Duncan accepted the proclamation on behalf of BWOPA. Ms. Rahima Walker accepted the proclamation on behalf of Hayward/South Alameda County NAACP (National Association for the Advancement of Colored People). CEO of Urban League of the Bay Area Kenneth Maxey accepted the proclamation on behalf of Urban League of the Greater San Francisco Bay Area.

### **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) conference with legal counsel pursuant to Government Code section 54956 regarding Lynch v. City of Hayward, et al. Alameda County Superior Court, Case No. RG19035236; (2) conference with property negotiators pursuant to Government Code section 54956.8 regarding Master Lease Renewal-Hayward Area Recreation and Park District; 28846 Bay Heights Rd, N Third St at Crescent Ave, 27020 Fielding Dr, 19501 Hesperian Blvd, 26780 Chiplay Ave, 22325 N 3rd St, 30504 Vanderbilt St, 27182 Patrick Ave, 275 Industrial Parkway West, Farm Hill Dr and Daisy Ct, N 3rd St and Crescent Ave, Colette St & Luvena Dr, Ward Creek Canyon, Eden Ave & Middle Ln, 27600 Decatur Way, Dickens Ave and Folsom Ave, 25610 Spring Dr, Stratford Rd & Canterbury Ln, Hamrick Ln and Rieger Ave, E 10th and Jefferson St, 301 Arrowhead Way, Santa Clara St and Winton Ave, 275 Goodwin St, 2580 Eden Park Pl, Tahoe Ave and Morningside Dr, 27798 Ross Pl, Panjon St and Huntwood Ave, 24176 Mission Blvd, Leonardo Way and Reed Way, 2841 Seahaven Ct, 22737 Main St, Bush Ln, 25625 Cypress Ave; and (3) conference with legal counsel pursuant to Government Code section 54956.9 regarding anticipated litigation.

City Attorney Lawson reported that Council unanimously approved, with Council Member Zermeno moving and Council Member Márquez seconding, settlement of Lynch v. City of Hayward in the amount of \$525,000, with the City contributing \$250,000 from the risk fund budget; noted that Council discussed one anticipated matter and took no reportable action;

and indicated that Council continued the conference with property negotiators to February 28, 2023. The closed session adjourned at 6:32 p.m.

## **PUBLIC COMMENTS**

Ms. Susanne Gehlke expressed feral cats are overpopulating the city despite all efforts and hoped the problem could be prioritized.

Mr. Gabriel Altamirano, South Hayward Now/Ahora representative, alleged there have been issues and abuses at the navigation center that have not been resolved and asked the City to investigate the matter and report accordingly.

## **CITY MANAGER'S COMMENTS**

There were none.

## **CONSENT**

Council Member Syrop removed Consent Item No. 11 from the Consent Calendar to allow for comment and separate vote. Council Member Márquez removed Consent Item No. 8 from the Consent Calendar for comment. Consent Item No. 9 was pulled for public comment.

1. Approve the City Council Minutes of the City Council Meeting on February 7, 2023 **MIN 23-020**

It was moved by Council Member Syrop, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on February 7, 2023.

2. Adopt a Resolution Accepting the Resignation of Ms. Katlin Turner from the Keep Hayward Clean and Green Task Force, Effective Immediately **CONS 23-080**

Staff report submitted by City Clerk Lens, dated February 21, 2023, was filed.

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

|          |                                                                                        |
|----------|----------------------------------------------------------------------------------------|
| AYES:    | COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche,<br>Syrop, Zermeño<br>MAYOR Salinas |
| NOES:    | None                                                                                   |
| ABSENT:  | None                                                                                   |
| ABSTAIN: | None                                                                                   |

Resolution 23-035, "Resolution Accepting the Resignation of Ms. Katlin Turner from the Keep Hayward Clean and Green Task Force"



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3. Adopt a Resolution Accepting the Resignation of Mr. Pekon Gupta from the Keep Hayward Clean and Green Task Force, Effective Immediately **CONS 23-092**

Staff report submitted by City Clerk Lens, dated February 21, 2023, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche,  
Syrop, Zermeno  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 23-036, "Resolution Accepting the Resignation of Mr. Pekin Gupta from the Keep Hayward Clean and Green Task Force"

4. Adopt a Resolution Approving Final Map of Tract 8556, a 10 Lot Subdivision for Condominium Purposes at 27177 and 27283 Mission Boulevard (Assessor Parcel Nos. 452-0056-007 and 452-0056-008), Hayward to Allow the Construction of Nine (9) Live/Work Lofts Fronting Mission Boulevard and 46 Townhome Units Totaling 55 Condominium Units, Open Space Areas, and Related Site Improvements; Applicant/Owner: Moreau JV Owner, LLC., Application No. 202202272; and Authorizing the City Manager to Negotiate and Execute a Subdivision Improvement Agreement and Related Documents **CONS 23-087**

Staff report submitted by Acting Director of Development Services Buizer, dated February 21, 2023, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche,  
Syrop, Zermeno  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 23-037, "Resolution Approving the Final Map of Tract 8556, Accepting the Easements Dedicated Thereon for Public Use and Authorizing the City Manager to Negotiate and Execute the Subdivision Improvement Agreement and Related other Documents"

5. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$35,984.70 in Grant Funding from the Alameda County Sheriff's Office for the Fiscal Year 2020 Byrne Justice Assistance Grant for Hayward Police Department Operations **CONS 23-083**

Staff report submitted by Acting Chief of Police Matthews, dated February 21, 2023, was filed.

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

|          |                                                                                     |
|----------|-------------------------------------------------------------------------------------|
| AYES:    | COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche, Syrop, Zermelo<br>MAYOR Salinas |
| NOES:    | None                                                                                |
| ABSENT:  | None                                                                                |
| ABSTAIN: | None                                                                                |

Resolution 23-038, "Resolution Authorizing the City Manager to Accept and Appropriate \$35,984.70 in Grant Funding from the Alameda County Sheriff's Office for the Fiscal Year 2020 Byrne Justice Assistance Grant for Hayward Police Department Operations"

6. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$40,217.40 in Grant Funding from the Alameda County Sheriff's Office for the Fiscal Year 2021 Byrne Justice Assistance Grant For Hayward Police Department Operations **CONS 23-084**

Staff report submitted by Acting Chief of Police Matthews, dated February 21, 2023, was filed.

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

|          |                                                                                     |
|----------|-------------------------------------------------------------------------------------|
| AYES:    | COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche, Syrop, Zermelo<br>MAYOR Salinas |
| NOES:    | None                                                                                |
| ABSENT:  | None                                                                                |
| ABSTAIN: | None                                                                                |



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Resolution 23-039, "Resolution Authorizing the City Manager to Accept and Appropriate \$40,217.40 in Grant Funding from the Alameda County Sheriff's Office for the Fiscal Year 2021 Byrne Justice Assistance Grant for Hayward Police Department Operations"

7. Adopt a Resolution 1) Appropriating \$15,000 from the Rent Stabilization Fund Balance and 2) Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Project Sentinel for Administration of the Rent Increase Dispute Resolution Process in the Amount of \$45,000 for a Total Not-to-Exceed Contract Amount of \$120,000 **CONS 23-088**

Staff report submitted by Assistant City Manager Claussen and Housing Division Manager Morales, dated February 21, 2023, was filed.

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

|          |                                                                                     |
|----------|-------------------------------------------------------------------------------------|
| AYES:    | COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche, Syrop, Zermeno<br>MAYOR Salinas |
| NOES:    | None                                                                                |
| ABSENT:  | None                                                                                |
| ABSTAIN: | None                                                                                |

Resolution 23-040, "Resolution Appropriating \$15,000 from the Rent Stabilization Fund Balance and Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Project Sentinel for the Administration of the City's Rent Increase Dispute Resolution Process in the Amount of \$45,000 for a Total Not-to-Exceed Amount of \$120,000"

8. Adopt a Resolution Authorizing Hayward's Participation in East Bay Community Energy's Community Solar Program **CONS 23-089**

Staff report submitted by Director of Public Works Ameri, dated February 21, 2023, was filed.

Council Member Márquez noted the Council Infrastructure Committee voted unanimously to recommend providing solar to low-income households, considered disadvantaged

communities, through census tracts; and appreciated the partnership with East Bay Community Energy.

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

|          |                                                                                        |
|----------|----------------------------------------------------------------------------------------|
| AYES:    | COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche,<br>Syrop, Zermeno<br>MAYOR Salinas |
| NOES:    | None                                                                                   |
| ABSENT:  | None                                                                                   |
| ABSTAIN: | None                                                                                   |

Resolution 23-041, "Resolution Approving the City of Hayward's Participation in East Bay Community Energy's Community Solar Program"

9. Adopt a Resolution Amending Resolution 22-225 to Award up to \$627,554 in Community Development Block Grant (CDBG) Funds to Bay Area Community Services (BACS) for the St. Regis Multi-Service Campus Project **CONS 23-096**

Staff report submitted by Community Services Manager Lobedan and Assistant Manager Youngblood, dated February 21, 2023, was filed.

Ms. TJ, Hayward Concerned Citizens member, noted that public comments made at the December 6, 2022 meeting were not captured in the minutes, asked when was BACS expected to pay back the funds, asked for the type of rehabilitation needed at the site, and recommended early engagement of residents who interact with homeless and mentally challenged individuals in a public hearing setting including representatives from BACS, and a dashboard on the City's website.

Mr. Gabriel Altamirano, South Hayward Now/Ahora representative, asked the City to address the CEQA determination, was concerned the facility did not have proper management and oversight of mentally challenged individuals, asked for discretionary review and public meetings to voice concerns, and asked for project conditions to address concerns raised.

Following the meeting, staff confirmed the December 6, 2022, Council minutes captured comments made by public members.

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



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AYES: COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche,  
Syrop, Zermeno  
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-044, "Resolution Amending Resolution 22-225 to  
1) Change the Appropriation of a \$627,554 Community  
Development Block Grant (CDBG) Award to Bay Area  
Community Services (BACS) from Acquisition of the St. Regis  
Multi-Service Campus to Rehabilitation of the St. Regis Multi-  
Service Campus and 2) Authorize the City Manager to Negotiate  
and Execute an Agreement with BACS for an Amount Not to  
Exceed \$627,554 for Rehabilitation of the St. Regis Multi-Service  
Campus"

### 10. Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2023 **CONS 23-097**

Staff report submitted by Director of Human Resources Brye and  
Assistant City Manager Youngblood, dated February 21, 2023,  
was filed.

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

AYES: COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche,  
Syrop, Zermeno  
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-042, "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. 23-034 and all Amendments Thereto"

### 11. Adopt a Resolution Ending the Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by Novel (New) Coronavirus (COVID-19) **CONS 23-105**

Staff report submitted by Assistant City Manager Claussen, Senior Assistant City Attorney Vigilia, and City Clerk Lens, dated February 21, 2023, was filed.

In response to Council Member Syrop's request for clarification on what it means to end the local emergency and any impact to the city, City Manager McAdoo indicated that while the Alameda County community COVID-19 level is low, the city has to continue to report case counts to Cal/OSHA, the City continues to have a prevention and protection plan for employees, noted the residential eviction moratorium will end 60 days after the public health emergency ends, and added that vaccinations are available through different clinics and pharmacies.

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

|          |                                                                                        |
|----------|----------------------------------------------------------------------------------------|
| AYES:    | COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche,<br>Syrop, Zermelo<br>MAYOR Salinas |
| NOES:    | None                                                                                   |
| ABSENT:  | None                                                                                   |
| ABSTAIN: | None                                                                                   |

Resolution 23-043, "Resolution Ending the Proclamation of Local Emergency"

## **WORK SESSION**

### **12. Affordable Housing Ordinance: Discuss Findings from Affordable Housing Ordinance Feasibility Study and Proposed Modifications of the Affordable Housing Ordinance WS 23-004**

Staff report submitted by Assistant City Manager Claussen, dated February 21, 2023, was filed.

Assistant City Manager Claussen introduced Housing Manager Morales who provided a synopsis of the staff report and Mr. Derek Braun with Strategic Economics who shared the findings of the Affordable Housing Ordinance Feasibility Study.

Mayor Salinas opened the public comment section at 8:08 p.m.

Mr. Jesse Gunn, Hayward resident and teacher, urged staff to evaluate how many individual families the Affordable Housing Ordinance (AHO) modifications would affect/help, and explore what else the City could do with regards to increasing housing costs.



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Mr. Tom Ferreira, Hayward resident, supported eliminating in-lieu fees and having onsite inclusionary housing so residents can live and shop in Hayward.

Ms. Ro Aguilar urged the Council to initiate a new housing policy to meet diverse needs or keep the status quo, underscored that the bar for inclusionary housing was low, and suggested designing a monitoring procedure to be implemented immediately after adoption of the proposed affordable housing plan to determine accountability.

Mayor Salinas closed the public comment period at 8:16 p.m.

Members of the City Council thanked City staff for their work done around the Affordable Housing Ordinance (AHO), especially Housing Manager Morales and her team; thanked housing advocates and public participants; and the Planning Commission.

Discussion ensued among members of the City Council, City staff, and Mr. Derek Braun with Strategic Economics regarding: the composition of Technical Advisory Committee (TAC) members comprising Eden Housing, D.R. Horton, AMCAL Housing, Taylor Morrison and Dollinger Properties which represented a sampling of housing products that are being developed in Hayward with experience doing the inclusionary units or paying in-lieu fees; soft costs are indirect costs such as architecture and engineering and do not include labor or materials; a recommended change included that if the project is approved by the Planning Commission, then the Planning Commission could also approve the Affordable Unit Phasing Plan to streamline the approval process; a type of City activity displacing residents would be a unit that is not safe for human habitation and needs to be brought up to Code and affordable housing agreements would give preference to people displaced by City activity; requirements would be increased on development projects that are built at 35 dwelling units per acre or below for lower density single-family and townhomes and building heights were common; the analysis was based on products built in the Bay Area and Hayward; Hayward's requirements were lower than other communities and the City was able to produce more inclusionary units with lower requirements; Fremont's Warm Springs BART station area has been planned for 4,000 units; the suggestion of exploring a mixture of 12% inclusionary requirements for onsite units and 8% in-lieu fees, in an effort to get to 20%, would not be financially viable; building onsite inclusionary units was a tool for providing moderate income ownership units and modifications to include low-income would provide limited equity ownership units; staff works with developers to ensure that City's rents do not impact their development budgets and to properly align rents with the affordable rents under tax credits; the decision-making body is whichever level of authority is required to approve the entitlement application, which could be administrative, Planning Commission or City Council; the proposed increase, currently undergoing review for any state law limitation, from 10% to 15% of affordable housing in-lieu fees to cover administrative costs is based on current activity levels and to offset the amount of revenue produced through the affordable housing ordinance; a majority of community responses

came from a homeownership fair and a bulk of respondents were from residents looking for ownership housing and other respondents from two fair housing workshops who were primarily renters; the study was a broad starting point for understanding development feasibility recognizing that circumstances can change depending on each individual development project; the analysis performed is a static financial feasibility analysis which translates the revenues into a current overall project value based on earned capitalization rates, current market expectations, and the value of return for a given investment; the demand for various income levels was calculated as a part of the displacement study and noted that it looked at demographics of the city and what people could afford; and in-lieu fees have not been used to build below market rate ownership units but additional funding had been provided to a Habitat for Humanity project to provide ten affordable ownership units and there was direction from Council to include affordable ownership when issuing the next notice of funding availability.

Council Member Márquez supported increasing the ownership inclusionary requirement for lower-density housing products to 6% low-income and 6% moderate-income and increasing the in-lieu fee closer to \$30; appreciated staff making administrative changes that included priority preference to Hayward residents and tracking marketing and outreach plans; noted she did not support requiring full onsite development because in-lieu fees were important to leverage funding and requested that the information provided by Housing Manager Morales about the benefits be captured before adoption of AHO modifications.

Council Member Zermeño agreed with the recommendations but preferred increasing the inclusionary requirement from the proposed 12% to 15% of the total units as the City was able to build 350 low-income housing units from in-lieu fees; and stated that implementing changes should only apply to new applications.

Council Member Andrews disclosed she attended graduate school with Mr. Braun and shared he was a Planning Commissioner for the City of San Francisco. Council Member Andrews indicated that Fremont had increased its inclusionary requirements to 20% and requested more information; noted she wanted to see a 20% inclusionary requirement achieved but the numbers were not allowing for this to happen; recommended explaining to housing advocates such as Ms. Ro Aguilar what developers are experiencing when they bring a project to the City and how the percentages are derived; asked for consideration of the Affordable Unit Phasing Plan to include affordable housing first, then retail, followed by market rate units to ensure retail is established when housing developments are being built; favored increasing the inclusionary requirements to 12% recognizing it could not be increased beyond that; and supported increasing the in-lieu fee for low-density ownership products to \$26 per square foot.

Council Member Syrop appreciated that the ordinance makes recommendations streamlining certain administrative processes to lower the costs of the development; liked that it prioritizes workers and residents and serves the purpose of furthering climate and sustainability goals; agreed with increasing in-lieu fees for lower-density products; hoped the Budget and Finance Committee makes a point of prioritizing the City's involvement in



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securing funds to provide low interest financing for affordable housing developments; suggested that parts of the outdated ordinance that streamline processes be applied to applications in the pipeline and other changes applied to new applications; preferred to make in-lieu fees the City's choice to maintain leverage; noted that raising the percentage of required inclusionary housing is reasonable even for rental units as Council could suspend it for a fixed period of time or on a per project basis; and did not want the City to feel dissuaded from giving itself the power to set a higher number and use it as leverage in development negotiations.

Council Member Roche noted there was a climate in Hayward that allows encouragement to support the affordable housing ordinance; understood the need for in-lieu fees if the market is demonstrating that it was not feasible to build market rate rental units and the City would have to leverage its in-lieu fees in order to build affordable housing; agreed to continue to explore in-lieu fees for affordable ownership units; asked to explore stronger language that makes clear the City's preference for developers to build onsite affordable housing acknowledging that there are other means of compliance; agreed to maintain the existing inclusionary requirement for rental products and higher-density ownership products; agreed to increase ownership inclusionary requirement for lower-density housing products to 6% low-income and 6% moderate-income; agreed to increase the in-lieu fee for ownership products at less than 35 dwelling units per acre, agreed to maintain the existing in-lieu fee for condos at 35 dwelling units per acre or higher and concurred with administrative changes for streamlining purposes.

Council Member Goldstein pointed out the report was about housing production and shared that it would be useful to have information about other aspects of housing affordability such as housing choice vouchers, grants, down payment assistance or private housing programs that became available in the high-tech sector; stressed that data used in the study was from completed projects around the Bay Area and therefore was informed data from real and recent projects; commented that the in-lieu fees are needed in order to qualify for loans and state and federal grants; added that increasing means of affordability, such as transfer payments, down payment assistance, public banking, and other mechanisms, could make housing production cheaper and potentially give the City the opportunity to underwrite loans for workforce housing, giving people access to quality homes in the neighborhoods they want and not restricting them to deed-restricted properties, or properties where they could build inter-generational wealth through property investments; supported maintaining existing inclusionary requirement for rental products and higher-density ownership products; agreed to increase ownership inclusionary requirement for lower-density housing products to 6% low-income and 6% moderate-income; agreed to increase in-lieu fee for ownership products at less than 35 dwelling units per acre; agreed to maintain the existing in-lieu fee for condos at 35 dwelling units per acre or higher having a model in place for fluctuating costs, agreed with

administrative changes; and added that if there was an existing development that could implement changes, they should not be precluded.

Council Member Syrop stated that the conversation was about incentivizing new development and slightly changing variables; added that the ordinance was not the only tool at the City's disposal to increase affordable housing stock; noted that the affordable housing stock can be increased by incentivizing vacant units to be leased sooner, and ease demand for lower-income units by helping families afford the units they live in right now; and added that if developing dense-rental units is not going to become feasible in the coming years, the City needs to look at new tools beyond the ordinance.

Mayor Salinas stated that Hayward, in comparison to other cities, was doing well in addressing the number of inclusionary units and building housing for all income levels; added that in looking at the developments built over the last few years, the City has preserved ground-level commercial sites; commented that developments were open to negotiation and underscored the importance of the City Council and Planning Commission preserving flexibility; noted that in-lieu fees were important in the absence of redevelopment funds; supported maintaining existing inclusionary requirements for rental products and higher-density ownership products; agreed to increase ownership inclusionary requirement for lower-density housing products to 6% low-income and 6% moderate-income; agreed to increase in-lieu fees for ownership products at less than 35 dwelling units per acre; agreed to maintain the existing in-lieu fee for condos at 35 dwelling units per acre or higher; and noted he would not want to apply proposed changes to current projects in the pipeline.

### 13. Police Department Annual Report: Receive and Review the Hayward Police Department's Annual Report for Calendar Year 2022 **WS 23-007**

Staff report submitted by Acting Chief of Police Matthews, dated February 21, 2023, was filed.

Acting Police Chief Matthews provided a synopsis of the staff report.

The City Council took a recess at 9:43 p.m., and reconvened the meeting at 9:48 p.m.

Mayor Salinas opened the public comment section at 9:48 p.m.

Ms. TJ, Hayward Concerned Citizens member, expressed appreciation for the Hayward Police Department (HPD) and its ability to make the best use of staffing and resources and the continued collaboration with the community to address public safety; appreciated the approval of drones, dash cams, license plate readers; and acknowledged the social media engagement regarding crime trends.

Mayor Salinas closed the public comment section at 9:50 p.m.



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Members of the City Council appreciated the Hayward Police Department for their work putting together a comprehensive annual report.

Discussion ensued among members of the City Council and City staff regarding: crime types that would be included in the National Incident Based Reporting System (NIBRS); there has been an increase in residential burglaries and HPD was pursuing technological solutions in the area of fingerprint analysis to enhance solvability rates with property crimes; improvements to HPD's social media were noted; a protocol for Council to follow when to re-post or remove posts regarding missing children/adults would be helpful; appreciated that HPD was doing outreach to the youth using baseball and basketball as these sports helped with engagement of different demographics; programs that could be explored including partnerships with local businesses to address catalytic converter identification and paper plates and solutions would be presented to Council; it usually takes a calendar year for officers to get trained before they are released to solo patrol; coordination between HPD and Caltrans with abatement and dangerous on-ramp and off-ramp situations; certain aspects of NIBRS would be available on the website with an external facing portal for crime data, and HPD could explore ways to publish routine updates; placement of unhoused community members with the navigation center is by referral only and allegations about the navigation center which would need to be investigated; efforts to prioritize and incentivize local recruits including conversations with CSUEB and Chabot College to develop pipelines was noted; it was acknowledged that crime trends which depend on variables and are consistent with neighboring cities and many crime-related issues are regional; access to Youth and Family Services and how removing the School Resource Officers (SROs) from schools has impacted access to these services and referrals; downtown dedicated units is impacted by vacancies; implementation of dash cams for patrol cars; HPD partners with agencies and advocates that provide resources to victims; complaint information is shared through the CALEA process, the year-end report provided to the Chief and Command Staff from Internal Affairs include external complaints and vehicle pursuits to identify training needs or policy needs, and HPD staff could strategize a way to incorporate other stakeholders in this process; use of salary savings toward innovation projects, to pay retired annuitants, for training and equipment purchases and consultant services; FTOs attend a 40-hour training which does address physical disabilities; the STEP grant had specific uses such as DUI, seatbelt enforcement, distracted driving related issues, and the traffic unit works with City engineers addressing speeding issues through environmental or street design; duties performed by sworn traffic officers which include community tow hearings, taxicab approval and inspections, commercial truck permitting and enforcement could be performed by a Community Services Officer, however, there was specialized training that would fall to a sworn officer; YFSB could expand counseling services offered through HUSD; and the issue with retail thefts with growing concern reflected by related legislation was noted.

Council Member Andrews indicating that calls for service and use of force were two different data points and requested that these be separated by year to show a historical trend for the next annual report; and requested that the topic of traffic stops and consideration for non-sworn personnel to make traffic stops be discussed at a future Council meeting.

Council Member Goldstein offered to lead a class for the public on how to make use of crime data noting that he has used data in the past that led to the arrest and prosecution of people and reduction in home burglaries and auto theft over a three year period; supported considering a replacement vehicle that had performance and safety for officers but did not have a militaristic look; hoped that St. Regis, as a new BACS operated service center, would provide an additional resource and treatment center for unhoused community members; and stated that given staffing challenges, it was commendable that the department was able to pull together in a way that had a positive impact on the community.

Council Member Roche suggested paid internships to incentivize local recruits; and agreed that social media posts are great at informing the public about the work being done by HPD and to explain crime trends.

Council Member Zermeno noted that moving the District Command office from Tennyson Road to Palma Ceia Baptist Church, represented a loss of police presence on the retail center along Tennyson Road; expressed the use of the military equipment was visualized by the community as tanks, grenades which were not used locally and preferred the use of safety equipment; liked the basketball clinic initiated by HPD and advocated for a soccer sport as well, as these were good ways to get kids involved with the public safety community.

Council Member Márquez shared that she had an opportunity to participate in three ride alongs with HPD personnel and her observations were that members care and understand the demographics and dynamics in Hayward, exhibit respect, have great communication, and hoped that this could be consistently achieved; felt that Council was being heard with the AB 481 (military equipment) request and the report in six months; appreciated Acting Chief Matthews making announcements to the public following critical incidents; appreciated the input that HPD incorporated on crime reports published every week; asked that NIBRS reporting include gender preferences for all incidents particularly rape and domestic violence; recommended that personnel who work intimately with victims share ideas with the City's Community Services Manager when looking at RFPs; concurred about Caltrans property, encampments and people's safety and requested that a letter be written to new state legislators about the matter; mentioned that a mechanism for tracking when missing children or adults are found would be useful when sharing information; appreciated the sensitivity and rapport interacting and connecting unhoused community members to resources; and asked to explore how the Council could be informed regarding external complaints; and added she advocated for incentives for dispatch referrals in addition to sworn personnel, in order to be fair and consistent.



## **CITY COUNCIL MEETING**

**777 B Street, Hayward, CA 94541**

**Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/81518963688?pwd=YTJrT2xET3U2N2pPcEk4cW1WY3pwZz09>

**Tuesday, February 21, 2023, 7:00 p.m.**

Council Member Syrop asked staff to provide the status of third-party complaints outside of the Police Department and the timeline of the project; was curious to know what percent of calls for service translate to an officer being dispatched to a scene; asked how many of the three complaints filed against HPD employees related to use of force were unfounded or pending investigation; appreciated the tour of HPD and was surprised at how understaffed the traffic division was given the amount of service they provide to the city; appreciated the data broken down by demographics and requested information by location and which communities could use support; commended HPD for its Delinquency Prevention Network, as individuals were diverted away from the criminal justice system; and appreciated HPD's standard of not sharing collected data with any federal law enforcement agencies.

Mayor Salinas noted that many of the questions and comments asked by the Council were reflected in the annual report; asked staff to include service calls to school (K-12 to College/University) data in future reports to review trends; commended the diversity represented in HPD promotions; was glad the department was trying to reimplement the Neighborhood Alert Program because it builds community and support for HPD and City Hall; acknowledged the work done on community engagement which included online activities for Junior Giants and outdoors at a park; acknowledged the work of dispatchers; and expressed the Council's support for HPD.

## **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Andrews thanked City staff for their work on Campus Drive. Council Member Zermeño indicated that he received some email complaints about the improvements on Campus Drive. Council Member Syrop acknowledged the efforts of Ms. Velda Goe and her neighbors for organizing to ensure that the improvements were made and thanked staff for responding to the community.

## **COUNCIL REFERRALS**

There were none.

## **ADJOURNMENT**

Mayor Salinas adjourned the City Council meeting at 10:57 p.m.

**APPROVED**

A handwritten signature in black ink, appearing to be 'MS', written above a horizontal line.

Mark Salinas  
Mayor, City of Hayward

**ATTEST**

A handwritten signature in black ink, appearing to be 'Miriam Lens', written above a horizontal line.

Miriam Lens  
City Clerk, City of Hayward