

CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Monday, January 9, 2023

5:30 PM

Council Chamber and Virtual Platform (Zoom)

City Council

SPECIAL CITY COUNCIL MEETING

NOTICE: The City Council will hold a hybrid meeting in Council Chambers and virtually via Zoom.

How to observe the Meeting:

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

How to submit written Public Comment:

1. Use eComment on the City's Meeting & Agenda Center webpage at: <https://hayward.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

2. Send an email to List-Mayor-Council@hayward-ca.gov by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 3:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

How to provide live Public Comment during the City Council Meeting:

Participate in the Council Chambers or click link below to join the meeting:
<https://hayward.zoom.us/j/85689313527?pwd=NEc5NUFKNFJXT1UyZlpta2Nvb1huQT09>

Meeting ID: 856 8931 3527

Password: CC1/9@53pm

or

Dial: +1 669 900 6833 or +1 646 931 3860

Meeting ID: 856 8931 3527

Password: 7434619481

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

CALL TO ORDER: Mayor Salinas

Pledge of Allegiance: Council Member Márquez

ROLL CALL

PUBLIC COMMENTS

Limited to Items on the Agenda.

CITY MANAGER'S COMMENTS

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

ACTION ITEMS

The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.

1. [APPT 23-001](#) City Council Vacancy: Selection and Appointment Process for Two-Year Council Seat (Report from City Clerk Lens)

Attachments: [Attachment I Staff Report](#)
[Attachment II News Release](#)
[Attachment III Proof of Publication](#)
[Attachment IV Final List of Applicants](#)
[Attachment V Nomination Form](#)
[Attachment VI Nomination Matrix](#)

LEGISLATIVE BUSINESS

2. [LB 23-005](#) Resolution Appointing a Council Member for the City of Hayward (Report from City Clerk Lens)

Attachments: [Attachment I Draft Resolution](#)

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

COUNCIL REFERRALS

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

ADJOURNMENT

NEXT MEETING, January 17, 2023, 7:00 PM**PUBLIC COMMENT RULES**

Any member of the public desiring to address the Council shall limit their address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time.

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the City website, Cable Channel 15 - KHRT, and YouTube. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or cityclerk@hayward-ca.gov.

Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: APPT 23-001

DATE: January 9, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

City Council Vacancy: Selection and Appointment Process for Two-Year Council Seat

RECOMMENDATION

That the City Council proceeds to interview candidates for the two-year Council seat based on the approved process and timeline; and if the approved process is not successful, Council directs the City Clerk to proceed with the steps necessary to hold a Special Mail Ballot Municipal Election on May 2, 2023.

SUMMARY

At the December 13, 2022 City Council meeting, the Council approved a process for filling a two-year City Council vacancy created when Council Member Mark Salinas was elected Mayor and sworn into office on December 13, 2022. Following the Council meeting and as directed, City staff issued a news release about the Council vacancy (Attachment II). A Notice of Vacancy (Attachment III) was published in the Daily Review c/o Bay Area News Group-East Bay on December 16, 2022.

At the January 3, 2023 City Council meeting, the Council accepted applications from forty-five qualified candidates and approved the interview process to select a member of the City Council. The final list of candidates is included as Attachment IV.

On January 5, 2023, members of the City Council individually nominated up to five applicants and submitted their selections to the City Clerk. The City Clerk tallied choices and invited applicants who received five or more points to interview with the City Council on Monday, January 9, 2023. The nomination matrix is provided as Attachment VI.

ATTACHMENTS

Attachment I	Staff Report
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File #: APPT 23-001

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Attachment IV	Final List of Applicants
Attachment V	Nomination Form
Attachment VI	Nomination Matrix



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¹ December 13, 2022 City Council Meeting – Council Vacancy Process
<https://hayward.legistar.com/MeetingDetail.aspx?ID=1056027&GUID=1DF843FF-0BFA-4499-8C61-07F20A0BC219&Options=info|&Search=>

² January 3, 2023 City Council Meeting – Council Vacancy Update
[CITY OF HAYWARD - Meeting of City Council on 1/3/2023 at 5:30 PM \(legistar.com\)](#)

DISCUSSION

The City Council will follow the interview process approved on January 3, 2023, which is provided below for convenience.

- 1) Interviews will be conducted in the Council Chambers at a special City Council meeting on Monday, January 9, 2023, starting at 5:30 p.m.
- 2) The order of interviews will be determined by random draw of all the selected applicant's names. The random draw will take place at the beginning of the meeting.
- 3) Applicants will have a total of thirty (30) minutes for each interview. The timer will be managed by the City Clerk.
 - a. Each applicant will have three (3) minutes to present their qualifications and discuss their candidacy with the City Council.
 - b. Twenty-five (25) minutes will be allocated for Council to ask questions and for candidates to respond after the applicant's opening remarks.
 - c. Each applicant will have two (2) minutes to make closing remarks.
- 4) Applicants will be present in the Council Chambers during Public Comment and as Council publicly explains the interview process and format. Applicants will be escorted to Conference Room 2B until they make their presentation before Council for the individual interview. Applicants will not be allowed to use any cellphones or other smart technology while waiting their turn to interview. A staff member of the City Clerk's office will be in the room with the applicants, and another will escort applicants into the Council Chambers at their scheduled times. Applicants will be allowed to remain in the Council Chambers after they complete their interview.
- 5) The entire process in the Council Chambers will be livestreamed via KHRT, Zoom and the City's website as done with regular Council meetings.
- 6) Members of the City Council will have copies of applicant's completed applications at the dais for their reference.
- 7) There will be no set pre-established questions. The Mayor will allow each member of the City Council to ask one question of each applicant. Follow-up questions by members of the City Council will be allowed according to the timing format and at the discretion of the Mayor.
- 8) The Mayor will manage the starting order of questions with each candidate, rotating among members and ensuring the same questions are asked of each applicant.
- 9) Upon completion of the interviews the Mayor will call for nominations. After all nominations have been made, the Mayor will call for a motion and a second.
- 10) After nominations have been closed, the Mayor will call for a vote on each nominee (in the order in which they are made). The first nominee to receive four or more votes will be the new member. Members do not have to vote and can abstain from voting if they wish. Voting will continue until one nominee receives four votes.

FISCAL IMPACT

There is no fiscal impact associated with the appointment process.

STRATEGIC ROADMAP

The agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

PUBLIC CONTACT

The agenda was published in accordance with the Brown Act.

Prepared and Recommended by: Miriam Lens, City Clerk
Kelly McAdoo, City Manager
Michael Lawson, City Attorney

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', with a long horizontal stroke extending to the right.

Kelly McAdoo, City Manager



FOR IMMEDIATE RELEASE

Media Contact:

Chuck Finnie
(510) 583-4434
chuck.finnie@hayward-ca.gov

Hayward accepting applications for appointment to City Council and Planning Commission

HAYWARD, Calif., Dec. 15, 2022—The City of Hayward is accepting applications from City residents for appointment to vacant seats on the Hayward City Council and Planning Commission.

Under the City Charter, service on the City Council is limited to Hayward residents who are registered to vote while service on the Planning Commission is open to all Hayward residents regardless of whether they are registered to vote or eligible to be registered to vote.

Appointment to the City Council would be to complete the remaining two years of the term of the Council seat vacated by Mayor Mark Salinas with his swearing-in as Mayor on Tuesday. Appointment to a Council seat is by majority vote of the Council. The deadline to apply for appointment to the Council seat vacated by Mayor Salinas is 9 a.m. Jan. 3, 2023.

Under a process approved by the City Council on Tuesday, Councilmembers will formally receive the applications for appointment to the vacated Council seat during a special Council meeting on Jan. 3 and select, by noon on Jan. 5, up to five applicants to be invited to be interviewed and considered for appointment during a special Council meeting on Jan. 9. If no appointment is made, the Council will direct the City Clerk to call a special municipal election to fill the vacant Council seat.

Appointment to the Planning Commission would be to complete the term of the Commission seat vacated by new Councilmember Julie Roche and an alternate vacancy resulting from the departure of former Commissioner Zachariah Oquenda, who resigned on Nov. 14.

Appointment to the Planning Commission is by majority vote of the City Council. The term of the Commission seat vacated by Councilmember Roche ends Sept. 30, 2023. The deadline to

apply for appointment to the vacated Commission seat or alternate vacancy is 5 p.m. Jan. 12, 2023.

To fill the vacant Planning Commission seats, applications received by the 5 p.m. Jan. 12 deadline will be reviewed by members of the City Council. Applicants selected through the Council screening process will be invited for an interview before the City Council at a special meeting on Jan. 17.

Online applications for appointment to the City Council are available [here](#). Online applications for appointment to the Planning Commission are available [here](#). For paper copies of both applications, visit the Office of the City Clerk at Hayward City Hall, 777 B Street, 4th Floor, Hayward, or call (510) 583-4400. Please note City Hall will be closed to the public during a holiday business closure from Dec. 23 to Jan. 2.

Daily Review

c/o Bay Area News Group-East Bay
800-595-9595

2050945

CITY OF HAYWARD/CITY CLERK
MIRIAM LENS
777 B ST.
HAYWARD, CA 94541

PROOF OF PUBLICATION**FILE NO. Vacancy Notice / Election Notice****Daily Review**

The Daily Review

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Daily Review, a newspaper published in the English language in the City of Hayward, County of Alameda, State of California.


I declare that the Daily Review is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's decree, dated March 2, 1950, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Daily Review as a Newspaper of General Circulation, case number 221938. Said decree states that "'The Daily Review' has been established, printed, and published daily in the City of Hayward, County of Alameda, State of California, for one year or more next preceding the date of the filing of said petition; that it is a newspaper published for the dissemination of local and telegraphic news and intelligence of a general character and has a bona fide subscription list of paying subscribers; ... [] [and] THEREFORE, ... 'The Daily Review' is hereby determined and declared to be a newspaper of general circulation [within the meaning of Government Code §§ 6000 et seq.]" Said decree has not been revoked, vacated or set aside.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

12/16/2022

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Rio Vista, California.
On this 16th day of December, 2022.


Public Notice Advertising Clerk

Legal No. **0006719978**

**NOTICE OF INTENTION TO FILL A VACANCY
FOR A MEMBER OF THE HAYWARD CITY COUNCIL
BY APPOINTMENT**

NOTICE IS HEREBY GIVEN that the City of Hayward will accept applications from qualified registered voters to fill the remaining two years of former Council Member Mark Salinas' term. The vacancy was created when Salinas was elected Mayor on November 8, 2022, and sworn into office on Tuesday, December 13, 2022.

Applicants must be residents of incorporated Hayward and qualified registered voters of the City of Hayward. The term of this Council seat will begin on the appointment date and will expire subsequent to the certification of canvass of the General Municipal Election in 2024, and assumption of the office of Council Member by the duly elected candidate.

All interested applicants must complete an application which is available from the Office of the City Clerk, 777 B Street, Hayward or online at www.hayward-ca.gov. All completed applications must be submitted online or via email to cityclerk@hayward-ca.gov by 9:00 a.m., Tuesday, January 3, 2023. No application will be accepted without a completed questionnaire or after the deadline.

Applications received will be screened by members of the City Council. Those candidates selected from the screening process will be invited for an interview before the City Council at a Special City Council meeting on Monday, January 9, 2023. The City Council will interview candidates separately and each applicant will have the opportunity to present their qualifications and discuss their candidacy with the City Council. The City Council may appoint the new Council Member at the end of this meeting.

For further information, please call the City Clerk at (510) 583-4400 or email cityclerk@hayward-ca.gov

Application Period:

Wednesday, December 14, 2022, through Tuesday, January 3, 2023

Applications available from:

City Clerk's Office - 777 B Street, Hayward, CA 94541
December 14 to December 22, 2022, 8:00 a.m. to 5:00 p.m.
City Hall is observing a holiday business closure from December 23, 2022, to January 2, 2023.

and on City's website at www.hayward-ca.gov

Application Deadline: Tuesday, January 3, 2023, 9:00 a.m.

Dated: December 16, 2022
Miriam Lens, City Clerk
City of Hayward

**CITY OF HAYWARD
CALL AND NOTICE OF
SPECIAL MAIL BALLOT MUNICIPAL ELECTION**

NOTICE IS HEREBY GIVEN that a Special Mail Ballot Municipal Election will be held in the City of Hayward on Tuesday, May 2, 2023, to fill the following vacancy created by the election of Mayor Salinas:

Member of the City Council (two-year term)

The nomination period for this office begins on January 9, 2023, and closes on February 3, 2023, at 5:00 p.m. City Hall is open Monday through Friday except during holidays.

Nomination information can be obtained in the Office of the City Clerk, 777 B Street, Hayward, California, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or by calling (510) 583-4400.

If the City Council successfully fills the two-year term vacancy by appointment, there will not be a special election to fill such vacancy. For more information, please call (510) 583-4400 or email cityclerk@hayward-ca.gov.

DATED: December 16, 2022
Miriam Lens, City Clerk
City of Hayward

DR 6719978; Dec. 16, 2022

Final List of Applicants for Vacancy on City Council

No.	Last Name	First Name	Hayward Resident	Registered Voter
1.	Abrishamcar	Michael (Mansoor)	Yes	Yes
2.	Ali-Sullivan	Aidan	Yes	Yes
3.	Basnet	Ila	Yes	Yes
4.	Belfrey	Bonnie	Yes	Yes
5.	Berry	Artavia	Yes	Yes
6.	Bonilla	Ray	Yes	Yes
7.	Brown	Royalton (Lamont)	Yes	Yes
8.	Bruckner	Austin	Yes	Yes
9.	Carrillo	George	Yes	Yes
10.	Christopher	Michael	Yes	Yes
11.	Chung	Ching	Yes	Yes
12.	Clark	James	Yes	Yes
13.	De Guzman	Christie	Yes	Yes
14.	Dossey	Gwen	Yes	Yes
15.	Duncan	Jo	Yes	Yes
16.	Froomin	Marty	Yes	Yes
17.	Goldstein	Daniel	Yes	Yes
18.	Heredia	Gabriel	Yes	Yes
19.	Khan	Fahim	Yes	Yes
20.	Khodayari	Bobby	Yes	Yes
21.	King	Greg	Yes	Yes
22.	Knox	La Wanda	Yes	Yes
23.	Kuniyil	Prabhakaran	Yes	Yes
24.	Latif	Kashif	Yes	Yes
25.	Manrique	John	Yes	Yes
26.	Mateo	Manny	Yes	Yes
27.	McCready	Roland	Yes	Yes
28.	Mehdavi	Hillmand	Yes	Yes
29.	Morales	German	Yes	Yes
30.	Nguyen	Son	Yes	Yes
31.	Ojeda	Rosalee	Yes	Yes
32.	Orlando Thomas	Maximilian	Yes	Yes
33.	Ottman	Debbie	Yes	Yes
34.	Perez	Jesica	Yes	Yes
35.	Prasad	Mahender	Yes	Yes
36.	Purcell	Shareen	Yes	Yes
37.	Ramos	Randy	Yes	Yes
38.	Randolph	Genevieve	Yes	Yes
39.	Rangel Rodriguez	Roberto	Yes	Yes
40.	Sediqui	Megan	Yes	Yes
41.	Suber	Anthony	Yes	Yes
42.	Sudaria	Philippe	Yes	Yes
43.	Valeau	Edward	Yes	Yes
44.	Wong	Thomas	Yes	Yes
45.	Ybarra	Paul	Yes	Yes



OFFICE OF THE CITY CLERK

NOMINATION OF CANDIDATES FOR APPOINTED COUNCIL MEMBER

Please list up to five (5) candidates you wish to nominate for appointment to the City Council.

I hereby nominate the above candidates to be interviewed for appointment to the City Council at the Special City Council Meeting on Monday, January 9, 2023.

Name: _____

Signed: _____

Dated: _____

Nominations are due in the Office of the City Clerk by noon on Thursday, January 5, 2023.



OFFICE OF THE CITY CLERK

NOMINATION MATRIX							
APPLICANTS	Andrews	Márquez	Roche	Salinas	Syrop	Zermeño	POINTS
Aidan Ali-Sullivan	1	1	1	1		1	5
Artavia Berry	1	1	1		1	1	5
Ray Bonilla Jr.	1	1	1	1	1	1	6
Austin Bruckner	1	1	1		1	1	5
Daniel Goldstein	1	1	1	1	1	1	6



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: LB 23-005

DATE: January 9, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Resolution Appointing a Council Member for the City of Hayward

RECOMMENDATION

That the City Council adopts a resolution (Attachment I) appointing a Council Member to serve the remaining term of former Council Member, now Mayor, Salinas.

ATTACHMENTS

Attachment I Draft Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member _____

RESOLUTION APPOINTING _____ AS COUNCIL MEMBER
FOR THE CITY OF HAYWARD

BE IT RESOLVED that the City Council of the City of Hayward hereby appoints _____ as Council Member, to serve for the remaining term of former Council Member Salinas. The term of appointment will expire subsequent to the certification of the canvass of the General Municipal Election to be held in November 2024, and assumption of the office of Council Member by the duly elected candidate unless otherwise designated.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward