CITY COUNCIL MEETING TUESDAY, MARCH 16, 2021

DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA

AGENDA QUESTIONS

& ANSWERS

Items 5, 6, 7 & 9

	AGENDA QUESTIONS & ANSWERS
	MEETING DATE: March 16, 2021
Item #5 <u>CONS 21-126</u> Adopt a Resolution Authorizing the Ci Metropolitan Planning Group for On-Call Planning Services	ty Manager to Negotiate and Execute a Professional Services Agreement with the for an Amount Not-to-Exceed \$175,000
Did I miss it but were there other bids? Or is there an existing agreement and this is another task order?	This is an existing contract that Planning has with the Metropolitan Planning Group and we are requesting to add funds to the contract to cover needs created by recent departures and promotions and impending retirements so we can maintain service levels while we complete the recruitment process and bring new staff up to speed.
	ty Manager to Execute a Professional Services Agreement with CSW/Stuber-Stroeh Engineering . 05283 and Approve the Transfer and Appropriation of Funds-
Main Street - Does Staff have any response to the community recommendations regarding the hybrid parking plan and dining area bulb outs?	Staff will address during meeting.
Item #7 <u>CONS 21-129</u> Adopt a Resolution Approving Plans a County Transit Maintenance Facility, Project No. 07781	and Specifications and Call for Bids for the Sanitary Sewer Main Replacement at Alameda
Can you confirm why PVC and not HDPE? Is it a higher pressure area?	The subject is a sewer main that flows by gravity. It is not in a high-pressure area or a force main. PVC was selected as it is sufficient and appropriate for this application, readily available, and cost effective. Also, Utilities Division maintenance staff have experience with installation of PVC if needed for in-house repair, whereas HDPE requires special skills for fusing the pipe segments together.
Item #9 <u>LB 21-007</u> General Plan Annual Progress Report: Ac from Development Services Director Simpson)	cept the Hayward 2040 General Plan Annual Progress Report for Calendar Year 2020 (Report
Can someone help me understand how OHHA guidelines are incorporated into the general plan and how it supersedes?	The Hayward 2040 General Plan includes many policies and programs that were aimed at preserving neighborhood character and identity through responsible and environmentally sensitive development and redevelopment. While the City's neighborhood plans were developed to reflect a unique set of policies and programs that reflected the diversity of each neighborhood, the guidelines within these plans were not codified and are not regulatory in nature and as such, do not supersede the broader set of goals and policies related to land use, natural resources and quality of life established as part of the General Plan adoption in 2014.

Are we planning to revisit Downtown Specific Plan due to COVID impacts?	Not at this time. While the COVID pandemic has definitely impacted short term redevelopment and impacted existing land uses in the Downtown Specific Plan area, any long-term implications related to redevelopment and land uses are not yet known. Many of the long-term goals and strategies that were adopted as part of the Downtown Specific Plan in 2019 are still relevant and remain applicable. If Citywide goals and policies change in response to the COVID pandemic, staff will reassess and update the Downtown Specific Plan as needed.
Shuttle with new developments still in the cards given COVID?	If projects are determined to create a transportation impact, they generally need to implement various TDM measures to off-set those impacts, one of which may be incorporation of a shuttle. There is no requirement that a shuttle be required. There is some additional analysis that will be required related to this issue for a couple of projects (Lincoln Landing and Maple and Main) that were approved with a Condition of Approval related to looking into this as an option, but again analysis will be required as to whether it will be required. Some projects such as student housing, may inherently provide such a service, but again, this is one option under TDM requirements that project could implement to off-set any potential impacts.
Can or Do we still ask for study of intersections? Seems like VMT doesn't capture what PC raise as concerns with projects.	A study of intersections and/or adjacent roadways to assess operational and capacity impacts may still be required for projects as part of our Local Transportation Analysis but it cannot be considered for the purposes of requiring mitigation as part of CEQA as all transportation impacts related to CEQA are now tied to Vehicle Miles Traveled (VMT).

ITEM 6: CONS 21-127

Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with CSW/Stuber-Stroeh Engineering Group, Inc., for the Main Street Complete Street Project No. 05283 and Approve the Transfer and Appropriation of Funds

PUBLIC COMMENTS

From:	Carl Gorringe
Sent:	Tuesday, March 16, 2021 1:40 AM
То:	List-Mayor-Council
Subject:	Not in Favor of Main Street Project (Agenda Item #6: CONS 21-127)

Dear Hayward City Council:

I'm emailing to let you know that I am not in favor of the current "Main Street Complete Street Project".

Last summer I brought up a number of issues and submitted an alternative plan with diagonal parking along one side, but it was not considered. 15-feet sidewalks are not wide enough for outdoor seating, and I think people would prefer seating bulb-outs like along B Street. The inner bike lanes interfere with extending outdoor seating out to the street. Even with "adjustable" bike lanes, there isn't enough room for loading trucks & vans, nor room for ADA parking, without removing the bike lanes in those spots. This may be a problem for the ADA spot outside Bay Cities Credit Union. There could have been enough room if they kept the sidewalks at 10' wide. I see no good reason they need to be 15' wide. Acqua E'Farina should have their own dedicated seating like the Bistro. This design doesn't match aesthetically with B Street, and I think it should.

As I read this evening's Staff Report from the Director of Public Works, there is a claim made on Page 2 that during the June 22nd virtual community meeting, that "The feedback received was overwhelmingly in favor of Concept 1."

I happened to have made extensive notes during that meeting, including names and comments made by those attending.

These 7 were in Support or Maybe in Support of Concept 1: Jianhan Wang, Bruce Dughi, Johnathan Scranton, Juan Alvarado, Collin Thormoto, Diane Shaw, Lacie Amodie.

These 7 were Against or Had Concerns regarding Concept 1: Carl Gorringe, Nicholas Yoo, Jenny, Didacus Ramos, Tom Bridge, Georgette Munoz, Diane Laine.

And these 5 are unknown or I couldn't tell:

Michael Williams, Lawrence, Dominic Li Mandri, Steven Dunbar, Kim Huggett.

I also recall a report from a meeting between Staff and a Downtown Association representing merchants (which I did not attend) that stated that the merchants preferred Concept 2.

I have a PDF ("Documents received after published agenda") containing emails of folks who emailed in to the follow-up Council Infrastructure Committee on July 22nd, which wasn't available for live call in. There was 1 email from Bike East Bay in Support of a flexible version of Concept 1, and 6 emails (other than my own) from Downtown merchants and residents who were Against Concept 1 and in favor of my hybrid-diagonal plan.

So the question that I have for you and staff is, why is staff claiming that feedback was "overwhelmingly" in favor of Concept 1, when that clearly was not the case?

Thank You,

Carl Gorringe Downtown Hayward Resident

From:	Jamie Martin
Sent:	Monday, March 15, 2021 12:47 PM
То:	List-Mayor-Council
Subject:	AGENDA ITEM #6 CONS 21-127

Good Afternoon Madam Mayor and Council,

I oppose the proposed parking plan for Main street but support the hybrid plan submitted by downtown merchants and residences of Main Street. The original plan that is proposed is currently a nightmare on Patrick and part of Huntwood.

To say that it is confusing is an understatement. I understand the desire to protect people on bikes but I think the highlighter green lanes are sufficient enough. It is very confusing to not people able to park against the curb and leaves incredible blind spots. My vehicle was almost hit several times on Huntwood leaving the vaccination site. There is a municipal parking lot on Main street and it is going to create another blind spot for vehicles exiting the lot.

The hybrid plan submitted by people who pay to live or do business on the street makes much more sense as it is a traditional plan. Please do not make the mistake that was made on Patrick and Huntwood. Normal/traditional parking has worked great in cities all across the country. Hayward does not need to try and be original on this one.

Sincerely, Jamie Martin From:Kathryn BeldenSent:Monday, March 15, 2021 1:18 PMTo:List-Mayor-CouncilSubject:Parking, agenda item #6

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

I would rather see parallel parking on one side & diagonal parking on the other side. I support the hybrid plan.

Sincerely, Kathy Belden

Sent from my iPhone

Merry Monlux

From:Sapporo Hayward <sapporohayward@gmail.com>Sent:Tuesday, March 16, 2021 11:06 AMTo:List-Mayor-Council

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello my name is Nicholas Yoo. I am a merchant on Main Street (Sapporo). This email is written to OPPOSE the "Main Street Complete Street Project" Agenda Item #6: "CONS 21-127."

We are in support of the hybrid option which includes diagonal parking.

Thank you.

ITEM 8: CONS 21-131

Adopt a Resolution Authorizing the Purchase and Adoption of an Unmanned Aerial System Program for the Hayward Police Department and the Hayward Fire Department

PUBLIC COMMENTS

From:	Alex Moreno
Sent:	Tuesday, March 16, 2021 2:40 PM
То:	List-Mayor-Council
Subject:	No Police Drones in Hayward

Mayor Halliday and City Council Members:

I am writing to urge you to oppose the Hayward Police Department's (HPD) request to purchase drones. HPD's attempt to purchase drones undermines the conversation around racial justice that has emerged since the Black Lives Matter movement first gained national attention -- a movement many of you have expressed support for. The recent results of the City's community survey and conversations also showed that Hayward residents want to reimagine public safety. The purchase of drones for HPD use is not in alignment with the calls of the movement nor of the Hayward community.

Police Drones Threaten Our Constitutional Rights to Privacy and Assembly

Other police departments have already begun using drones and there already exists overwhelming documentation of police forces abusing drone technology to spy on and monitor protesters and HPD's current proposal to purchase drones fails to adequately define the circumstances in which it would be permissible to deploy drones.

The Community Has Not Had Adequate Opportunity for Input

The community at-large has been effectively excluded from the conversation surrounding this proposal. Over the past year, city staff has facilitated surveys, community conversations, and Policy Innovation Workshops regarding the future of public safety in Hayward. However, it is unclear if this drone proposal was ever part of those conversations. In addition, the concerns brought up by the Community Advisory Panel regarding privacy, costs, and operational policy around these drones have been not been addressed.

For these reasons, I ask that Mayor Halliday and City Council reject the request to purchase police drones.

Thank you.

From:	Audrey Reyes
Sent:	Tuesday, March 16, 2021 2:08 PM
То:	List-Mayor-Council
Subject:	NO POLICE DRONES IN HAYWARD

Mayor Halliday and City Council Members:

I am writing to urge you to oppose the Hayward Police Department's (HPD) request to purchase drones. HPD's attempt to purchase drones undermines the conversation around racial justice that has emerged since the Black Lives Matter movement first gained national attention -- a movement many of you have expressed support for. The recent results of the City's community survey and conversations also showed that Hayward residents want to reimagine public safety. The purchase of drones for HPD use is not in alignment with the calls of the movement nor of the Hayward community.

Purchasing drones will increase the budget of police spending, which goes against the clear demands of the community to reduce the police budget and invest in community led resources. Drones increase surveillance that endangers folks most at risk of being victims of police misconduct, and abuses the rights to privacy of all community members; especially those who do the necessary work through demonstrations and other calls to action.

Through all the engagement that City Council has received regarding racial justice in the last year, I must say that I am truly shocked at another blatant disregard of the community's clear demands to reimagine public safety in Hayward. The request to purchase drones is another display of power that reflects where the city leadership's priorities lie. The community will not let up on watching where the money goes - closely.

For these reasons, I ask that Mayor Halliday and City Council reject the request to purchase police drones.

Thank you,

Audrey Reyes

From:	Collin Thormoto
Sent:	Saturday, March 13, 2021 8:05 PM
То:	List-Mayor-Council
Subject:	Opposition to CONS 21-131

Dear Mayor and Councilmembers,

I hope you are well.

I am writing to once again voice my opposition to CONS 21-131 "Adopt a Resolution Authorizing the Purchase and Adoption of an Unmanned Aerial Systems Program for the Hayward Police Department and the Hayward Fire Department".

My concern, as before, is with the potential for abuse by giving our police department access to UAS's even with the inclusion of Policy 610.3. In Policy 610.3 it states that the officers "shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g. residence, yard, enclosure)." However, this still allows for recording and transmitting of footage of citizens while in public. I am aware that this already occurs with the cameras dotted around, for example, City Hall which I am also against, but expanding the surveillance state is something antithetical to our civil liberties.

I also note in 610.6 it invalidates the entirety of 610.3 by stating that the UAS will be used in situations where "public safety needs outweigh privacy expectations" and leaves the decision on what public safety needs outweigh privacy expectations within the department. I understand that policy documents can't account for every situation, but my fear again is that leaving it to the department to determine when public safety is more important than privacy will often be any time the police want to use it.

And as Councilmember Lamnin pointed out the last time I brought this up, I have never seen evidence of abuse of surveillance capabilities by HPD, but I want to reiterate that not only is there little to no oversight to HPD from the press or anyone else who isn't vetted by the HPD, but just because it hasn't happened yet (that we know of) doesn't mean it won't happen in the future. I also want to point out that although 610.8 states, as I assume Federal law, that the UAS itself can't have facial recognition software, that doesn't stop the department from using the recordings from the UAS with separate facial recognition software as was the case with other law enforcement bodies during the Movement for Black Lives protests this past summer.

I would like to propose, again, that if we decide to go forward with the purchase of a UAS, which I am against entirely, that it lives in a department at least nominally separated from HPD. Many of the use cases outlined include the HFD. There is no reason for the UAS to not be under the control of Hayward Fire and occasionally loaned to HPD. Even better, it could be under the purview of City Staff and the HPD could check it out, so that we could at least have a public record of when and why it is used.

The increased use of surveillance in this country in both the private and public sector is a serious cause for concern and I urge the City Council to consider not only the edge-case benefits to hostage situations and natural disasters, but the real and much more likely cases of abuse that could affect our civil liberties and our most vulnerable citizens.

All the best, Collin Thormoto Citizen, Hayward

From:	Daisy Maxion
Sent:	Tuesday, March 16, 2021 2:47 PM
То:	List-Mayor-Council
Subject:	No Police Drones in Hayward

Mayor Halliday and City Council Members:

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Police Drones Threaten Our Constitutional Rights to Privacy and Assembly

Other police departments have already begun using drones and there already exists overwhelming documentation of police forces abusing drone technology to spy on and monitor protesters and HPD's current proposal to purchase drones fails to adequately define the circumstances in which it would be permissible to deploy drones.

The Community Has Not Had Adequate Opportunity for Input

The community at-large has been effectively excluded from the conversation surrounding this proposal. Over the past year, city staff has facilitated surveys, community conversations, and Policy Innovation Workshops regarding the future of public safety in Hayward. However, it is unclear if this drone proposal was ever part of those conversations. In addition, the concerns brought up by the Community Advisory Panel regarding privacy, costs, and operational policy around these drones have been not been addressed.

For these reasons, I ask that Mayor Halliday and City Council reject the request to purchase police drones.

Thank you.

Daisy Maxion

From:	Daisy Quinones
Sent:	Tuesday, March 16, 2021 6:03 PM
То:	List-Mayor-Council
Subject:	No Drones

Mayor Halliday and City Council Members:

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The people of Hayward did not ask for this, there are many things the police could be doing instead of patronizing the community. Please do better.

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For these reasons, I ask that Mayor Halliday and City Council reject the request to purchase police drones.

Thank you.

-Daisy Quinones

From:	Deborah Low
Sent:	Tuesday, March 16, 2021 7:00 PM
То:	List-Mayor-Council
Subject:	NO DRONES IN HAYWARD

Mayor Halliday and City Council Members:

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For these reasons, I ask that Mayor Halliday and City Council reject the request to purchase police drones.

Thank you.

Deborah Low

94544

From:	Emilio Ronquillo
Sent:	Tuesday, March 16, 2021 1:52 PM
То:	List-Mayor-Council
Subject:	Concerned Citizen's Opposition to HPD Drone Purchases

Mayor Halliday and City Council Members,

I am writing to request that you oppose the Hayward Police Department's request to purchase drones. HPD's attempt to purchase drones undermines the conversation around racial justice that has emerged since the Black Lives Matter movement first gained national attention, a movement many of you have expressed support for. The recent results of the City's community survey and conversations also showed that Hayward residents want to reimagine public safety. The purchase of drones for HPD use is not in alignment with the calls of the movement nor of the Hayward community.

There are many worthy causes in Hayward that are better uses of these funds. Such causes would address fundamental inequities that beget the crimes that inflated police budgets only deal with after the fact. Furthermore, I do not believe that the severity of crimes that these drones are purported to fight justify the potential for HPD to misinterpret or abuse the information gained from this technology. These drones grant a substantial degree of power, and many of us do not believe the HPD will be held accountable for their actions should this technology be used incorrectly.

For these reasons, I ask that Mayor Halliday and City Council reject the request to purchase police drones.

Thank you.

From:	Jesse Ryan
Sent:	Tuesday, March 16, 2021 1:53 PM
То:	List-Mayor-Council
Subject:	No Police Drones in Hayward

Mayor Halliday and City Council Members:

I am writing to urge you to oppose the Hayward Police Department's (HPD) request to purchase drones. HPD's attempt to purchase drones undermines the conversation around racial justice that has emerged since the Black Lives Matter movement first gained national attention -- a movement many of you have expressed support for. The recent results of the City's community survey and conversations also showed that Hayward residents want to reimagine public safety. The purchase of drones for HPD use is not in alignment with the calls of the movement nor of the Hayward community.

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For these reasons, I ask that Mayor Halliday and City Council reject the request to purchase police drones.

Thank you.

Jesse Ryan Owner American Consulting LLC

From:	Jonathan Scranton
Sent:	Tuesday, March 16, 2021 4:55 PM
То:	List-Mayor-Council
Subject:	NO Police Drones in Hayward

Mayor Halliday and City Council Members:

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In such a time of pandemic crisis, the fact that this is even being considered is ridiculous. The community does not need this. The \$50,000 for police drones will not improve safety or stop crime in our community. That is a shameful waste of funding that could be used for social services that would benefit the community. While I understand this is an allocation from the FY2021 police budget, it is an unwise use of police funds. Drones will not keep us safe, they will only compromise our privacy and lessen HPD's community engagement.

Please do not support the resolution in item 8 in tonight's meeting agenda. It is honestly frightening that when we ask for community policing and police accountability, HPD wishes to purchase unmanned aerial systems, to further disconnect their operations from the community and increase the lack of accountability for their actions.

These UAVs will not "protect lives and property" as stated in the police policy. Despite the guidelines, I do not trust HPD to observe privacy laws, not operate these drones in a "reasonably precautious" manner as is outlined. This policy is too vague and its ambiguity is frightening for what the state of surveillance would be like in Hayward if this is to be approved. I don't foresee any "police missions" as needing this equipment. The police need to be visible and accountable to their community. This prevents that from becoming a possibility. It reduces HPD's community engagement and is an incredibly poor allocation of the department's funding. Simply because the county and neighboring cities have UAV programs does not mean that Hayward needs to follow suit.

Given the poor policy outline and the community's concern for privacy and accountability with this program, please reject this resolution this evening.

If you somehow think this is a wise use of funds and will improve community safety, I urge you to reconsider.

Best, Jonathan

From:	Krystal Alexandria
Sent:	Tuesday, March 16, 2021 5:09 AM
То:	List-Mayor-Council
Subject:	No Police Drones in Hayward

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I've always felt that the usage of drones is inherently a violation of privacy. For it to be used by a police department in the current cultural environment feels irresponsible, out of touch, and dangerous, particularly to the black and Asian communities.

Police Drones Threaten Our Constitutional Rights to Privacy and Assembly

Other police departments have already begun using drones and there already exists overwhelming documentation of police forces abusing drone technology to spy on and monitor protesters and HPD's current proposal to purchase drones fails to adequately define the circumstances in which it would be permissible to deploy drones.

The Community Has Not Had Adequate Opportunity for Input

The community at-large has been effectively excluded from the conversation surrounding this proposal. Over the past year, city staff has facilitated surveys, community conversations, and Policy Innovation Workshops regarding the future of public safety in Hayward. However, it is unclear if this drone proposal was ever part of those conversations. In addition, the concerns brought up by the Community Advisory Panel regarding privacy, costs, and operational policy around these drones have been not been addressed.

For these reasons, I ask that Mayor Halliday and City Council reject the request to purchase police drones.

Thank you,

Krystal Brandt

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From:	Lyn Ishizaki-Brown
Sent:	Tuesday, March 16, 2021 4:30 PM
То:	List-Mayor-Council
Subject:	No Police Drones in Hayward

Mayor Halliday and City Council Members:

I apologize for the lateness of this message, but I hope my input can still be heard in advance of tonight's council meeting.

I am writing to urge you to oppose the Hayward Police Department's (HPD) request to purchase drones. HPD's attempt to purchase drones undermines the conversation around racial justice that has emerged since the Black Lives Matter movement first gained national attention -- a movement many of you have expressed support for. The recent results of the City's community survey and conversations also showed that Hayward residents want to reimagine public safety. The purchase of drones for HPD use is not in alignment with the calls of the movement nor of the Hayward community.

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For these reasons, I ask that Mayor Halliday and City Council reject the request to purchase police drones.

Thank you.

From:	Luisa M. Martinez
Sent:	Tuesday, March 16, 2021 2:34 PM
То:	List-Mayor-Council
Subject:	No Police Drones in Hayward

Mayor Halliday and City Council Members:

I am writing to urge you to oppose the Hayward Police Department's (HPD) request to purchase drones. HPD's attempt to purchase drones undermines the conversation around racial justice that has emerged since the Black Lives Matter movement first gained national attention -- a movement many of you have expressed support for. The recent results of the City's community survey and conversations also showed that Hayward residents want to reimagine public safety. The purchase of drones for HPD use is not in alignment with the calls of the movement nor of the Hayward community.

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For these reasons, I ask that Mayor Halliday and City Council reject the request to purchase police drones.

Thank you, Luisa Martinez

From:	PAMELA LOW
Sent:	Tuesday, March 16, 2021 6:21 PM
То:	List-Mayor-Council
Cc:	Barbara Halliday; Aisha Wahab; Angela Andrews; Sara Lamnin; Elisa Marquez; Mark Salinas; Francisco
	Zermeno
Subject:	No Police Drones in Hayward

Mayor Halliday and City Council Members:

I am writing to urge you to oppose the Hayward Police Department's (HPD) request to purchase drones. HPD's attempt to purchase drones undermines the conversation around racial justice that has emerged since the Black Lives Matter movement first gained national attention -- a movement many of you have expressed support for. The recent results of the City's community survey and conversations also showed that Hayward residents want to reimagine public safety. The purchase of drones for HPD use is not in alignment with the calls of the movement nor of the Hayward community.

I have lived in Hayward for over 20 years, and I do not believe that our city needs drones or other military equipment. Our neighbors, friends, colleagues, and family members are not terrorists threats.

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Pamela Low

94544