



SPECIAL JOINT MEETING OF CITY COUNCIL AND HAYWARD PUBLIC FINANCE AUTHORITY BOARD

777 B Street, Hayward, CA 94541

Council Chambers and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/87366851496?pwd=bDRkVGRWejBqUDRMZitkRVdncEFmUT09>

Tuesday, June 20, 2023, 7:00 p.m.

The special joint City Council and Hayward Public Finance Authority Board meeting was called to order by Mayor/HPFA Chair Salinas at 7:00 p.m. The City Council and Hayward Public Finance Authority Board held a hybrid meeting in Council Chambers and virtually via Zoom.

Pledge of Allegiance: Council/HPFA Member Goldstein

AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION

Council Member Roche participated via the Zoom platform under AB 2449 Brown Act teleconferencing "just cause" circumstance as defined in Government Code section 54953(f)(2)(A)(i) and 54953(j)(2)(B).

ROLL CALL

Present: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on June 13, 2023, at 5:30 p.m., with all members present and no public speakers, regarding public employment pursuant to Government Code section 54957 regarding compensation of the three appointed officers, the City Attorney, City Clerk, and City Manager. Mayor Salinas announced the Council took no reportable action.

The City Council convened in closed session on June 20, 2023, at 5:30 p.m., with all members present and no public speakers, regarding four items: 1) conference with property negotiators pursuant to Government Code section 54956.8 regarding Skywest Properties, 1401 Golf Course Road, APN 432-0134-001-05 and CANG Site, 1525 West Winton Avenue, APN 432-0124-002-00; 2) conference with property negotiators pursuant to Government Code section 54956.8 regarding B Street, APN 431-0108-003-00, Cannery Lot; 3) conference with property negotiators pursuant to Government Code section 54956.8 regarding 22549 Foothill Blvd, APN 428-0061-044-00; and 4) conference with legal counsel pursuant to Government Code section 54956.9 (d)(4) regarding one anticipated litigation case. City Attorney Lawson indicated that Council gave direction to staff related the items on the agenda and took no reportable action. The closed session adjourned at 6:42 p.m.

PROCLAMATION

Mayor Pro Tempore Andrews read a Proclamation declaring June 19th as Juneteenth National Freedom Day: A Day of Observance in the City of Hayward and urged all community members to become aware of the significance of the important celebration in Black History. Mayor Salinas presented the proclamation to the National Association for the Advancement of Colored People (NAACP) South County Vice President Robert Ewing; Black Women Organized for Political Action (BWOPA) Hayward/South County Chapter Vice President RocQuel Johnson; and Hayward Tri-City Alumnae Chapter/Delta Sigma Theta Sorority, Inc. President April V. Lampkin; and Professor and Chair, California State University East Bay, Department of Ethnic Studies Professor Nicholas L. Baham II, PhD.

PUBLIC COMMENTS

There were none.

CITY MANAGER'S COMMENTS

City Manager McAdoo highlighted an article from The Stack about new legal resources for low-income Hayward residents facing eviction through Centro Legal de La Raza. Tenants at risk of eviction can visit the Alameda County Housing Secure website at <https://www.ac-housingsecure.org/tenant> and Hayward tenants who received eviction summons can contact Centro Legal de La Raza.

HAYWARD YOUTH COMMISSION

1. Hayward Youth Commission: Adopt a Resolution Confirming the Appointment and Reappointment of Hayward Youth Commission Members (Report from City Clerk Lens)
APPT 23-002

Staff report submitted by City Clerk Lens, dated June 20, 2023, was filed.

Mayor Salinas announced the item and received no questions from members of the City Council.

There being no public comment, Mayor Salinas opened and closed the public comment section at 7:24 p.m.

Council Member Bonilla Jr. shared he served as a member of the Hayward Youth Commission interview panel that interviewed forty-nine applicants and was impressed with the interviewees and as a former Hayward Youth Commissioner was delighted to make a motion to appoint ten voting members, eleven alternates and reappoint six continuing members.

It was moved by Council Member Bonilla Jr., 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, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-152, "Resolution Confirming the Appointment and Reappointment of Members of the Hayward Youth Commission"

City Clerk Lens administered the oath of affirmation to newly appointed and reappointed members.

The City Council took a brief recess and Mayor Salinas reconvened the meeting at 7:36 p.m.

CONSENT

Consent Item 5 was removed from the Consent Calendar for discussion and public comment.

2. Approve the Minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority Meeting on June 6, 2023 **MIN 23-072**

It was moved by Council/HRSA/HHA Member Syrop, seconded by Mayor/HRSA/HHA Chair Salinas, and carried unanimously, to approve the minutes of City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority Meeting on June 6, 2023.

3. Adopt 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 **CONS 23-368**

Staff report submitted by City Clerk Lens, dated June 20, 2023, was filed.

It was moved by Council Member Syrop, seconded by Mayor Salinas, and carried by the following roll call vote, to adopt the ordinance.

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

Ordinance 23-06, “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”

4. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with SCI Consulting Group for Support on the City’s Landscape and Lighting Assessment Districts in a Total Not-to-Exceed Amount of \$106,211 and Agreement Effective Date Through Fiscal Year 2028 **CONS 23-320**

Staff report submitted by Maintenance Services Director Rullman, dated June 20, 2023, was filed.

It was moved by Council Member Syrop, seconded by Mayor Salinas, 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 23-153, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with SCI Consulting Group for Support on the City’s Landscape and Lighting Assessment Districts in a Total Not-to-Exceed Amount of \$106,211 and Agreement Effective Date Through Fiscal Year 2028”

5. Adopt a Resolution Authorizing a Joint Application to and Participation in the State Homekey Program for the Project Reclamation Scattered Site Program in a Total Not-to-Exceed Amount of \$10 Million, for which the California Environmental Quality Act Does Not Apply **CONS 23-321**



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Staff report submitted by Assistant City Manager Youngblood, dated June 20, 2023, was filed.

In response to Council Member Syrop's inquiries, Acting Community Services Manager Cole-Bloom indicated staff was not pursuing additional funds outside the scattered site projects category and staff was not certain there would be a second round of Homekey funding.

Ms. Ro Aguilar urged the City to aggressively seek additional funds for the acquisition and/or leasing of more hotels/motels so they can be strategically located, more integrated, be inclusionary and create further opportunities for permanent housing.

Council Member Syrop made a motion to approve staff's recommendation and recommended to bring the item suggested by Ms. Ro Aguilar to a future meeting of the Homelessness-Housing Task Force.

Mayor Salinas seconded the motion as he also serves on the Homelessness-Housing Task Force.

It was moved by Council Member Syrop, seconded by Mayor Salinas, 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 23-154, "Resolution of the City Council of the City of Hayward Authorizing Joint Application to and Participation in the State Homekey Program for the Project Reclamation Scattered Site Program in a Total Not-to-Exceed Amount of \$10 Million and Finding of CEQA Exemption"

6. Adopt a Resolution Approving the Final Engineer's Report and Ordering the Levy of Assessments for Fiscal Year 2024 for Old Highlands Area Road Improvement Assessment District **CONS 23-330**

Staff report submitted by Public Works Director Ameri, dated June 20, 2023, was filed.

It was moved by Council Member Syrop, seconded by Mayor Salinas, 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 23-155, "A Resolution Preliminarily Approving the Final Engineer's Report and Ordering the Levy of Assessments for Fiscal Year 2024 for the Old Highlands Area Road Improvement Assessment District"

7. Adopt a Resolution Authorizing the City Manager to Appropriate Additional Funds in the Amount of \$109,531.25 from Measure BB (Local Transportation) Fund 212 for the Hesperian Boulevard and West A Street Protected Intersection, Project No. 05338 **CONS 23-345**

Staff report submitted by Public Works Director Ameri, dated June 20, 2023, was filed.

It was moved by Council Member Syrop, seconded by Mayor Salinas, 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 23-156, "Resolution Authorizing the City Manager to Appropriate Additional Funds in the Amount of \$109,531.25 from Measure BB Local Transportation (Fund 212) for the Hesperian Boulevard and West A Street Protected Intersection, Project No. 05338"

8. Adopt a Resolution Rejecting the Bid from Nema Construction and Awarding a Construction Contract to Ray's Electric for the Traffic Signal Upgrade at Jackson Street Project, Project No. 05270 in the Amount of \$622,540 in Addition to Approving \$62,254 in Administrative Construction Contingency **CONS 23-348**

Staff report submitted by Public Works Director Ameri dated June 20, 2023, was filed.



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It was moved by Council Member Syrop, seconded by Mayor Salinas, 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 23-157, "Resolution Rejecting the Bid from Nema Construction and Awarding Construction Contract to Ray's Electric for Traffic Signal Modification at Jackson Street Project, Project No. 05270 in the Amount of \$622,540"

9. Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Tartaglia Engineering for Design Services for the Airport Pavement Rehabilitation Project in Total Not-to-Exceed Contract Amount of \$648,000 **CONS 23-353**

Staff report submitted by Public Works Director Ameri, dated June 20, 2023, was filed.

It was moved by Council Member Syrop, seconded by Mayor Salinas, 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 23-158, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Tartaglia Engineering for Design Services for the Airport Pavement Rehabilitation Project for Outside Design Services at Hayward Executive Airport"

10. Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Project Sentinel for Fiscal Year 2024 in an Amount Not-to-Exceed \$160,000 to Provide Mediation, Arbitration, and Education Services Related to the Residential Rent Stabilization and Tenant Protection Ordinance and Mobilehome Space Rent Stabilization Ordinance **CONS 23-358**

Staff report submitted by Assistant City Manager Claussen, dated June 20, 2023, was filed.

It was moved by Council Member Syrop, seconded by Mayor Salinas, 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 23-159, “Resolution Authorizing the City Manager to Execute an Agreement with Project Sentinel in an Amount Not-to-Exceed \$160,000 to Provide Mediation, Arbitration, and Education Services Related to the Residential Rent Stabilization and Tenant Protection Ordinance and Mobilehome Space Rent Stabilization Ordinance”

11. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Master Agreement and Lease with the Hayward Area Recreation and Park District for Operations and Maintenance of City Lands **CONS 23-359**

Staff report submitted by Assistant City Manager Youngblood, dated June 20, 2023, was filed.

It was moved by Council Member Syrop, seconded by Mayor Salinas, 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 23-160, “Resolution Authorizing the City Manager to Negotiate and Execute a Master Agreement and Lease with the Hayward Area Recreation and Park District for Operations and Maintenance of City Lands”



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12. Adopt Resolutions Authorizing the City Manager to (1) Execute an Agreement with MBS Engineering Inc., for Installation of Liquefied Petroleum Gas Pipes in a Not-to-Exceed Amount of \$224,321, (2) Amend the Professional Services Agreements with Kitchell CEM for Extended Construction Support Services by \$307,000 for a Not-to-Exceed amount of \$2,840,000; and (3) with ABC Inspections by \$85,000 for a Not-to-Exceed Amount of \$1,030,000, for the Fire Station 6 and Fire Training Center Project, Project Nos. 07481 and 07482 **CONS 23-369**

Staff report submitted by Director of Public Works Ameri, dated June 20, 2023, was filed.

It was moved by Council Member Syrop, seconded by Mayor Salinas, 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 23-161, "Resolution Authorizing the City Manager to Execute an Agreement with MBS Engineering, Inc., for Installation of Liquefied Petroleum Gas Lines, Connection Pits and Regulators for the Fire Station 6 and Fire Training Center Project in an Amount Not-to-Exceed \$224,321"

Resolution 23-162, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Kitchell CEM for Construction Support for the Fire Station 6 and Fire Training Center Improvement Project"

Resolution 23-163, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with ABC Inspections, Inc., for Inspector of Record Services for the Fire Station 6 and Fire Training Center Improvement Project"

13. Adopt a Resolution Approving Plans and Specifications and Call for Bids for The Stack Center - Phase I Project **CONS 23-371**

Staff report submitted by Director of Public Works Ameri, dated June 20, 2023, was filed.

It was moved by Council Member Syrop, seconded by Mayor Salinas, 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 23-164, "Resolution Approving Plans and Specifications for The Stack Center - Project Nos. 06960 and Call for Bids"

14. Adopt a Resolution Authorizing the City Manager to Enter into a Contract with Aclara Technologies LLC for Sole Source Purchase of AclaraONE Software Upgrade Services for the Advanced Metering Infrastructure (AMI) Implementation Project for a Period of Three Years with Two, One-Year Options to Extend in an Amount Not-to-Exceed \$416,400 **CONS 23-387**

Staff report submitted by Public Works Director Ameri, dated June 20, 2023, was filed.

It was moved by Council Member Syrop, seconded by Mayor Salinas, 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 23-165, "Adopt a Resolution Authorizing the City Manager to Enter into a Contract with Aclara Technologies, LLC for Sole Source Purchase of AclaraONE Software Upgrade Services for the Advanced Metering Infrastructure Implementation Project for a Period of Three Years with Two Options to Extend in an Amount Not-to-Exceed \$416,400"

15. Report and Assessment for Delinquent Garbage Bills Incurred by Property Owners of Single-Family Residences (Item continued to June 27, 2027, City Council meeting) **CONS 23-409**



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The consent item was continued to the June 27, 2023, City Council meeting.

PUBLIC HEARING

16. Utility Rate Adjustments: Adopt a Resolution Amending the Master Fee Schedule and Approving the Proposed FY 2024 and FY 2025 Water, Sewer, Recycled Water Rates and Connection Fees and Finding the Action is Exempt from CEQA Review **PH 23-026**

Staff report submitted by Public Works Director Ameri, dated June 20, 2023, was filed.

Public Works Director Ameri announced the item and introduced Senior Management Analyst Lo who provided a synopsis of the staff report and indicated staff was in receipt of 30 written protest letters from property owners and Council could not adopt rates if protests were received from a majority of property owners (about 19,000 protests).

Members of the City Council expressed appreciation for the staff report which answered questions raised during the work session on the item and the outreach to the community.

In response to Council Member Syrop's inquiry related to water usage by customer class and any concern that increasing recycled water rates would disincentivize usage, Public Works Director Ameri noted that 80% was residential use with the rest divided between commercial/industrial and institutional. As to recycled water rates, Director Ameri noted that recycled water rates were below that of drinking water and businesses favored using it for irrigation and the goal was to purify the water further for industrial and commercial use.

Council Member Bonilla Jr. inquired about the low-income bimonthly service fee and the discount program, calculation of rate and connection fees, and the impact to the General Fund with use of reserves. Public Works Director Ameri noted the estimated discount rate for eligible residents was approximately 65%; indicated there were formulas for calculating rates including system upgrade and future plans for system expansion; pointed out that one reason for the proposed increase was that rates were established ten years ago to encourage economic development and the proposed increase of 10% for drinking water and recycled water and 23% for sewer was appropriate and competitive with other agencies; and underscored that no money was used from the General Fund and the reference to reserves was in connection with the Enterprise Fund.

Council Member Andrews encouraged staff to connect with top water users identified on the customer class list to identify opportunities to reduce their water usage such as exploring water used for landscaping; acknowledged Director Ameri's efforts on the Bay

Area Water Supply Conservation Agency; and suggested exploring partnerships on education such as working with the Keep Hayward Clean and Green Task Force for ideas to reduce water usage in commercial and residential areas.

In response to Council Member Zermeño's inquiry about the percentage of low-income users eligible to receive a discount and assistance for residents who may have challenges paying other utility bills, Public Works Director Ameri indicated there were approximately 10% and noted that customers who express concern about the cost of water or other utilities are put in contact with the Finance Department to determine eligibility for discounted rates.

There being no public comments, Mayor Salinas opened and closed the public hearing at 8:10 p.m.

Council Member Zermeño moved staff's recommendation and Council Member Roche seconded the motion.

Council Member Roche noted that while increases of 10% in FY24 followed by 10% in FY25 seemed a lot, the City would still be subsidizing water for Hayward residents; indicated that the slide illustrating the rate an average family may pay of \$5 additional each year helped explain what a potential 20% rate increase amounted to be; and thanked staff for the education on the topic.

City Clerk Lens noted for the record that only 30 protest letters had been received as noted by staff, and that no additional letters were received during the public hearing.

It was moved by Council Member Zermeño, seconded by Council Member Roche, and carried by the following roll call vote, to approve the resolutions.

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

Resolution 23-166, "Resolution Amending the Master Fee Schedule and Approving Water, Sewer, and Recycled Water Rates"

Resolution 23-167, "Resolution Amending the Master Fee Schedule and Approving Water, Sewer, And Recycled Water Connection Fees"



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LEGISLATIVE BUSINESS

17. Military Equipment Use Policy: Review of HPD's Annual Military Equipment Use Report July 2022 - March 2023 and Annual Renewal of an Ordinance Approving Military Equipment Use Policy No. 706 Regarding the Hayward Police Department's Funding, Acquisition, and Use of "Military Equipment," as Defined by Assembly Bill 481 **LB 23-027**

Staff report submitted by Acting Police Chief Matthews dated June 20, 2023, was filed.

Acting Police Chief Matthews provided a synopsis of the staff report and thanked Lieutenant Wagner and Lieutenant Linteo for their work on the staff report.

Members of the City Council thanked Acting Chief Matthews for a clear concise report and the transparency exercised related to the item.

In response to Council Member Zermeño's inquiry about the meaning of less lethal ammunition, Acting Police Chief Matthews responded it was ammunition that was intended to temporarily incapacitate without causing death or grave bodily injury.

Council Member Bonilla Jr. asked about the \$400,000 for the armored personnel carrier, the Hayward Police Department (HPD) equipment, and if a post incident review was completed upon use or deployment of military equipment. Acting Police Chief Matthews indicated the budget for the armored personnel carrier was already allocated through the City of Hayward's fleet budget and the purchase required Council's approval to comply with Assembly Bill 481; noted that HPD's equipment inventory was standard for law enforcement agencies across the nation; and added that any incidents that fall under the use of force policy, such as ammunitions and firearms, have an extensive after action review.

Council Member Bonilla Jr. was pleased to see in the report that there were no policy violations with deployment or use of equipment during the reporting period, appreciated the diligence in ensuring these are the types of solutions used when dealing with certain issues in the community and following the policy.

Council Member Andrews asked if the policy surrounding Unmanned Aerial System (UAS) equipment reviewed with American Civil Liberties Union's recommendations had impacted operations of the equipment, if HPD had received any complaints on the operations of UAS or any other equipment, and if the public could submit a complaint that was not specific to UAS via Access Hayward.

Acting Chief Matthews responded that the policy and the operational manual reflected HPD's, the community's and the City Council's values, and were effective tools when used appropriately; confirmed there were no complaints received or internally generated administrative investigations related to these; and noted that Access Hayward was used to submit complaints and UAS could be included in the narrative portion of the entry.

Council Member Andrews received confirmation that anonymous complaints could be reported by calling the non-emergency number and the equipment inventory was considered mandatory for community and employee safety.

Council Member Roche asked how to distinguish between a police and public drone and what the remedies were, if there was case law that uses drones as evidence and wondered if HPD was prepared to adjust the policy accordingly.

Acting Chief Matthews indicated that HPD drones were marked, concerned residents could contact HPD and added that police personnel are on the ground when deploying drones; noted that HPD pays attention to case law and use it as a learning tool and follow policy and operational guidelines that restrict its use in private areas.

Council Member Roche appreciated the detailed report, stated that the request was to replace old equipment, and it was a reasonable review of AB 481.

Council Member Goldstein asked about the rifles that were in service that HPD was seeking to replace and the militaristic appearance of armored personnel carriers.

Acting Police Chief Matthews indicated that over the course of time and in a training environment, rifles may deteriorate, others may not have replacement parts and staff was seeking new rifles, noted that in the law enforcement circle the armored personnel carrier standard is black in color and staff could consider changing it to look as a rescue vehicle and stressed that for HPD it was less about the appearance and more about the capability in being able to provide community and officer safety.

Council Member Syrop commended HPD staff for creating information accessible for public consumption, appreciated that there had been zero complaints on the use of military equipment.

Council Member Syrop asked about the annual maintenance equipment cost including data storage cost; asked if there was interagency utility of the UAS purchased this year; asked if equipment could be shared, why was it necessary to have them under HPD; asked about the four UAS purchased last year and the eight proposed to be purchase; asked staff to explain the pace at which drone software has improved within one year requiring the purchase of new equipment. Acting Chief Matthews indicated the maintenance costs for the armored vehicle was standard annually and data storage costs were grouped together with other equipment and staff could separate the information for Council; noted that although there could be interagency utility, law enforcement agencies have their own standalone



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programs and could let other department use the equipment but the equipment needed to be under HPD because they operate 24/7 365-days; explained the four UAS purchased was for outdoor and indoor use and with the proposed UAS staff was looking for functionality and exploring a model with software capability commonly used by traffic units for accident scene reconstruction and crime scene diagraming; and added that software gets updated faster than the City has the ability to purchase equipment.

In response to Mayor Salinas' inquiry if staff was aware of leasing programs for drone technology enabling agencies to trade equipment in after a period of time for upgraded equipment, Acting Chief Matthews indicated that staff could explore a leasing program.

Mayor Salinas opened the public hearing at 8:42 p.m.

Ms. Theresa Resendez, Hayward Concerned Citizens member, was not concerned about the military appearance of the armored vehicle as it would look like a black Humvee, was glad there was support for updated technology and equipment, and favored the purchase of updated drone technology as this would assist HPD apprehend criminals with less police direct involvement.

Ms. TJ, Hayward Concerned Citizens member, appreciated that some of the equipment being requested was already budgeted for, supported HPD's transparency, knowledge, and use of the equipment, emphasized the importance of public safety, and appreciated HPD partnering with the Council and community.

Ms. Suzanne, Hayward Concerned Citizens member, supported and appreciated that HPD was taking advantage of the Federal 1033 Program for funding, and indicated Acting Chief Matthews was doing a great job.

Ms. Ro Aguilar stated that fireworks were notably less this year, commended City staff for enforcing regulations on private property and sending out notices about fines, and asked if drones would be used for surveillance of fireworks violations.

In response to Mayor Salinas following up on whether drone technology would be used to identify hot spots for illegal fireworks, Acting Chief Matthews stated that the policy included a prohibition against random surveillance, but drones could be used if criminal activity was observed.

Mayor Salinas closed the public hearing at 8:49 p.m.

Council Member Goldstein moved the item and Council Member Zermeño seconded the motion.

Council Member Syrop shared he had the opportunity to tour the HPD and meet with personnel and appreciated their work; emphasized that safety was more than policing noting that often times the safest communities did not have the most police officers but offered the most resources; understood the purpose of the equipment requested; communicated that while the dollars had been budgeted already he felt they could be spent elsewhere such as the cost of administering staff time for a housing program to protect tenants or for a rental registry, noting that \$500,000 could potentially go towards such a program to keep people in their homes and reduce crimes; and noted he would not be supporting the motion.

Council Member Andrews asked staff if she could entertain an amendment to the motion that would include a life-affirming practice such as requesting staff to create a list of activities from HPD demonstrating creative thinking for protecting the community.

Discussion ensued about the pending motion and the request offered by Council Member Andrews related to the action affirming Ordinance 22-06 approved in 2022.

City Attorney Lawson recommended that Council vote on the pending motion, and if the motion passed, then Council Member Andrews could suggest something additional.

City Manager McAdoo suggested that Council Member Andrew's request for a list of activities from HPD demonstrating creative thinking for protecting the community could be included in the HPD annual report or as a separate report to Council.

Mayor Salinas requested that in its next report to Council, HPD provide a list of activities demonstrating creative thinking for protecting the community. Council Member Andrews was amenable to the recommendation.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried by the following roll call vote, to approve renewal of Ordinance 22-06 and HPD's Military Equipment Use Policy.

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

Ordinance 22-06, "An Ordinance of the City of Hayward, California, Adding Article 15 to Chapter 3 of the Hayward Municipal Code Relating to the Use of Military Equipment by Law Enforcement"



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Council Chambers and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/87366851496?pwd=bDRkVGRWejBqUDRMZitkRVdncEFmUT09>

Tuesday, June 20, 2023, 7:00 p.m.

-
18. Community Preservation Ordinance: Introduction of an Ordinance Amending, Chapter 5, Article 7 of the Hayward Municipal Code Regarding Community Preservation Standards and Finding that this Action is Subject to the CEQA Common Sense Exemption **LB 23-018**

Staff report submitted by Acting Development Services Director
Buizer dated June 20, 2023, was filed.

Mayor Salinas announced the item, noted that the Council would forego the staff presentation, and opened the item for questions.

Council Member Roche expressed concern that a private property owner might be responsible for an incident that occurred on the property related to a blight violation resulting from a homeless encampment. Code Enforcement Manager Nichols indicated that while the responsibility resided with the property owner, staff could help the property owner mitigate some of these issues through the provision of free abatement services and referrals to resources to help offset issues and costs.

Council Member Roche recommended that staff explore developing supportive programs such as partnerships with local junk yards to help assure property owners of the public responsibility.

Council Member Andrews asked staff if there were opportunities for public art at sites experiencing blight that have storefronts boarded up, and wondered if there were connections that could be made with artists or schools. Code Enforcement Manager Nichols expressed that the City was known for its robust public art program and indicated that staff could work with the City Manager's Office to revitalize the program. Council Member Andrews stated that the boards on storefronts was not appealing and recommended that staff continue to explore what other cities are doing connecting with local museums and art galleries to showcase work.

Mayor Salinas shared that although Hayward was a city of public art, it was not evident that community members would take pictures with murals, commented that people commonly take pictures next to public art and share it on social media, and hoped that an opportunity could soon be seized in the City to feature standalone Instagrammable art.

There being no public comments, Mayor Salinas opened and closed the public hearing at 9:06 p.m.

It was moved by Council Member Syrop, seconded by Council Member Bonilla Jr., and carried by the following roll call vote, to introduce the ordinance.

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

Ordinance 23-_, “Ordinance of the City of Hayward, California Amending Chapter 5, Article 7 of the Hayward Municipal Code Regarding Community Preservation by Amending Section 5-7.00 Relating to Findings and Purpose, Amending Section 5-7.10 Relating to Definitions, Amending Section 5-7.20 Relating to Public Nuisance, Amending Section 5-7.30 Relating to Administrative Citations and Adding Section 5-7.140 Relating to Cumulative Remedies”

19. Refunding Certificates of Participation: Adopt Resolutions Authorizing Issuance of Certificates of Participation in an Amount Not to Exceed \$55 Million to Refinance Prior Lease Payment Obligations **LB 23-029**

Staff report submitted by Finance Director Gonzales dated June 20, 2023, was filed.

Mayor Salinas announced the item, noted that the Council would forego the staff presentation, and provided an opportunity to ask questions from Council.

There being no public comments, Mayor Salinas opened and closed the public hearing at 9:08 p.m.

It was moved by Council Member Goldstein, seconded by Council Member Andrews, and carried by the following roll call vote, to approve the resolutions.

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

Resolution 23-168, “Resolution of the City Council of the City of Hayward Authorizing Delivery and Sale of Refunding Certificates of Participation to Refinance Outstanding 2014 Lease Payments and 2015 Lease Payments, and Approving Related Documents and Actions”



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Tuesday, June 20, 2023, 7:00 p.m.

Hayward Public Finance Authority Resolution 23-01, "Resolution of the Board of Directors of the Hayward Public Financing Authority Authorizing Delivery and Sale of Refunding Certificates of Participation to Refinance Outstanding 2014 Lease Payments and 2015 Lease Payments, and Approving Related Documents and Actions"

Resolution 23-169, "Resolution of the City Council of the City of Hayward Approving Updates of the City's Debt Issuance and Management Policy and Debt Disclosure Policy"

Mayor Salinas announced that the Council-Appointed Officers (City Manager McAdoo, City Attorney Lawson, and City Clerk Lens) were recusing themselves from discussion on the item relating to their employment contracts and left the Council Chambers.

20. Council-Appointed Officers' Employment Agreements: Adopt Resolutions Approving Amendments to the Employment Agreements between the City of Hayward and the City Attorney and City Clerk and a Resolution Approving a New Employment Agreement between the City of Hayward and the City Manager and Authorizing the Mayor to Execute the Agreements **LB 23-026**

Staff report submitted by Human Resources Director Frye dated June 20, 2023, was filed.

Human Resources Director Frye provided a synopsis of the staff report.

There being no public comment, Mayor Salinas opened and closed the public hearing at 9:12 p.m.

Council Member Andrews acknowledged the hard work that the three Council-Appointed Officers do for the community, underscored that the proposed percentage increases to their compensation reflected a market study, noted the Council-Appointed Officers and other labor groups had made sacrifices in previous years, and that the proposal reflected a catch up in the compensation.

Council Member Roche stated that it was important to recognize that the compensation for the Council-Appointed Officers was behind and it was needed to move them up, emphasized that the City Manager, City Attorney and City Clerk were experienced and had amazing competency, were able to handle complex issues for the City with their continuity of service to Hayward, and was pleased to support moving them up to the median market.

Council Member Zermeño noted that Hayward had the best City Council and Council-Appointed Officers in the nation, expressed that the officers were the longest serving in Alameda County, and made a motion to approve the recommendation.

Council Member Syrop echoed comments expressed by his colleagues, shared that he previously felt differently about the compensation packages, but through conversations with colleagues and realizing that the City had been underpaying some of the most experienced Appointed Officers, expressed that the City was in better hands with this level of experience at the helm, hoped that the residents and voters understood Council’s decision making process, and expressed support for the motion.

Council Member Goldstein stated the outstanding officers of the City had endured a long period of time of sacrifice for the benefit of this community, felt it was in good faith to reward employees who have performed exceptionally for the benefit of the community, reminded that while the proposed would catch them up it would not put them ahead, and indicated that the compensation was fair for the area, and seconded the motion.

Mayor Salinas reiterated comments by the Council, noted that he had served with the Appointed Officers during the economic downturn, COVID-19 pandemic, added they gave up COLAs and raises, shared that City Manager McAdoo was the longest tenured in Alameda County, City Attorney Lawson was the longest serving in Alameda County, expressed that the quality, experience, proficiency in their disciplines were at the top of the County, shared that other City Managers in the County came from Hayward’s leadership, and emphasized that Hayward has the best leadership navigating it.

It was moved by Council Member Zermeño, seconded by Council Member Goldstein, and carried by the following roll call vote, to approve the resolutions.

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

Resolution 23-170, “Resolution Approving the Amendment to the Employment Agreement Between the City of Hayward and City Attorney and Authorizing the Mayor to Execute the Agreement”

Resolution 23-171, “Resolution Approving the Amendment to the Employment Agreement Between the City of Hayward and City Clerk and Authorizing the Mayor to Execute the Agreement”



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Tuesday, June 20, 2023, 7:00 p.m.

Resolution 23-172, "Resolution Approving the Extension and Modification of the Employment Agreement Between the City of Hayward and City Manager and Authorizing the Mayor to Execute the Agreement"

City Manager McAdoo, City Attorney Lawson, and City Clerk Lens returned to the Council Chambers.

21. Salary Plan Amendment: Adopt a Resolution Approving the City of Hayward Salary Plan for Fiscal Year 2024 LB 23-023

Staff report submitted by Human Resources Director Frye dated June 20, 2023, was filed.

Human Resources Director Frye provided a synopsis of the staff report.

In response to Council Member Roche's inquiry as to the reason for why the Personnel Commission was split in approving the recommendation to Council, Human Resources Director Frye indicated the Personnel Commission felt that their recommendation was an unnecessary part of the process because they did not have any input as the proposals were a part of contract negotiations.

Mayor Salinas shared that as a liaison previously to the Personnel Commission, the Commission expressed that its role was to listen to the presentation and did not have an opportunity to shape the recommendation.

There being no public comments, Mayor Salinas opened and closed the public hearing at 9:29 p.m.

Council Member Syrop hoped that the Personnel Commission could find purpose and meaning in the actions, appreciated that they shared their discontent with the City Council as their current scope of work was not meaningful to them, and hoped the City would find a way to make the role of the Personnel Commission more effective.

In response to Council Member Bonilla's inquiry as to how the Personnel Commission could be given more meaningful contributions, Human Resources Director Frye responded that staff was working with the Personnel Commission to facilitate a retreat to help identify what they would like to work on within the scope of what they are charged with under the City Charter and Hayward Municipal Code, noted staff was looking for ways to isolate the items to place them on a Consent Calendar, and shared that the Personnel Commission Rules were undergoing review.

Council Member Bonilla Jr. stated that even in an advisory capacity, there were opportunities for people to feel that they were providing input and being heard, did not feel this was their current sentiment, indicated that the salary recommendations were reasonable, commented that Hayward was a well-run City and this was reflective of the staff, and underscored the need to pay competitive salaries to employees working in the City and serving the community.

It was moved by Council Member Bonilla Jr., seconded by Council Member Syrop, and carried by the following roll call vote, to approve the resolution.

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

Resolution 23-173, "Resolution Approving the Amended Fiscal Year 2024 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 23-144 and All Amendments Thereto"

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews thanked all attendees of the Juneteenth events on June 15, 2023, and June 17, 2023, and partners who contributed to making the events successful.

Council Member Bonilla Jr. acknowledged Council Member Andrews for her vision, leadership, passion, and fight for equity and ensuring that history and wrongs are written right and thanked her for her efforts organizing the event.

Council Member Roche congratulated Council Member Andrews, shared the Juneteenth event was a great event to get the community to downtown, and was a great kick-off to the summer season.

Mayor Salinas stated that the music at the Juneteenth event was great, added the event was a great way to open the street party season, and thanked Council Member Andrews for organizing the event and for her outstanding work. Mayor Salinas announced that June 27, 2023, would be the last Council meeting before the Council recess in July.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Salinas adjourned the City Council meeting at 9:42 p.m.



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Tuesday, June 20, 2023, 7:00 p.m.

APPROVED

Mark Salinas
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward