

**SPECIAL CITY COUNCIL MEETING
TUESDAY, JULY 21, 2020**

**DOCUMENTS RECEIVED
AFTER PUBLISHED AGENDA**

AGENDA QUESTIONS & ANSWERS

Items 5, 7, 8 & 9

AGENDA QUESTIONS & ANSWERS

MEETING DATE: July 21, 2020

Item 5: [CONS 20-386](#) Adopt Resolutions Approving Plans and Specifications and Call for Bids and Authorizing the City Manager to execute an Amendment to the Professional Services Agreement with Mark Thomas & Company, in an amount not-to-exceed amount of \$150,000, for the Mission Boulevard Corridor Improvements Phase 3 Project

Item 5 and Huntwood Item on 7/20 Agenda: Any feedback from AC Transit on either of these proposals?

AC Transit has been a collaborative partner in the design of the Mission Blvd. Phase 3 project. The current design alternative reflects comments/concerns expressed by AC Transit. As to transit stop design and transit/bike conflicts, AC Transit will be an important stakeholder now that public outreach has begun on the Huntwood Ave Complete Streets project. Their input will be taken into consideration and guide our final design.

Item 7: [CONS 20-393](#) Adopt Resolutions Authorizing the City Manager to Execute a Memorandum of Understanding (MOU) with the Alameda County Public Works Agency for the Hesperian Boulevard and West A Street Protected Intersection Project and Appropriate \$1,250,056 for this Project from Measure BB (Local Transportation), Fund 212; Measure B (Local Transportation), Fund 215; and the Transportation System Improvement, Fund 460

Item 7 - A Street intersection: Appreciation for the collaboration on this item!! Does Staff anticipate any additional back up on A Street during peak hours with the loss of the free right turn lane?

There will be no noticeable impact to queuing or delay expected from the removal of the channelized right turn. By removing the channelized right turn, visibility will be improved for the oncoming northbound Hesperian Blvd traffic. Right turning motorists can now see oncoming traffic from a 90 degree angle with removal of the channelized island which is a significant benefit. Removal of channelized right turn islands is an engineering best practice as it significantly reduces high speed pedestrian conflicts and improves overall safety.

Item 8: [CONS 20-402](#) Adopt a Resolution Authorizing and Appropriating Additional Emergency Funding in Response to Novel (New) Coronavirus (COVID-19)

Item 8 - Additional Funding for covid response: Do you still anticipate receiving reimbursement (75%) from FEMA?

The City is aggressively seeking reimbursement at the County, State & Federal levels. The City is nearing an agreement with Alameda County for \$1.5 M in reimbursement of the cost for COVID testing. The nearly \$2 M that the City should receive from the State's Coronavirus Relief Fund will also serve to cover related expenses. The City will be submitting all costs not covered by another funding source for FEMA reimbursement (through the California Office of Emergency Services); these will be subject to the FEMA 75% reimbursement limits.

Item 9: [PH 20-058](#) Costco Business Center Fuel Facility: Proposed Development of a Fuel Facility with Related Site Improvements at the Costco Business Center Located at 22330 Hathaway Avenue (Assessor Parcel No. 429-0082-003-00) Requiring Approval of a Major Modification to an Existing Planned

Development Zoning District (Application No. 201706217) and Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Barghausen Engineering on Behalf of Costco Wholesale Corporation (Applicant/Owner) (Report from Development Services Director Simpson)

Item 9 - To your knowledge, has there been a negative impact to the gas stations on or near Hesperian as a result of the Costco gas station there?

To staff's knowledge, there was not a major impact to gas stations on Hesperian resulting from the added gas station at the Costco store. The applicant's market study (see Appendix VII, Page 4), which presents case studies of Costco gas stations entering other markets, found that new Costco gas stations caused "a short-term downward trend in gasoline sales, then a re-stabilization within six months after a period of market adjustment, marked by no decline in the number of gas stations, with some cities even increasing the number of gas stations or planning expansions." It is also important to note that while there are other gas stations located close to the A Street Costco Business Center, it does not mean that Costco members currently already purchase gas at those stations, purchase gas at them to any significant degree, or purchase gas disproportionately relative other Hayward gas stations. The study found that, "if Costco members redirect their gasoline purchases away from gas stations in Hayward, and towards the new Costco gas station at the Business Center to the neglect of existing Hayward stations, the closest gas stations may not be the gas stations they would switch away from. The Hayward gas stations that would experience sales losses would in all likelihood be more dispersed throughout the city, in keeping with the geographic distribution of Costco members' home and work locations."

ITEM #1 MIN 20-079

**Approve City Council Minutes of the
City Council Meeting on July 7, 2020**

MEMO



DATE: July 21, 2020
TO: Mayor and City Council
FROM: City Clerk
SUBJECT Special City Council Minutes of July 7, 2020

We have received a request to clarify the minutes of the Special City Council meeting on July 7, 2019.

Third paragraph of page 14 currently reads:

“In response to Council Member Wahab’s inquiries, City Manager McAdoo shared the July 21 Council meeting would address the police budget and seven demands, there would be a joint town hall meeting with HUSD Superintendent Wayne on July 21 via Zoom, Library staff will prioritize technology resources for students who will be remote learning.”

Proposed to read:

“In response to Council Member Wahab’s inquiries, City Manager McAdoo shared the July 21 Council meeting would address the community engagement plan regarding the police budget and seven demands, there would be a joint town hall meeting with HUSD Superintendent Wayne on July 13 via Zoom, Library staff will prioritize technology resources for students who will be remote learning.”

With the change noted above, I respectfully request approval of the minutes.

ITEM #10 WS 20-035

**Public Safety Community Engagement
Plan: Review and Provide Feedback on
the Proposed Public Safety Community
Engagement Plan**

**(Report from City Manager McAdoo and
Chief of Police Chaplin)**

PUBLIC COMMENT

From: Kelly McAdoo
Sent: Tuesday, July 21, 2020 12:47 PM
To: List-Mayor-Council
Cc: Jennifer Ott; Monica Davis; Maria Hurtado; Michael Lawson; Chuck Finnie
Subject: FW: CSC Letter of Support of Black Lives - Transmittal to Council by 7/21
Attachments: CSC Letter in Support of Black Lives Letter.pdf; 2020-07-20 Transmittal Memo CSC Letter of Support.doc

Importance: High

Good afternoon Mayor and Council-

The Community Services Commission asked that this letter be transmitted to the City Council. Please see the staff explanation below of how this letter came about and please let me know if you have any questions.

This letter may come up during tonight's Council meeting. CM Lamnin is the Council liaison to the CSC and was present during the discussion at last week's meeting.

Thank you-
Kelly

Kelly McAdoo
City Manager
City of Hayward | 777 B Street | Hayward, CA 94541
☎ Phone: 510.583.4305 | Fax: 510-583-3601 | * Email: kelly.mcadoo@hayward-ca.gov



For scheduling assistance, please contact Rosalinda Romero, at (510) 583-4301 or Rosalinda.romero@hayward-ca.gov.

From: Jennifer Ott <Jennifer.Ott@hayward-ca.gov>
Sent: Tuesday, July 21, 2020 12:11 PM
To: Kelly McAdoo <Kelly.McAdoo@hayward-ca.gov>; Michael Lawson <Michael.Lawson@hayward-ca.gov>; Maria Hurtado <Maria.Hurtado@hayward-ca.gov>
Cc: Chuck Finnie <Chuck.Finnie@hayward-ca.gov>; Monica Davis <Monica.Davis@hayward-ca.gov>
Subject: CSC Letter of Support of Black Lives - Transmittal to Council by 7/21
Importance: High

Hello Kelly:

Attached to this email is a transmittal memo and the Community Services Commission (CSC) letter of support for Black lives for you to transmit to Council. The CSC requested that these items be transmitted to Council in advance of tonight's Council meeting.

At the June 17, 2020 CSC meeting, staff presented on the City's Racial Equity Action Plan and the Government Alliance for Racial Equity (GARE) cohort details. The Commissioners provided feedback on the plan and a subset of Commissioners requested to write a letter of support for review and approval by the full CSC. A subcommittee was formed with Commissioner Berry, Commissioner Chauhan, Commissioner Guzman, Commissioner Garg, Commissioner Lawrence, Commissioner Moore, and Commissioner Vasaura to draft a letter of support for the full CSC to review. On July 15, 2020, the CSC unanimously passed the letter of support for Black lives, with all three corresponding attachments (all included in attached PDF). Staff had recommended to the CSC that they postpone discussing and transmitting the attachment of specific recommendations until after the July 21, 2020 Council hearing on the public safety community engagement plan to allow time for Council to provide direction on the outreach process and for staff to provide further analysis on the specific recommendations, but the CSC moved ahead and included the recommendations attachment in their July approval of the letter.

Please let me know if you have any questions.

Thanks,
Jen

Jennifer Ott
Deputy City Manager
City of Hayward
777 B Street
Hayward, CA 94541

510-583-4302 (office)

July 15, 2020

Dear Mayor Halliday and City Council Members,

We find ourselves in a long overdue moment where we are grappling nationally and locally with the murders of George Floyd, Breonna Taylor, Ahmaud Arbery, Rayshard Brooks and all the (named and unnamed) Black lives preceding them struck down by a system of policing that was never meant to protect them.

The Community Services Commission (CSC) affirms that Black Lives Matter. We stand in solidarity with the calls for reparations to Black communities across this country. We acknowledge the painful legacy of chattel slavery and its impacts across generations of Black people on whose backs this country was and is built. We honor the fact that descendants of enslaved Black people are owed compensation not only for what their ancestors endured but also for what they continue to endure. In this affirmation, we express our support for the national and local efforts surrounding the Movement for Black Lives and Defunding of the Police.

While Hayward is regularly touted for its ethnic and racial diversity, it is not immune from the long history of racism and the modern insidious nature of racism. From the displacement of the Yrgin people and theft of Ohlone land; redlining, title restrictions, and racial covenants that pushed Black people to rural, unincorporated outskirts like Russell City; the subsequent erasure of Russell City by City of Hayward, resulting in the erasure of a musically rich touchstone of local Black culture; to present-day gentrification that economically drives out Black community members; the City of Hayward must reckon with its multiple accumulated, unpaid debts to our Black, Indigenous, and Brown residents. Hayward continues to criminalize Black, Indigenous, and Brown communities via investments in increased policing that far too often robs Black and Brown bodies of life and dignity. Before us is an opportunity - as a community - to make real steps toward rectifying the ills and errors of these transgressions.

The CSC is responsible for making recommendations for the annual distribution of approximately \$2 million in Federal and Local funding to support various community services targeted to the most vulnerable residents of Hayward. As part of this responsibility, the CSC has already adopted the use of a racial equity lens in our funding recommendations. We intend to go even further to ensure Black community members - who are over-represented among the vulnerable population our services funding targets- are appropriately supported and resourced. To address this, we not only need to fund these services, but also look at all social services

housed within and funded by the City of Hayward to address the root causes of this disparate need.

We support the recent approval of the Racial Equity Action Plan to forward anti-racist policies, to use a Racial Equity lens in budgeting for all city services, contracting, and hiring; and to ensure all city staff and council members are provided implicit bias and racial equity training within the next fiscal year. In the present landscape the most pressing issue amongst this pursuit of racial equity and racial justice is the effort is to reimagine Public Safety through a lens of racial equity that decouples Public Safety from systems of policing, which invariably lead to violence against Black, Indigenous, and Brown bodies. The verbal expressions of support for Black Lives we've heard from many of you are important, and we look forward to seeing those coupled with concrete actions that address the racial disparities across our city.

The Community Services Commission is using this moment as an opportunity of self-reflection to review our own processes and establish how we can support this movement long-term within the scope of our commission. Attachment I outlines our own commitments and intentions regarding our own work as a commission. Attachment II is the Policy and enumerated Powers and Duties of the Community Services Commission per the Hayward Municipal Code. Attachment III is our recommendations to Council regarding statements, policies, and direction we feel are appropriate for Council to take at this time.

The inimitable Angela Y. Davis says, "in a racist society, it is not enough to be non-racist, we must be anti-racist." As the Community Services Commission strives to ground its work in anti-racism as an extension of the racial equity framework, we invite you all to meet us on that field of anti-racism so Black residents of Hayward - and by extension all residents of Hayward - can thrive in our community.

Sincerely,

Community Services Commission

ATTACHMENT I

Community Services Commission Commitments and Intentions

1. Review of the CSC funding process to prioritize funding recommendations for agencies and projects that directly support our Black residents. These priorities will include food-security for Black residents, extra-curricular educational options for Black students, and efforts that spur the revitalization of Black theater, music, and art.
2. Expand the racial equity lens to supporting agencies with leadership and staffing representative of the communities they serve. This will allow us to ensure that we are supporting our city's Black, Brown, and Indigenous community leaders. We will do this by requesting more data during the application process beginning with FY 2022-2023. This information will not be used punitively, but as a driver to encourage agencies to review their own hiring practices and processes with a racial equity lens.
3. Request and receive an annual reporting from the Hayward Police Department (HPD) regarding all social services under HPD's purview, including all available data on race/ethnicity and all available evaluations from participants/clients regarding the programming (particularly the aspects serving and not serving participant/client needs). Additionally, we are requesting this report include metrics on a breakdown of service calls (emergency versus non-emergency, mental health, domestic violence, etc). The combination of these metrics would give the CSC insight regarding how those initial calls may have been attended to differently, and/or had better outcomes, with the use of social services and safety nets.
4. Prioritize Arts and Music funding to support city-wide celebrations of Black Culture & Liberation in honor of Juneteenth.

ATTACHMENT II

From the City of Hayward Municipal Code regarding the charge and purview of the Community Services Commission.

SEC. 2-3.90 - POLICY.

It is the public policy of the City of Hayward to: (1) encourage the development of a planned and orderly approach to the development of community services in the City; (2) identify the needs for community services, to plan for the coordinated delivery of such services to residents in need through both private and public resources so as to avoid duplication and conflict of effort; and (3) create and sustain an environment which will encourage and bring about mutual understanding and respect among all groups of the City, eliminate prejudice, discrimination, and disorder, and guarantee equal rights and opportunities for all.

The City Council of the City of Hayward finds that there is a need on the part of the City and the community to institute an official, responsible, community-oriented body within the City government in order to identify the needs for community services, to plan for the coordinated delivery of such services to citizens in need through both private and public resources so as to avoid duplication and conflict of effort, to evaluate the effectiveness of the services provided and to advise the City Council in regard to these functions, to support community improvement goals, to help solve community problems, and to serve as the Citizens Review mechanism of federally financed or aided projects.

SEC. 2-3.93 - POWERS AND DUTIES.

As an advisory agency to the City Council, the Community Services Commission shall have the power and duty to:

1. Advise the City of Hayward as to the most effective means of allocating available resources for community services.
2. Promote interagency and intergroup coordination in the development of community social resources.
3. Review and study problems and needs of the community programs and develop effective support needed to secure additional resources either through private channels or through the City or other instrumentalities of the government.
4. Monitor relationship/balance of funding patterns by public and private agencies ensuring fair distribution for the local jurisdiction.

5. Work together with other governmental agencies in keeping abreast of new and current developments in the field of social services in order to maximize the beneficial impact of social programs on the City.
 6. By persuasion and conference seek to arrive at voluntary solutions designed to discourage and prevent any and all recognized discriminations based upon race, sex, religion, national origin, age, handicap, sexual orientation, and all other protected categories of persons, if any, under federal and state law, and particularly those discriminations in the areas of housing, employment, and education.
 7. Hold hearings and take testimony of any person relating to any matter under investigation or in question before the Commission.
 8. Make recommendations which will help to develop a sense of community among those concerned with people serving efforts in Hayward and to create awareness and cooperation between the City and those groups doing social service work in the area.
 9. Make and issue reports respecting its studies, research, investigations and other activities, and make information available to other commissions and staff as required.
 10. Recommend to the City Council legislation or other remedial steps which the Commission should find to be necessary and desirable.
- Perform other related duties as directed by the City Council.

ATTACHMENT III

Recommendations to the City of Hayward City Council

Short-Term (up to 3 months)

1. Issue a statement of support in solidarity with the Black Community from the City of Hayward.
2. Issue an apology to the Black Community for complicity in institutional racism in the City of Hayward.
3. Demonstrate an explicit commitment to placing the highest value on human life and human dignity by commissioning an analysis on a Ban of the Use of Deadly Force - through a racial equity lens and public health lens - to be presented to the Hayward Police Department (HPD) Community Advisory Panel and the Community Services Commission prior to presentation to Hayward City Council.
4. Adopt a resolution that the HPD Community Advisory Panel (CAP) will abide by the Brown Act rules (despite not being a Brown Act committee), and direct HPD to report out monthly to the Community Advisory Panel on the number of people killed or hospitalized by HPD, number of complaints filed against HPD, and the number of officers terminated due to brutality or complaints. Should the measure to remove the "qualified elector" requirement from serving on Boards & Commissions pass in November 2020, we would further like to see CAP formalized as a Brown Act committee.
5. **Demand #3***: Demilitarize the police: Ban the purchase of riot, military, and surveillance equipment, software, and any third party security services by HPD. Requested resolution committing to a ban on these purchases - including tear gas and related equipment, military gear, and any equipment and/or software that is related to civilian surveillance.
 - CSC Analysis: We recognize that surveillance software and militarized forms of equipment are unjustly and unfairly leveraged against Black community members, producing disparate and racialized outcomes in our justice systems. As such, we support a ban of continued purchase of these items as well as a resolution committing to this ban. *(Relates to point 6 in SEC. 2-3.93 - POWERS AND DUTIES)*
6. **Demand #4***: Freeze Police Department hiring indefinitely including incoming police academy candidates/graduates. Clarified to be an indefinite hiring freeze after this incoming class that includes the natural attrition of departing officers.

- CSC Analysis: With respect to the public policy charge of the CSC, the commission is intended to “create and sustain an environment which will encourage and bring about mutual understanding and respect among all groups of the City, eliminate prejudice, discrimination, and disorder, and guarantee equal rights and opportunities for all.” It is with that charge that the CSC is committed to a vision of Public Safety that reduces interactions with police, and promotes greater and improved public health and well-being for Black community members and other racialized and minoritized community members. In a new vision of Public Safety, we see the likelihood of a reduced police force, and funding of those roles redirected towards roles outside of HPD that can better address Public Safety from a Public Health perspective. *(Relates to points 2 and 3 in SEC. 2-3.93 - POWERS AND DUTIES)*

Near-Term (6 to 9 month)

1. Ensure the appointment process results in Taskforces, Boards, and Commissions that continue to be racially representative of the Hayward community.
2. Declare June 19th “JUNETEENTH” in the City of Hayward, and direct the Economic Development Special Events funding to support city-wide celebrations of Black Culture & Liberation in honor of this day each year.
3. Greater visibility from the GARE team regarding their work on the history and cultural contributions of Russell City with a community input process for recommendations on how the City can better recognize and honor this legacy.
4. **Demand #1***: Redistribute 10% of the police’s budget for FY 2021 to non-police, community-based services outside of the police department.
 - CSC Analysis: The CSC values programming related to mental health, restorative justice, and youth enrichment activities; and we feel those services would be more impactful, efficient, and accessible provided outside of the Hayward Police Department (HPD). During the Application Review Committee (ARC) process, one agency interview revealed that their services are, in fact, more accessible when presented outside of HPD as the population they serve has legitimate concerns and fears regarding interactions with police. *(Relates to point 5 in SEC. 2-3.93 - POWERS AND DUTIES)*
5. **Demand #7***: Establish a city-wide, participatory committee for all residents (regardless of citizenship status) that will dictate how to reallocate another 10% of the police budget to non-police, community-based services for FY 2022. Participatory Budgeting is a

democratic process through which community members directly decide how to spend part of a public budget. The request is for such a committee for the Hayward Police Department Budget, and that it be SEPARATE FROM the Police Community Advisory Panel (the panel is not subject to the Brown Act; thus open meeting laws are not required of the panel).

- CSC Analysis: As a Brown Act committee, we see the value and importance of open and transparent meetings as core and critical to our work. We see the same importance and value for other committees, task forces, boards, and panels charged with evaluating the delivery of and making recommendations for any services and work regarding the City of Hayward. While we do see ourselves as a participatory budget committee - and see our own work as vital to the community - we also see the value of a similar committee for analyzing the Hayward Police Department budget through a critical lens of racial equity. Should short-term recommendation 4 (see above) be actualized, we would support meeting the intent of this recommendation through an expanded role and increased status of the existing HPD Advisory Panel. *(Relates to points 2 and 10 in SEC. 2-3.93 - POWERS AND DUTIES)*

Long-Term (9 to 12 months)

1. Council direction to the Development Services Department and Planning Commission regarding increasing Black homeownership and sensitivity to gentrification, urban renewal, and opportunity zones which are economic drivers associated with the displacement of Black residents.
2. Council direction to the Economic Development division regarding business development that prioritizes the needs of Black small business owners.
3. An evaluation of the implementation of 3-1-1 as an urgency hotline to address public safety issues that are unrelated to law enforcement (e.g. non-violent crisis intervention, mental health first responders, traffic safety issues, trauma-informed intervention for domestic violence victims), or an analysis with Alameda County regarding leveraging 2-1-1 to fulfill this purpose.

**These demands originate from the community demands commonly referred to as the "7 Demands." The CSC endorses the 4 demands presently under City of Hayward purview.*



July 20, 2020

Via Email

SEIU 1021 Hayward Clerical Chapter
Hayward Police Department Civilian Employees
300 W. Winton Ave.
Hayward, CA 94544

City Manager Kelly McAdoo
Mayor Barbara Halliday
Councilmember Francisco Zermeño
Councilmember Al Mendall
Councilmember Elisa Márquez
Councilmember Sara Lamnin
Councilmember Aisha Wahab
Councilmember Mark Salinas
777 B Street
Hayward, CA 94541

Re: Discussions regarding any efforts to reform, civilianize, or defund the Hayward Police Department

Dear City Manager McAdoo, Mayor Halliday and City Councilmembers:

We would first like to thank you for your commitment to working with the Hayward community and Hayward Police Department employees during these difficult times. As public service employees, we share the same commitment to Hayward residents and want to see the best possible action taken to serve their needs.

SEIU 1021 represents approximately 300 workers in the City of Hayward, including 100 civilian employees in the Hayward Police department. While we understand the community's call to action and acknowledge that changes are necessary in our country, we feel strongly that Hayward Police Department civilian employees and SEIU 1021 need a seat at the table for any discussions regarding defunding, reforms, or civilianizing the Hayward Police Department.

All of us at the Hayward Police Department care about the community we serve and want to work with you to ensure the best decisions are being made and all relevant information is being considered. Therefore, we would like to be present at any meeting and/or be part of any subcommittee that involves defunding our department.

We understand the difficult decisions you face and look forward to working with you all.

Thank you,

Hayward Police Department Civilian Employees
SEIU 1021 Hayward Clerical Chapter

Joseph Bryant
President

Mary Duncan
Secretary

Amos Eaton
Treasurer

Jennifer Esteen
VP of Organizing

Ramses Teon-Nichols
VP of Politics

Sandra Lewis
VP of Representation

Akbar Bibb
VP Region A (North Central)

Mary Sandberg
VP Region B (North Coast)

Yeon Park
VP Region C (East Bay)

Theresa Rutherford
VP Region D (San Francisco)

Marcus Williams
VP Region E
(Amador/Calaveras/San Joaquin)

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