

CITY COUNCIL MEETING

JANUARY 25, 2022

**DOCUMENTS RECEIVED
AFTER PUBLISHED
AGENDA**

QUESTION

AND

ANSWERS

AGENDA QUESTIONS & ANSWERS**MEETING DATE: January 25, 2022****Item #5 [CONS 22-055](#)**

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Mintier Harnish in an Amount Not to Exceed \$235,000 for the Development and Adoption of Objective Standards for Residential Development and Zoning Consistency Updates for the City of Hayward and Related Environmental Analysis

Is it possible we can consider a partnership with a minority owned company for future work or see how we can do outreach to undergrad and grad programs at CSUEB or Chabot?

During the first phase of the project, the Community Engagement Strategy will be finalized based on direction from City staff and from the City Council and Planning Commission at the February 1 joint session. Partnership with community organizations who will assist in leading outreach will be a critical component of the final Engagement Strategy. (See page 23 of Attachment III, Mintier Harnish Proposal.) This may include partnership with CSUEB or Chabot students and/or other community groups, as appropriate. Mintier Harnish has experience supporting this type of community-led outreach in other jurisdictions by providing training and high-quality outreach materials for community leaders to use.

Item #9 [LB 22-003](#)

Unmanned Aerial Systems Program: Adopt a Resolution and Policy Statement Regarding the Use of Surveillance Technologies and an Operational Policy for the Hayward Police Department's Unmanned Aerial Systems Program

While I appreciate that the recommended values statement is intended to apply to all City Departments, I'm not seeing that same city-wide lens reflected in HPD's policy.

1. How will HPD collaborate with other departments/personnel who utilize or interact with UAS technology (such as Airport, IT, GIS, Development, Planning, and/or Utility Services)?

1. The HPD is open to collaborating with other City departments who interact with UAS technology on a case-by-case basis, however there are specific limits to usage of our UAS outlined in HPD policy (e.g., situations where reasonable suspicion, probable cause, exigent circumstances exist, pursuant to a warrant, situations where public safety needs outweigh privacy concerns, etc.). Other departments can elect to procure their own UAS and implement their own UAS program based on their individual operational needs (other departments already have and have used UAS technology without presenting operational documents for Council approval). The HPD will work closely with the Airport, as we share FAA oversight and there are flight restrictions around Airport properties, and with IT regarding data storage/security needs.

2. Did I miss the language in the proposed operations manual that requires operating in a manner consistent with the values statement?

3. Have the protocols been developed that are listed on pages 7-8 of the proposed operations manual (5.3.C.)?

Such as:

"Developing uniform protocol for submission and evaluation of requests to deploy UAS"

"Developing protocol for conducting criminal investigations involving UAS"

"Implementing a system for public notification of UAS deployment."

"Developing a protocol for fully documenting all missions."

4. We do collect aerial footage for non-law enforcement uses such as evaluating property, traffic flow and planning, etc. Has that approved usage list and related policy already been reviewed and approved?

2. The HPD's operations manual has been reviewed by the City Manager, City Attorney, and HPD staff to ensure alignment with the proposed values statement. In fact, as recommended by the CIC, language taken directly from the proposed values statement was incorporated into the operations manual's "Philosophy and Mission Statement" section. Specifically, the operations manual states, *"...the HPD acknowledges the historical use of surveillance efforts to intimidate and oppress certain communities and groups more than others, including those that are defined by a common race, ethnicity, religion, national origin, income level, sexual orientation, or political perspective. As such, **HPD policy 610 and this operations manual expressly prohibits** the use of UAS to conduct surveillance on individuals or groups solely based on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability."* We have made these statements repeatedly in writing, during public outreach, and in public meetings. Employee compliance with any HPD policy, including those associated with the UAS Program, is non-negotiable. Deviations from or violations of the UAS Program policy will undergo the administrative investigation process and can result in discipline.

3. Operational protocols referenced under subsection 5.3 of the operations manual have not been developed as, at this time, it would be akin to putting the cart before the horse. If the UAS Program is approved, protocols will be developed and can be shared with Council as part of their program oversight during regular reporting.

4. HPD policy and the operations manual only govern the use of UAS technology for legitimate law enforcement purposes. Property evaluation, traffic flow, planning, etc. are functions of other City departments who will need to develop their own UAS program and associated policies/procedures. This work is underway and any use by other City departments will be consistent with the values statement in the resolution.

Item #10 [LB 22-002](#)

Homekey 2.0 Application: Adopt a Resolution Approving the City of Hayward's Homekey Projects and Authorizing the City Manager and Assigned Staff to Submit Applications to the State of California Department of Housing Community Development for Homekey Funds for Housing for Persons Experiencing Homelessness

Can these funds also look at converting other uses to housing?

Converting nonresidential structures and commercially zoned structures to residential dwelling units is an eligible project under Homekey. However, no non-residential properties were submitted in response to the City's RFI for Homekey-eligible projects and properties.

PUBLIC COMMENT

ITEM #9

LB #22-003

**UNMANNED AERIAL
SYSTEMS PROGRAM**

From: Claire Dugan
Sent: Sunday, January 23, 2022 5:01 PM
To: List-Mayor-Council
Subject: Drones for HPD

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

I hope all of the city council vote to give this technology to keep all the residents of Hayward safe. Of course it might make it a bit more difficult for all the criminals who operate in Hayward.

Sent from my iPhone

From: TJ
Sent: Monday, January 24, 2022 8:23 PM
To: List-Mayor-Council
Subject: 1/25/22 Hayward City Council Meeting, Agenda Item LB-003

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Mayor Halliday and City Council Members:

As a member of HAYWARD CONCERNED CITIZENS, I am advocating for support and approval of agenda item LB 22-003 (Unmanned Aerial Systems Program: Adopt a Resolution and Policy Statement Regarding the Use of Surveillance Technologies and an Operational Policy for the Hayward Police Department's Unmanned Aerial Systems Program) being discussed during the upcoming January 25th City Council Meeting.

While I realize there may never be consensus among our Hayward residents where privacy is concerned, I maintain my position that the benefits of having this surveillance technology far outweigh the risk of a privacy breach. I also feel confident that our city staff and HPD have done their due diligence to assure there will be full transparency and accountability in use of the drones, and that any potential policy violations will be fully investigated and addressed.

Nearly every other local city in the Bay Area has immediate access to drones and has successfully deployed them for search and rescue, critical incidents, in-progress burglaries, accident reconstruction, and for the purposes of de-escalation with positive outcomes. Workplaces, media, and civilians ALL freely use types of surveillance technology for various purposes in our city. The city of Hayward already has its own drone for mapping purposes. To my knowledge to date, there have been no voiced privacy concerns about that use of surveillance. Additionally, it is understood that our police cannot (and will not) arbitrarily deploy drones in our city. Drones are a similar technology to body cams already in use, offering a different perspective as well as keeping our officers and residents safe in potentially volatile situations. The end result will be increased safety and fewer casualties.

I appreciate this body's time and efforts, follow-through and collaboration with both police and community to develop what appears to be a sound policy. As an advocate committed to ensuring our police have access to all of the necessary resources to keep our community safe, I respectfully encourage the council's approval of this latest revision of the UAS Operations Policy Manual.

Sincerely,
TJ

(H.C.C.)

From: Vanessa Magaña
Sent: Tuesday, January 25, 2022 1:04 PM
To: List-Mayor-Council
Cc: Hayward Community Coalition
Subject: Comments for Agenda Item 9

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor, City Council, and City Manager,

I am requesting that the secretary read this email into tonight's minutes. My name is Vanessa Magaña, and I am writing to you on behalf of the Hayward Community Coalition (HayCoCoa) regarding agenda item 9: UAS Program. While we understand that the purchase of drone technology has already been approved, we believe Policy 610 (Unmanned Aerial System (UAS) Operations) is too vague in its current state, fails to adequately protect Hayward residents' right to privacy, and would allow officers to utilize drone technology at their discretion with minimal accountability to the public.

We believe that Policy 610 should not be voted on or approved at tonight's meeting without significant changes.

The plan for public notification of UAS use in section 610.4 item e needs to be defined **now** (not after the Program Coordinator role has been filled) when subjective language such as "security concerns" and "tends to show" is being used to justify drone deployment (Sections 610.6 items k & l, respectively). As a reminder, more than 600 community members signed onto a petition opposing the use of police drones in our city, so at the very least, the public deserves to know when it is or has been surveilled, especially while there are currently HPD officers with a history of abusing surveillance technology.

We are disappointed that the Community Advisory Panel (CAP) is completely absent from Policy 610. We recommend that any UAS Program Coordinator position be appointed by CAP rather than the Police Chief, creating a layer of public accountability for a topic that many community members clearly have reservations about. Additionally, we still struggle to understand why the UAS Program has to be housed under HPD (and not HFD, for example).

HayCoCoa stands by our original demand opposing the militarization of our police force (which includes the purchase of surveillance hardware and software). We believe the purchase of drones is a frivolous expense when other community services that truly protect our city's wellbeing could benefit from the same funds. If the City Council insists on continuing down this path, Policy 610 must be reworked and amended.

Thank you for your attention on this matter. We will be listening in to tonight's meeting, optimistic that you will vote in the interests of our community's safety.

In community,

Vanessa Magaña
Hayward Community Coalition, Chair

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Vanessa Magaña

PUBLIC COMMENT

ITEM #10

LB #22-002

**HOMEKEY 2.0
APPLICATION**

Hayward City Council
January 25, 2022
Item 10

I applaud the city for successfully engaging in the Homekey funding process. I agree with LHH strategy that it's smart to diversify models of homeless/housing projects and I maintain that the hotel/motel model is the best cost-effective long-term housing strategy.

Of the staff's original 4 projects, I am most disappointed that the hotel conversion project with re-entry services was withdrawn "due to a lack of capital funding required for building improvements." The Homekey hotel model is the best for both transitional, and in some cases permanent, homeless housing. This hotel option was dropped for lack of capital funds, usually more readily available than operating funds. BACS has committed to providing services, 6 motel owners have agreed to sell, and, unlike the recommended 2 applications being submitted, hotels could house a diversity of people, even families!

Looking forward to future proposals, if Hayward decides to apply for capital grants to build more Tiny Homes, the City must require that the sponsoring non-profit assume the responsibility for the program's operating costs. The City should analyze the sustainability of financially supporting this type of limited program's operating cost, considering the total number of homeless in Hayward.

We are also learning that large dormitory style shelters may no longer be a safe model for housing homeless (only as a last resort), especially if our pandemic becomes endemic. The motel/hotel strategy provides many benefits, including flexibility, safety, and cost-effectiveness. I urge the City to continue to complete the hotel proposal through funds from other sources and/or HomeKey Round 3.

Ro Aguilar
Hayward resident