



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, March 23, 2021, 7:00 p.m.**

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m. The meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No 29-20 dated March 17, 2020, regarding the COVID-19 pandemic. Members of the City Council, City Staff, and members of the public participated via the Zoom platform.

Mayor Halliday asked for a moment of silence for the shooting victims in Atlanta, Georgia and Boulder, Colorado.

Pledge of Allegiance: Mayor Halliday

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:00 p.m., regarding the City Clerk's annual evaluation pursuant to Government Code 54957. Mayor Halliday reported there was no reportable action.

PRESENTATIONS

Council Member Wahab read a Proclamation declaring March 21, 2021 as Nowruz Day in the City of Hayward and recognizing the cultural and historical significance of Nowruz. Council Member Wahab wished Nowruz Mobarak and a Prosperous New Year to all who celebrate.

Mayor Halliday read a Certificate of Commendation presented to Development Services Director Simpson upon her retirement from the City of Hayward on March 26, 2021. City Manager McAdoo expressed her gratitude to Development Services Director Simpson for her dedication and commitment to the City of Hayward organization and community.

PUBLIC COMMENTS

City Manager McAdoo spoke about the March 16th Hayward Police Department officer involved shooting that resulted in a fatality, noting it was the subject of multiple investigations; provided an update on community conversations and policy innovation workshops regarding public safety; and noted information is available at www.hayward-ca.gov/HaywardSafe.

Mr. David Metters, Hayward resident, spoke in support of resources for police officers, including drones.

Ms. JG expressed gratitude for acknowledging Nowruz Day for the first time in Hayward, thanked the City Council and especially Council Member Wahab for endorsing it, and noted representation matters to the next generation.

Dr. Ann E. Maris, Hayward resident and Friends of San Lorenzo Creek member, expressed concern about lack of recognition for indigenous people who settled in Hayward including Ohlone people; and asked how the City was reaching out and engaging them to overcome mistrust.

Ms. Lory Hawley asked about the tent settlement in the flag garden at the corner of Foothill and Mission Boulevards, asked why tents have been allowed to stay, and why were encampments allowed to grow during this time.

Mr. Remo Kumar, Alameda County resident, requested sidewalk and lighting upgrades on Star Ridge Road. City Manager McAdoo noted the area was in unincorporated Hayward and City Clerk Lens provided him with a number to call to help him get in touch with the County.

Ms. Frances echoed concerns made by Ms. Hawley about encampments and the impacts on health, crime, and property investments.

City Manager McAdoo noted the City has been directed by Alameda County Health Department to follow Center for Disease Control and Prevention best practices and to not relocate encampments to limit the spread of COVID.

CONSENT

1. Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2021 **CONS 21-136**

Staff report submitted by Director of Finance/Interim Director of Human Resources Claussen dated March 23, 2021, was filed.

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

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



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
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Resolution 21-038, "Resolution Approving the Amended Fiscal Year 2021 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 21-023 and all Amendments Thereto"

2. Adopt Resolutions Authorizing the City Manager to Increase the Consultant and Construction Contracts for the 21st Century Library - Heritage Plaza Project and Appropriate Funds **CONS 21-139**

Staff report submitted by Director of Public Works Ameri dated March 23, 2021, was filed.

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

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

Resolution 21-039, "Resolution Authorizing an Appropriation of Additional Funds in the Amount of \$850,000 for Construction of the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project, Project No. 06988, within Measure C Capital Fund (Fund 406)"

Resolution 21-040, "Resolution Authorizing the City Manager to Amend the Contract with T.B. Penick & Sons, Inc., to Increase the Contract Amount by \$400,000 to a Not-to-Exceed Amount of \$53,348,512 for Additional Construction Services for the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project, Project No. 06988"

Resolution 21-041, "Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Noll + Tam Architects and Planners to Increase the Agreement Amount by \$100,000 to a Not-to-Exceed Amount of \$3,300,000 for Additional Services for the Hayward 21st Century Library and Heritage Plaza/ Arboretum Construction Project, Project No. 06998"

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3. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute Amendments to the Agreements with Five Consulting Firms, Increasing the Compensation to an Amount Not-to-Exceed the Total Fiscal Year 2021 Budget Appropriation for Consulting Services within the Development Services Department Building Division **CONS 21-148**

Staff report submitted by Director of Development Services Simpson dated March 23, 2021, was filed.

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

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

Resolution 21-042, "Resolution Authorizing the City Manager to Negotiate and Execute Amendments to the Agreements with Five Consulting Firms, Increasing the Compensation to an Amount Not to Exceed the Total FY21 Budget Appropriation (Development Services - Building) for Consulting Services"

LEGISLATIVE BUSINESS

4. Adopt a Resolution Denouncing Racism, Xenophobia, and Violence Against the Asian American and Pacific Islander Community **LB 21-010**

Staff report submitted by City Manager McAdoo dated March 23, 2021, was filed.

City Manager McAdoo provided a synopsis of the staff report and Mayor Halliday read the resolution into the record.

Mayor Halliday opened the public hearing at 7:55 p.m.

Mr. Alexis Villalobos, Hayward resident, encouraged Council and staff to continue the work to increase resources for intervention and prevention programs, support anti-racism programs and promote racial empathy and solidarity; and highlighted the importance to have Council members propose programs and policies similar to the referral brought by Council Member Wahab ten months ago.

Mayor Halliday closed the public hearing at 7:58 p.m.



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Mayor Halliday mentioned the Alameda County Stop Hate hotline to report hate crimes is (510) 208-4824.

Council Member Wahab made a motion to move the item.

Council Member Salinas seconded the motion.

Council Member Wahab spoke about her own experience and other Asian Americans being marginalized, discussed her May 13, 2020 referral to consider a resolution condemning anti-Asian sentiment and reaffirming the City's commitment to prosecute hate crimes and honor the Asian Pacific Islander heritage month; added that community members' concerns should not be ignored until issues get national attention; discussed the history of racism; mentioned she was proud of the work the City is doing in ensuring all voices are heard and urged all to proactively continue the work.

Council Member Andrews concurred with Council Member Wahab's comments, added that sometimes discrimination is more in the form of micro aggressions than outright violence, and recommended vetting resolutions by the GARE (Government Alliance on Race and Equity) team for recommendations and timely consideration including public input. City Manager McAdoo noted the resolution was recommended by GARE.

Council Member Salinas thanked City Manager McAdoo and the GARE team for bringing the item forward, reiterated the number to report crime, spoke about recent years' national events and how inflamed rhetoric in Washington affects all communities, and spoke about his experience in the classroom and noted the responsibility of educators to listen and provide space for students to process and reflect.

Council Member Zermeño spoke about his personal experience with racism as the first Mexican-born elected to Council and noted he will continue to work locally and regionally to ensure individuals have respect for one another.

Council Member Márquez thanked Council Member Wahab for raising the matter in the past and City Manager McAdoo and GARE team for bringing it back, appreciated Mr. Villalobos' comments and reiterated to stand up for individuals who are discriminated against and reach out on their behalf, and noted Asian Americans and Pacific Islanders are deeply rooted in the community.

Mayor Halliday encouraged reporting hate incidents; spoke about the 2017 City's Commitment for an Inclusive, Equitable and Compassionate Community document in response to the rhetoric from Washington at that time; noted that community members should get to know each other and celebrate different cultures in an effort to reduce hatred; applauded the work of educators to bring awareness to students; and discussed a planned marker in the Heritage Plaza

on Watkins Street commemorating the place of departure from 1942 for Japanese Americans who were bussed to detention camps during World War II.

Council Member Wahab acknowledged Council Members Andrews and Márquez for recognizing prior attempts to bring the item forward, appreciated the work done by the GARE team and expressed she wished the City could have addressed the item a year ago.

It was moved by Council Member Wahab, seconded by Council Member Salinas, and carried by the following roll call vote, to approve the resolution:

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

Resolution 21-043, "Resolution Denouncing Racism, Xenophobia, and Violence Against the Asian American and Pacific Islander Community"

WORK SESSION

5. Stratford Village Assessment District: Review Proposal to Hold a Proposition 218 Election for Maintenance District #1, Stratford Village Stormwater Lift Station **WS 21-014**

Staff report submitted by Director of Maintenance Services Rullman dated March 23, 2021, was filed.

Maintenance Services Director Rullman announced the staff report and introduced Management Analyst Blohm and SCI Senior Consultant Kyle Tankard who provided a synopsis of the staff report and provided an overview of the Proposition 218 process.

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:40 p.m.

City staff addressed questions posed by members of the City Council regarding the generator; the Supervisory Control and Data Acquisition (SCADA) system; communications with residents in the district via community meetings; Proposition 218 notification requirements; the 174 property owners who benefit from the station and contribute \$243 per year and anticipated increases to cost which will include CPI; the cost is pre-established by the County because they operate and maintain the pump; and when the Maintenance District was established in 1995 it did not include an inflation factor and there was an attempt to adjust the assessment many years ago but it was unsuccessful. Members of the City Council praised the varied range of community outreach efforts.



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REMOTE PARTICIPATION
Tuesday, March 23, 2021, 7:00 p.m.**

Council Member Andrews recommended that staff check with the Hayward Fire Department as well as Bay Area Air Quality Management District for additional work surrounding the generator regarding any environmental and sound mitigation concerns and suggested to be clear as to who bears the responsibility regarding any add-ons (SCADA upgrades) that might increase project cost.

Council Member Márquez asked staff to confirm the legal requirement for new property owners to receive disclosure during real estate transactions, suggested staff include language in information materials directing residents to where to find language assistance in common spoken languages in Hayward and find out why there are no fees assessed for the HARD park.

Council Member Lamnin expressed concern about the lack of transparency from the County related to prior studies that underwent a sudden jump in cost or the opportunity for the City to provide a second opinion, appreciated continued efforts for engagement, highlighted the importance to be frank about anticipated costs, and echoed Council Member Marquez's comments about assisting community members who may need translation services.

Council Member Wahab concurred with Council Member Andrews' comments because of her expertise, highlighted the City should account for inflation whenever there are fees involved, and echoed Council Member Márquez's comments about language assistance.

Mayor Halliday noted the importance to emphasize there are consequences for not properly maintaining the flood control system in the event of a major storm.

Mayor Halliday, with indulgence from the City Council, allowed Ms. Rona Popal to speak but she did not have a comment on the subject.

Council Member Andrews suggested staff communicate to the neighborhood that the generator would help in the event of power outage and flooding event.

Mayor Halliday noted the Council will receive an item discussing the ballot election process on April 27, 2021.

PUBLIC HEARING

6. Hayward Master Fee Schedule: Adopt a Resolution Amending the Fiscal Year 2022 Master Fee Schedule. **PH 21-021**

Staff report submitted by Director of Finance Claussen, dated March 23, 2021, was filed.

Director of Finance Claussen provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 9:08 p.m.

Mr. Carl Gorringer, Library Commissioner, echoed concerns expressed in his letter sent to Council about fees for the use of library meeting rooms, noted the fees may disincentivize groups from visiting the library, and advocated for elimination of fees for nonprofits/clubs/special interest/education/charitable groups as long as they are not using the space for profit.

Mayor Halliday closed the public hearing at 9:09 p.m.

Council Member Wahab agreed with the comment made by Mr. Gorringer and added that community groups without nonprofit status should be able to use meeting rooms without a fee.

City Manager McAdoo noted the Library Commission will be looking at its room rental fee schedule at their June meeting.

Library Director Addleman noted library meeting rooms had been busy and fees were set for maintenance and cleaning, noted the Library Commission plans to revisit the fees during its June meeting and added the goal is to balance serving the community and protecting city property.

Council Member Lamnin agreed with revisiting library fees as well as understanding costs and how much access can be given to both libraries and noted inconsistency with agenda packet or meeting notes costs across committees and suggested a flat annual subscription fee for paper copies.

Council Member Lamnin made a motion with two changes to the Master Fee Schedule: on page 8 remove the year in the statement about when rental fees are due and on page 32 remove "Homes for the Mentally impaired" language as it will be covered under 24-hour Community Care Facilities section.

Council Member Zermeño seconded the motion.

Council Member Márquez thanked Library Commissioner Gorringer for his input and Library Director for the information and asked when modifications to the fee schedule could be made based on Library Commission recommendations regarding equity and access.

Finance Director Claussen noted any amendments to the Master Fee Schedule could come back as standalone item without having to wait until midyear or annual updates.

Mayor Halliday supported making library more accessible and affordable, recalled in the past there was controversy with a group that wanted to use the library for a cause that was not community friendly, and noted she was not in favor of censorship or suppressing views but noted having a standard would be useful.



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, March 23, 2021, 7:00 p.m.**

It was moved by Council Member Lamnin, seconded by Council Member Zermeño, and carried by the following roll call vote, to approve the resolution with two amendments to the Master Fee Schedule:

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

Resolution 21-044, "Resolution Adopting the Fiscal Year 2022 Master Fee Schedule that Reflects Updated Fees and Charges for Departments in the City of Hayward and Rescinding Resolution No. 20-060 and all Amendments Thereto"

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Wahab expressed pride for the Nowruz Proclamation, highlighted it is a non-religious holiday and a celebration that predates the Persian Empire, and added she received gratitude from the community for the recognition including that of a public speaker who missed the public comment section.

Council Member Andrews announced the City was celebrating Earth Day with Earth Month Challenge from April 1-30, 2021, encouraged residents to complete eco-activities and win prizes, and provided the webpage for more information, hayward-ca.gov/earth-day.

Council Member Lamnin noted the Homelessness Reduction Strategic Plan is moving along and anticipates the item will come before Council on April 20, 2021.

Mayor Halliday noted the City Council will hold a special City Council Work Session to discuss the Council Member Handbook on March 30, 2021 at 5:00 p.m.

COUNCIL REFERRALS

None received.

ADJOURNMENT

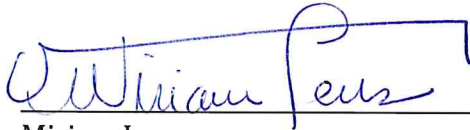
Mayor Halliday adjourned the meeting at 9:25 p.m.

APPROVED



Barbara Halliday
Mayor, City of Hayward

ATTEST:



Miriam Lens
City Clerk, City of Hayward