



## **SPECIAL CITY COUNCIL MEETING**

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

**Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/85625573419?pwd=a1psTXhmSEFmd2Q3bm9GY0ZjN1VLZz09>

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

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

**Pledge of Allegiance:** Council Member Zermeño

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

Absent: None

### **CLOSED SESSION ANNOUNCEMENT**

The City Council convened in closed session on January 31, 2023, at 5:30 p.m., with all members present and no public comment, regarding conference with legal counsel pursuant to Government Code section 54956.9(d)(2) and 54956.9(d)(3) concerning anticipated litigation involving multiple potential claims. City Attorney Lawson indicated that Council took no reportable action. The closed session adjourned at 7:00 p.m.

The City Council convened in closed session on February 7, 2023, at 5:30 p.m., with all members present and no public comment, regarding the annual performance evaluation of the City Clerk. City Attorney Lawson noted the Council took no reportable action. The closed session adjourned at 6:29 p.m.

### **PRESENTATIONS**

Keep Hayward Clean and Green Task Force (KHCG TF) Chair Haman provided a brief overview of KHCG TF and shared background of the Keep Hayward Clean and Green Beautiful Yard Contest. Mayor Salinas congratulated all winners for maintaining yards that are clean and free of debris, reduce water usage and have native plants and landscaping; and presented certificates of recognition to Eunice Wlcek and David Bogart for winning third place, Iris and Edward dela Calzada for second place, and Sergey and Natalie Melnikov for first place. Council Member Andrews presented gift cards to all winners.

Mayor Salinas read a certificate proclaiming the month of January 2023 as Human Trafficking Awareness Month and celebrating the focus of residents to participate in efforts to raise awareness of and end all forms of human trafficking. Mayor Salinas presented the certificate to Vanessa Russell, Love Never Fails Executive Director.

### **PUBLIC COMMENTS**

Ms. Bonnie Moss, Faircliff Street resident, commended City staff and the City Council for the excellent customer service response and community meeting regarding the mud and debris flow of the hillside which occurred between Dec. 27, 2022, through Jan. 18, 2023.

The following individuals spoke on behalf of Christina whose 16-year-old son was assaulted by members of the Hayward Police Department (HPD) on Jan. 20, 2023 during a traffic stop on Watkins Street; noted HPD refused to release reports and video camera footage of the incident; urged the City Council to help Christina get the information sought per SB 1421 and AB 748; asked the City Manager to make the matter her top priority; and make sure the investigation involves the voices of Christina and her son and action related to the matter goes beyond filing a complaint against police misconduct.

Mr. Alex Moreno, The Hayward Community Coalition member.

Ms. Cynthia Nunes, The Hayward Community Coalition member.

Mr. Collin Thormoto, The Hayward Community Coalition member, read a letter into the record.

Mr. Jesse Gunn, The Hayward Community Coalition member and Hayward teacher.

Ms. Rebecca, Bay Area resident.

### **CITY MANAGER'S COMMENTS**

City Manager McAdoo indicated she had sent an email to Christina and offered to meet with the Acting Police Chief; announced the launching of a Makerspace Open House on February 11, 2023, at the Downtown Library and the launching of American Sign Language/Spoken English Family Storytime on the fourth Saturday of every month at the Downtown Library.

### **CONSENT**

Consent items 2, 6 and 7 were removed from the Consent Calendar for discussion and separate vote.

1. Approve the City Council Minutes of the City Council Meeting on January 17, 2023 **MIN 23-015**

It was moved by Council Member Zermeño, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on January 17, 2023.

2. Approve the City Council Minutes of the City Council Meeting on January 24, 2023 **MIN 23-018**

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to approve the minutes of the City Council Meeting on January 24, 2023, with a small correction to page 4 as noted by Council Member Syrop. Following the City Council meeting, staff confirmed the draft minutes did not need to be amended as it contained the correct information.

3. Adopt a Resolution Authorizing the Extension of the Council Homelessness-Housing Task Force for an Additional One-Year Period Through March 2024 **CONS 23-034**

Staff report submitted by Housing Manager Morales and Assistant City Manager Claussen, dated February 7, 2023, was filed.



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

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

Resolution 23-027, "Resolution Authorizing the Extension of the Council Homelessness-Housing Task Force for an Additional One-Year Period through March 2024 and Appointment of Council Members"

4. Adopt a Resolution to Temporarily Suspend Applicable Local Planning and Zoning Requirements for Homeless Shelters Located on Specified Private Property, and Determining that the Common Sense CEQA Exemption Applies **CONS 23-063**

Staff report submitted by Community Services Manager Lobedan, Acting Development Services Director Buizer, and Senior Assistant City Attorney Vigilia, dated February 7, 2023, was filed.

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

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

Resolution 23-028, "Resolution to Temporarily Suspend Applicable Local Planning and Zoning Requirements for Existing Homeless Shelters Located on Specified Private Property"

5. Adopt Resolutions (1) Authorizing the City Manager to Execute the Amendment to the Project Funding Agreement with Alameda County Transportation Commission and Accept and Appropriate an Additional \$1,662,000 and (2) Approving Plans and Specifications and Call for Bids for the Re-Bid of the Mission Boulevard Corridor Improvements Phase 3 Project, No. 05287 **CONS 23-069**

Staff report submitted by Public Works Director Ameri, dated February 7, 2023, was filed.

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

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

Resolution 23-029, "Resolution of the City of Hayward Authorizing the City Manager to Execute an Amendment to the Project Funding Agreement with Alameda County Transportation Commission and to Accept and Appropriate \$1,662,000 in Grant Funds for Mission Boulevard Corridor Improvement Project Phase 3, Project No. 05287"

Resolution 23-030, "Resolution Approving Plans and Specifications for the Rebid of Mission Boulevard Corridor Improvements Phase 3 Project, Project No. 05287 and Call for Bids"

6. Adopt a Resolution Approving Garbage and Recycling Rates for 2023-2024 **CONS 23-072**

Staff report submitted by Public Works Director Ameri, dated February 7, 2023, was filed.

Council Member Roche requested consideration, particularly for multifamily and multigenerational housing, for not charging the contamination fee and overage fee during the soft launch of the new program and instead include further education explaining the program. City staff indicated the soft launch will include warnings and staff could contact Waste Management, particularly around multifamily properties and being more thoughtful about outreach and education.

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



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Zermeño  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 23-031, "Resolution Approving the Garbage & Recycling Rate Adjustment for 2023-2024"

7. Adopt a Resolution Authorizing the City Manager to Execute a Coordination, Resiliency, and Action Agreement with Russell City Energy Company, LLC and Accepting and Appropriating Donations for a Fire Department Hazardous Materials Response Vehicle and for the Russell City Reparative Justice Project (RCRJP) Following the Explosion that Occurred at the Russell City Energy Center on May 27, 2021 **CONS 23-085**

Staff report submitted by Assistant City Manager Youngblood and Fire Chief Contreras, dated February 7, 2023, was filed.

In response to Council Member Andrews' inquiry about the appropriation of \$20,000 for the Russell City Reparative Justice Project (RCRJP), City staff indicated it will be used for a cultural project approved by the RCRJP's Steering Committee, and the committee had been informed.

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

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

Resolution 23-032, "Resolution Authorizing the City Manager to Execute a Coordination, Resiliency, and Action Agreement with Russell City Energy Company, LLC and to Accept and Appropriate \$150,000 to Support the Purchase of a Fire Department Hazardous Materials Vehicle and \$20,000 for the Russell City Reparative Justice Project (RCRJP)"

## **PUBLIC HEARING**

### **8. Housing Element: Adopt a Resolution Amending the General Plan to Include the 2023-2031 Housing Element PH 23-008**

Staff report submitted by Acting Development Services Director Buizer, dated February 7, 2023, was filed.

Acting Development Services Director Buizer announced the item and introduced Principal Planner Schmidt who provided a synopsis of the staff report.

Discussion ensued among members of the City Council, City staff and Mr. Jason Montague with Rincon Consultants regarding: Regional Housing Needs Allocation (RHNA) allocations for cities in Alameda County underscoring Hayward's increase, from 2015 (3,920) to 2023 (4,624), relative to other jurisdictions was not significant; the city is committed to reducing governmental constraints and environmental and market constraints were not within the City's purview; the State adopted recent laws that allow for minimum densities and heights; nonvacant sites are underutilized sites based on criteria such as land value ratio, older structures, low floor area ratio and a comparison to development trends in the downtown and Mission Boulevard areas; 200 affordable units were crossed off and 952 units were added as a new construction because this was the number of units that were built above moderate income level in the last Housing Element cycle; the City was committing to developing 547 extremely low income housing, 528 very low income housing, 612 low income housing and 817 moderate income level housing units and the city was not precluded from exceeding these numbers; the online permitting software will help streamline development processes and staff could help individuals load their applications into the software at one of the computer stations in the Permit Center; concern that there may be surrounding jurisdictions that have not contributed their share to constructing housing to meet RHNA numbers; to meet the January 31, 2023 deadline, the city submitted a version of the Housing Element on January 4, 2023 and any amendments could still be submitted to HCD; as part of the Affordable Housing Ordinance, developers have requirements to prioritize individuals who either live or work in the city and have to submit an affordable housing plan, sign an affordable housing agreement, and also set a marketing plan reviewed by staff to ensure that a preference policy is implemented into the marketing strategy; through the Home Repair Program, there would be tie-in programs for retrofits for energy efficiency; the Affordable Housing Ordinance allows developers to comply by providing on-site inclusionary housing units or paying in-lieu fees and the city needs to collect the fee and have the on-site inclusionary units to provide diverse housing opportunities; BART placed the Downtown Hayward BART site under the near-term development category and the South Hayward BART site in the midterm category and Council could prioritize development sites for the next three to four years; opportunity sites on Mission Boulevard have adequate access; residents take advantage of the Home Repair Program which has existing funds; the Environmental Justice Element is in draft form and is planned to be presented to the Council Sustainability Committee with community engagement and Government Alliance on Race and Equity (GARE) could review it once ready; and there was concern about cost-burdened individuals who were placed in



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housing and are at risk of losing their housing and staff noted there were city and county housing resources to provide as many housing opportunities as possible to keep people housed.

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

Ms. Ro Aguilar read her comment into the record which summarized her ongoing advocacy for requiring developers to build inclusionary housing, particularly owner-occupied units.

Mayor Salinas closed the public hearing at 8:52 p.m.

Members of the City Council thanked staff for the work done on the Housing Element and commended the robust community outreach and engagement efforts.

Council Member Andrews noted that while it was important to get developers on board with inclusionary housing, it seemed difficult to get a higher percentage beyond the 20% for affordable housing based on a variety of factors mentioned in the Housing Element; noted she looked forward to reviewing updates to the Safety Element and considering the Environmental Justice Element and how it would be applied from a social justice perspective; was glad that seniors were identified in the special housing needs group; and favored engaging BART to prioritize development of BART sites to mitigate crime and spur economic development through more retail or pop-up opportunities.

Council Member Roche was proud of the City for working earnestly to meet RHNA goals; looked forward to hearing more about electric retrofitting for appliances in future discussions about the Climate Action Plan; and noted that she will comment on the policy for developers to build inclusionary units when the Affordable Housing Ordinance returns to Council for discussion.

Mayor Salinas requested that a press release be issued informing the community about the adoption of the 2023-2031 Housing Element.

Mayor Salinas made a motion to move the staff's recommendation.

Council Member Zermeño seconded the motion.

Council Member Zermeño expressed support for the proposed Housing Element, concurred that the public be made aware of the adoption of the Housing Element, agreed to prioritize development of the Downtown Hayward BART site, and encouraged all to contact BART Director McPartland.

Council Member Syrop noted that Ms. Ro Aguilar sent an email to the city requesting to have her husband's name replaced with her name in the Housing Element under the response to Public Comments section; stated that there was a desire expressed by the Planning Commission to revisit and strengthen the City's Rental Stabilization Ordinance; asked to consider rezoning larger portions of the city to accommodate new development during the Housing Element implementation; echoed prioritizing development of BART sites, contacting BART directors and offered to be a resource to staff; supported continuing to solicit community input through posts on the City calendar and social media channels; supported having discussion about inclusionary housing; requested that a new action be added to Program H-2 (Residential Rental Inspection Program) on page 65 of the Housing Plan with the hope to develop a rental registry with a timeline and objective date of implementation by January 2025; and added that the registry could be used by residents and Code Enforcement staff to provide a frequently updated database of the City's rental housing stock, could assist in streamlining mediations between tenants and landlords, and could improve compliance with rental laws.

In response to City Manager McAdoo's inquiry about an existing rental registry, Housing Manager Morales indicated the City had an inventory of rental units but not a registry that tracks rents. City Manager McAdoo responded that if a majority of the Council supported having a rental registry, the request would still require staff research, outreach, and an implementation plan.

Mayor Salinas noted that since the registry was a suggestion that emerged from the Homelessness-Housing Task Force (HHTF), Council Member Syrop's recommendation could be placed on the next HHTF meeting agenda for discussion and brought back to the Council for further discussion.

Council Member Syrop underscored he would like the rental registry to be a long-term priority for the City, emphasized the importance of setting this as a vision and placing a timeline on it as a part of the housing strategy and incorporating it into the General Plan, and preferred an amendment to the motion.

Mayor Salinas restated the amendment to the motion which was to include an enforceable rental registry as an action under Program H-2.

City Manager McAdoo noted the program recommendation could be a prioritization discussion as a part of the upcoming Strategic Roadmap retreat in March, if Council agreed.

Council Member Zermeño supported Council Member Syrop's recommendation but did not think it was the right time; and agreed with Mayor Salinas' suggestion to have the HHTF review it first, get community input, and then send potential recommendations made by HHTF to the Council.

Council Member Goldstein stated the rental registry was a worthy program to pursue; and although it sounded like a simple and logical request, it could have a ripple effect on other





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priorities; therefore, he supported the program be considered by the HHTF first and then brought back to the Council.

Council Member Márquez appreciated the deliberation and supported the rental registry and encouraged that Council Member Syrop bring up the program during the Strategic Roadmap retreat.

Council Member Syrop stated that his request was for the issue to be addressed in the next eight years, was not asking for an immediate adoption of a policy, and was providing more of an overall direction. Council Member Syrop restated his friendly amendment to the motion which included that in the next eight years an enforceable rental registry be developed under Program H-2.

Mayor Salinas did not accept the friendly amendment. Council Member Zermeño added that he would rather wait for further discussion and did not accept the friendly amendment.

The friendly amendment died for lack of support.

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

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

Resolution 23-033 "Resolution Adopting a General Plan Amendment to Update the Housing Element of the General Plan for the Period of 2023-2031"

## LEGISLATIVE BUSINESS

9. Salary Plan Amendment: Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for the Fiscal Year 2023 **LB 23-006**

Staff report submitted by Human Resources Director Frye, dated February 7, 2023, was filed.

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

There being no public comments, Mayor Salinas opened and closed the public hearing at 9:23 p.m.

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

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

Resolution 23-034 "Resolution Approving the Amended Fiscal Year 2023 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 23-019 and all Amendments Thereto"

#### **COUNCIL REPORTS AND ANNOUNCEMENTS**

There were none.

#### **COUNCIL REFERRALS**

There were none.

#### **ADJOURNMENT**

Mayor Salinas adjourned the City Council meeting at 9:25 p.m.

#### **APPROVED**

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Mark Salinas  
Mayor, City of Hayward

#### **ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward