



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Hybrid (Council Chamber) Virtual Platform (Zoom)

<https://hayward.zoom.us/j/84415253276?pwd=NG9tZjhXVmkwcU5NStHVHh3NWpqZz09>

Tuesday, October 11, 2022, 7:00 p.m.

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m. The City Council held a hybrid meeting in Council Chambers and virtually via Zoom.

Pledge of Allegiance: Council Member Salinas

ROLL CALL

Present

Council Chamber: Council Members Lamnin, Salinas, Zermeño
Mayor Halliday

Virtual Platform (Zoom): Council Member Márquez, Wahab

Absent: Council Members Andrews

Council Member Andrews joined the Zoom meeting at 7:07 p.m.

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 6:00 p.m., with all members present and no public comment, regarding two items: (1) Conference with labor negotiators pursuant to Government Code Section 54957.6 regarding the Hayward Police Officers Association; and (2) Conference with property negotiators pursuant to Government Code Section 54956.8 regarding Master Lease Renewal - Hayward Area Recreation and Park District, 28846 Bay Heights Rd, N Third St at Crescent Ave, 27020 Fielding Dr, 19501 Hesperian Blvd, 26780 Chiplay Ave, 22325 N 3rd St, 30504 Vanderbilt St, 27182 Patrick Ave, 275 Industrial Parkway West, Farm Hill Dr and Daisy Ct, N 3rd St and Crescent Ave, Colette St & Luvena Dr, Ward Creek Canyon, Eden Ave & Middle Ln, 27600 Decatur Way, Dickens Ave and Folsom Ave, 25610 Spring Dr, Stratford Rd & Canterbury Ln, Hamrick Ln and Rieger Ave, E 10th and Jefferson St, 301 Arrowhead Way, Santa Clara St and Winton Ave, 275 Goodwin St, 2580 Eden Park Pl, Tahoe Ave and Morningside Dr, 27798 Ross Pl, Panjon St and Huntwood Ave, 24176 Mission Blvd, Leonardo Way and Reed Way, 2841 Seahaven Ct, 22737 Main St, Bush Ln, 25625 Cypress Ave. City Attorney Lawson announced the Council discussed Items 1 and 2, provided direction to staff and took no reportable action. The closed session adjourned at 6:54 p.m.

PUBLIC COMMENTS

Mr. Frank Ferral, new Hayward Chamber of Commerce President and CEO, announced the President's Ball on October 21, 2022, at the Veterans Memorial Building and encouraged the Council to attend the event which would benefit veterans.

Mr. David Whatley wanted to know if there was a City liaison to the BART Board of Directors and requested to follow up with the City Attorney on the rich tech device in the lobby. Mayor

Halliday noted that the City had a Joint Powers Agreement with BART but did not have a liaison.

Ms. Mimi Dean was disappointed City staff did not provide an update on the Airport Skywest Land Use Planning to the Eden Area Municipal Advisory Council (MAC) due to a scheduling conflict. City Manager McAdoo noted City staff would be able to present the item at the following month's Eden Area MAC meeting.

CITY MANAGER'S COMMENTS

City Manager McAdoo made two comments: 1) shared that Water Pollution Control Facility Lab Supervisor Farid Ramezanzadeh passed away in a tragic accident while in vacation and acknowledged he was recognized throughout the state for his work in advancing wastewater treatment; and 2) spoke about four unrelated homicides that occurred in the last ten days, noted the Hayward Police Department (HPD) has persons in custody for three of the homicides, and shared there were ten homicides in 2022 and offenders were in custody for 50% of these incidents. Deputy Police Chief Matthews commented that preliminary analysis for the four homicides, indicates they were separate incidents in different geographic areas, and added that there was no information to suggest the community should be at a heightened state of community risk.

Mayor Halliday stated the October 25, 2022 Council meeting would be adjourned in memory of City employee Farid Ramezanzadeh.

CONSENT

Consent Items 6 through 10 were removed from the Consent Calendar for separate vote.

1. Approve the City Council Minutes of the City Council Meeting on September 20, 2022 **MIN 22-115**

It was moved by Council Member Zermeno, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council Meeting on September 20, 2022.

2. Approve the City Council Minutes of the City Council Meeting on September 27, 2022 **MIN 22-116**

It was moved by Council Member Zermeno, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council Meeting on September 27, 2022.

3. Adopt a Resolution Accepting the Resignation of Mr. Roy Mick Rubio from the Community Services Commission, Effective Immediately **CONS 22-547**

Staff report submitted by City Clerk Lens, dated October 11, 2022, was filed.

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



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Wahab, Zermelo
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 22-243, "Resolution Accepting the Resignation of Mr. Roy Mick Rubio from the Community Services Commission"

4. Adopt a Resolution Appointing Ms. Elaine Alvite to the Community Services Commission to Fill the Unexpired Term of Mr. Roy Mick Rubio **CONS 22-548**

Staff report submitted by City Clerk Lens, dated October 11, 2022, was filed.

Council Member Zermelo acknowledged Ms. Elaine Alvite who was in the Council Chamber.

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

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

Resolution 22-244 "Resolution Appointing Ms. Elaine Alvite to the Community Services Commission to Fill the Unexpired Term of Mr. Roy Mick Rubio"

5. Adopt a Resolution Accepting the Resignation of Ms. Linda Xu from the Keep Hayward Clean and Green Task Force, Effective Immediately **CONS 22-559**

Staff report submitted by City Clerk Lens, dated October 11, 2022, was filed.

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

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

Resolution 22-245, "Resolution Accepting the Resignation of Ms. Linda Xu
from the Keep Hayward Clean and Green Task Force"

6. Adopt a Resolution Approving Addendums No. 1, No. 2, and No. 3, Accepting the Bid Protest, and Awarding a Contract to Blocka Construction, Inc., for the Water Pollution Control Facility Switchgear Rehabilitation Project No. 07656, in an Amount Not-to Exceed \$13,169,800, and Appropriating Additional Funds in the Amount of \$2,669,635 **CONS 22-542**

Staff report submitted by Director of Public Works Ameri, dated October 11, 2022, was filed.

In response to Mr. David Whatley's inquiry, Public Works Director Ameri stated that Senior Utilities Engineer England was the project manager, the funds for the project were from Wastewater Capital Improvements Fund, and explained the bid protest process noting Blocka Construction was responsive to the project requirements.

Mr. Alex Ferguson, Project Manager for Anvil Power, and lowest bidder, disagreed with the decision that the bid submitted by his firm was unresponsive, noted his firm was experienced in wastewater gear projects and was working on current projects of similar size and scope, added that by adopting the resolution the City would be wasting about \$1.5 million, and requested continuance of the item to award the project to the lowest bidder.

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

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

Resolution 22-246, "Resolution Approving Addendums No. 1, No. 2, and No.3, Accepting the Bid Protest, and Awarding a Contract to Blocka Construction, Inc., for the Water Pollution Control Facility's Switchgear Rehabilitation Project, Project No. 07656, in an Amount Not-to-Exceed \$13,169,800, and Appropriating Additional Funds in the Amount of \$2,669,635"



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7. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$55,000 in Grant Funding from the University of California Davis Koret Shelter Medicine Program's "California for All Animals" Grant to the Hayward Police Department's Animal Services Bureau **CONS 22-526**

Staff report submitted by Police Chief Chaplin, dated October 11, 2022, was filed.

Mr. David Whatley acknowledged two volunteers who were in the Council Chambers for their service to the Hayward Animal Services Bureau. In response to Mr. Whatley's inquiry, Animal Services Administrator Comstock noted the funding received by UC Davis was from Governor Newsom to the UC Davis Koret Shelter Medicine Program for the purpose of funding shelters and organizations to help reduce overpopulation at shelters.

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

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

Resolution 22-247, "Resolution Authorizing the City Manager to Accept and Appropriate \$55,000 in Grant Funding from the University of California Davis Koret Shelter Medicine Program's "California for all Animals" Grant to the Hayward Animal Services Bureau"

8. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$125,000 in Grant Funding from the Stupski Foundation for the Hayward Food, Agriculture, and Economy Plan **CONS 22-555**

Staff report submitted by Assistant City Manager Ott, dated October 11, 2022, was filed.

Mr. David Whatley asked where the Stupski Foundation was located, who the executive representative is, and whether the Hayward Food, Agriculture, and Economy Plan has a liaison with U.S. Department of Agriculture. Mayor Halliday directed staff to note Mr. Whatley's questions and to provide responses at a later time.

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

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

Resolution 22-248, "Resolution Authorizing the City Manager to Accept and Appropriate \$125,000 to Fund 240 in Grant Funding from the Stupski Foundation for the Hayward Food, Agriculture, and Economy Plan"

9. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$29,000 in Grant Funding from the Alameda County Office of Emergency Services for the Installation of a Transfer Switch for the Hayward Communication Center **CONS 22-557**

Staff report submitted by Fire Chief Contreras, dated October 11, 2022, was filed.

Mr. David Whatley asked what the Hayward Communication Center was.

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

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

Resolution 22-249, "Resolution Authorizing the City Manager to Accept and Appropriate \$29,000 in Grant Funding from Alameda County Office of Emergency Services for the Installation of a Transfer Switch at the Hayward Communication Center"

10. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Lease Agreement with Forestr.org for the Hazel Community Garden through December 31, 2023, with an Option for a Two-Year Extension

Staff report submitted by City Manager McAdoo, dated October 11, 2022, was filed.

In response to Mr. David Whatley, Assistant City Manager Ott noted Forestr was a non-profit organization.



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Council Member Andrews expressed that she was excited the City was working with Forestr.

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

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

Resolution 22-250, "Resolution Authorizing the City Manager to Negotiate and Execute a Lease Agreement with Forestr.Org for the Hazel Community Garden through December 31, 2023, with an Option for a Two-Year Extension"

WORK SESSION

11. Downtown Hayward Improvement Association: Report on Activities from Downtown Hayward Improvement Association District Manager (Oral Report Only) (Report from Assistant City Manager/Development Services Director Ott) **WS 22-032**

Presentation submitted by Assistant City Manager/Development Services Director Ott, dated October 11, 2022, was filed.

Assistant City Manager/Development Services Director Ott announced the item and introduced Mr. Dominic Li Mandri, Downtown Hayward Improvement Association District (DHIA) Manager, who provided a summary of the FY21-22 Annual Report on the DHIA which was submitted in the Council packet as Attachment I and highlighted the DHIA's history; DHIA's governing structure and annual budget; business conducted through three advisory committees: 1) Sidewalk Operations, Beautification and Order (SOBO) Committee, 2) District Identity and Streetscape Improvement (DISI) Committee, and 3) Land Use and Project Review Committee; highlights in 2021-2022; potential projects in 2022-2023; and end of year transition of New City America out of management of the DHIA.

Mayor Halliday opened the public comment period at 8:39 p.m.

Mr. David Whatley spoke about inappropriate behavior and the lack of following federal and state laws.

Mayor Halliday closed the public comment period at 8:43 p.m.

Members of the City Council thanked DHIA Manager Dominic Li Mandri for the efforts improving the downtown; donation to Juneteenth as well as to other downtown events; concentrated efforts to clean up the entire district; and assistance to businesses during the pandemic.

In response to Council Member Andrews' inquiry about the process for the Request for Proposal (RFP) for management and security during the transition period, Mr. Li Mandri noted DHIA was working on an agreement with Bay Area Community Services to hire outreach personnel to provide services in the downtown.

In response to Council Member Andrews' inquiry about how to accomplish a partnership between property owners and business operators to commit to permanent public art that is more interactive, Mr. Li Mandri shared the model of a revolving arts grant program to promote the local community as an artist destination. Council Member Andrews expressed disappointment about the transition; but agreed that DHIA hiring a local management firm would be best and hoped that New City America would provide guidance during the transition.

In response to Council Member Salinas' inquiry about transition plans and engaging the Hayward Chamber of Commerce, Assistant City Manager Ott noted the City has two seats on the DHIA Board and would ensure to be involved during the transition, the equipment acquired over the years would stay with DHIA, and staff would need to study if DHIA could have a contract with the Chamber of Commerce to fulfill necessary work obligations.

In response to Council Member Salinas' inquiry for stronger authority beyond private security in the downtown to enforce public nuisance such as through the Hayward Police Department (HPD) or public security, Assistant City Manager Ott noted that security ambassadors or additional outreach workers could be explored as options to address concerns and Deputy Police Chief Matthews and City Manager McAdoo noted that HPD would be supportive of contracting with DHIA, but current staffing levels would not make it a feasible option.

Council Member Salinas expressed concern about the success of new restaurants due to lack of enforcement in the downtown area.

Council Member Márquez expressed the Hayward Chamber of Commerce was already at capacity with its own commitments; encouraged the RFP process to seek a neutral third party; highlighted the importance to activate spaces, especially vacant lots, and suggested a dashboard on DHIA and City websites to promote upcoming projects in the pipeline and creating video testimonies from long standing businesses operators/customers; echoed concerns about public safety noting there needs to be a partnership between security and HPD to continue the positive interactions of police officers with the youth and merchants; and supported partnering with nonprofit organizations to help unsheltered individuals get services.



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In response to Council Member Márquez's inquiry about an update on the Bay Area Community Services (BACS) purchasing of the St. Regis Retirement Center facility, City Manager McAdoo noted BACS was in the process of transitioning and obtaining state approval with the goal of the facility to provide intensive care to individuals experiencing severe mental health illness or substance abuse and did not meet the criteria for assistance at the navigation center, which would be an added resource to City staff and downtown businesses.

Council Member Zermeño requested that Mr. Li Mandri assist with the negotiations with existing operators to fill empty storefront businesses; noted the downtown area was improving as a destination place but underscored the improvements were happening at a slow pace; requested that staff ensure that all lights are functioning on B Street and garbage cans serviced; recommended carnations for the flowerpots that were being hung in the area; requested a comic book seller in Hayward; announced there would be a Cinco de Mayo Festival on April 20, 2023; advocated for Main and B Streets to be carless; stated that once HPD filled vacancies, police presence could help restore public safety concerns; and commented that the City could consider an ordinance allowing to fine property owners with empty storefronts in the downtown.

Economic Development Manager Nguyen spoke about efforts to bring new businesses to vacant properties such as Arthur Mac's Tap and Snack, East Bay Eats, and Max's Cakes and Nomi's Cafe which recently opened on Main Street.

In response to Mayor Halliday's inquiry, Economic Development Manager Nguyen shared that \$2 million of ARPA funds had been allocated to the Economic Development Division for purposes of economic recovery post COVID-19 and two of the division's nine programs addressed workforce development.

Council Member Wahab recommended a coordinated effort in trying to expand the downtown which is comprised of several streets that are less walkable such as parts of Foothill Boulevard, and suggested that when events are held in the downtown, that streets further out be blocked off as well; suggested partnering with HUSD or HLAC to have an intake form that can filled out for Hayward students looking for entry-level part-time seasonal jobs to address some challenges in hiring employees; recommended having a robust relationship with BACS and requesting more frequent visits by their street team, and suggested partnering with the Command Center to ensure routine presence including Saturdays; and suggested that the streets be shut down during the summer season every Friday to make the downtown a destination area and underscored that activation of the area by expanding the event hours would be beneficial to businesses.

Mayor Halliday indicated that some downtown streets were shut down for street parties which brought people to the area and commented that the Mariachi Festival was an amazing event with many people in attendance and no incidents reported.

PUBLIC HEARING

12. Manon Avenue Project: Proposed Development with 22 Rental Townhome Units and Related Site Improvements at 27865 Manon Avenue, Assessor Parcel Number 453-0090-014-00, Requiring Approval of Zone Change, Density Bonus, and Site Plan Review Application 202101491. Ragini Vecham for Sunflower Manon LLC (Applicant and Property Owner) (Report from Assistant City Manager/Development Services Director Ott) **PH 22-052**

Staff report submitted by Assistant City Manager/Development Services Director Ott, dated October 11, 2021, was filed.

Assistant City Manager Ott introduced Senior Planner Blanton who provided a synopsis of the staff report. Mr. Bob Iwersen, with Hunt Hale Jones Architects, spoke on behalf of the project applicant, and shared a PowerPoint presentation.

Discussion ensued among members of the City Council, City staff and Mr. Bob Iwersen and Ragini Vecham regarding: maximum parking ratios are imposed for density bonus projects by State Density Bonus Law; the project had 10% requirement for accessibility and the project would include adaptability of three of the units; solar panel infrastructure would be provided but solar panels would have to be added and subject to the City's Reach Code; the project meets universal design standards which would include ease of access infrastructure and elements such as grab bars could be installed upon tenant request; the proposed project included parking spaces on the property with each unit assigned one car garage and 19 additional uncovered spaces in the back and did not include any street parking spaces; while there were no programmed amenities in the open space, during the building permit process, the City's Landscape Architect would further review preliminary plans; proximity of the proposal to public transportation did not warrant additional parking spaces; the cost of rent for the proposed units was estimated at \$3,500-\$4,000 per unit and approximated below \$3,000 for affordable units and set based on area median income to ensure they stay affordable; the project would not include gas usage and would be all electric; the number of trees at the proposed project and, via a condition of approval, trees could be added to the project; and electric vehicle ready facilities would be installed and subject to the Reach Code.

Mayor Halliday opened the public hearing at 10:02 p.m.

Mr. David Whatley requested that when the plan for affordable units is discussed, two low-income affordable housing units in the proposed project be considered for Afghan refugees.

Mayor Halliday closed the public hearing at 10:06 p.m.



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Council Member Salinas made a motion to approve the project per staff's recommendation with a friendly amendment requiring increasing the number of trees in the proposal.

Council Member Zermeño seconded the motion with a condition of approval for the trees.

Council Member Zermeño disclosed that he had met with the owner of the property about two years ago and was agreeable with the number of parking spaces in the proposed project.

Council Member Lamnin shared that having a market rate rental proposal was challenging but was inclined to support the proposal for its universal design standards component; recommended that the applicant work with Community Resources for Independent Living (CRIL) for accessible units as there could be incentives to help people, work with AC Transit for EasyPass opportunities; supported refugee access to housing opportunities and Hayward first priority for placement of qualifying residents; and supported continuing to work with the development community to bring affordable ownership.

Council Member Wahab stressed that she could not support the project due to its lack of affordability; noted the parking provided was not sufficient; mentioned there were already existing parking issues in the area stating that multigenerational households could have three to six adults living there; and stated she wanted to see changes before supporting the proposal.

Mayor Halliday expressed her support of the project; noted that Planning Commissioner Goldstein mentioned the concept of unbundled parking and suggested this be considered as the plans are further evaluated; and noted there was another tool to manage parking concerns through a neighborhood parking permit program.

It was moved by Council Member Salinas, seconded by Council Member Zermeño, and carried by the following roll call vote, to approve the resolution and introduce the ordinance with a friendly amendment requiring additional trees than proposed.

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

Resolution 22-251 "Resolution Adopting the Environmental Consistency Checklist and Approving the Zone Change, Density Bonus, and Site Plan Review Application Pertaining to the Construction of 22 New Rental Townhomes at A Site Located at 27865 Manon Avenue"

Introduction of Ordinance 22- “An Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code by Rezoning Certain Property from Single Family Residential District to Medium Density Residential District in Connection with Zone Change, Density Bonus, and Site Plan Review Application No. 202101491 to Accommodate 22 Rental Townhomes at 27865 Manon Avenue”

INFORMATIONAL ITEM

13. Hayward Residential Design Study Update (Previously Named Residential Objective Standards and Zoning Consistency Update) **RPT 22-089**

Staff report submitted by Assistant City Manager/Development Services Director Ott, dated October 11, 2021, was filed.

The report was general written information for Council and the public, and was not discussed.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews announced the Keep Hayward Clean and Green Task Force was hosting a Make a Difference Day clean-up event on October 22, 2022, in the Tennyson Corridor neighborhood; and shared there would be a Trunk or Treat drive at the Eden Youth and Family Center in the afternoon.

Council Member Zermeño wished everyone Happy Native Americans Day.

Council Member Márquez acknowledged Council Member Zermeño for leading the effort for the City’s 12th annual Mariachi Festival, the Chamber of Commerce for its partnership, and City staff for all their work; stated that October 12, 2022, was International Walk and Roll to School Day, and she would participate by joining students at Tyrrell Elementary School and encouraged all to do more walking and bike riding.

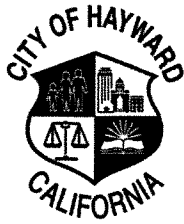
Mayor Halliday shared that she would also be participating in International Walk and Roll to School Day at Cherryland Elementary School, noting that this event was sponsored by the Alameda County Transportation Commission and their Safe Routes to School program.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the City Council meeting at 10:19 p.m.



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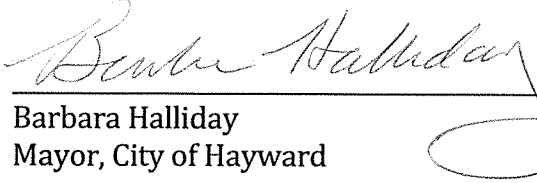
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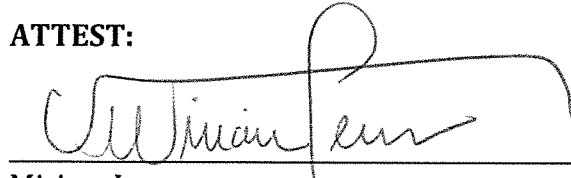
Tuesday, October 11, 2022, 7:00 p.m.

APPROVED



Barbara Halliday
Mayor, City of Hayward

ATTEST:



Miriam Lens
City Clerk, City of Hayward