



## CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Hybrid (Council Chamber) Virtual Platform (Zoom)

<https://hayward.zoom.us/j/82458011571?pwd=R1FQQklzVUJTWFR4a01SRGkyRlBDUT09>

Tuesday, September 20, 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 Lamnin

Present

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

Virtual Platform (Zoom): Council Members Andrews, Márquez, Wahab

Absent: None

### CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 4:30 p.m., with all members of the City Council present and no public speakers, regarding seven items: (1) conference with labor negotiators pursuant to Government Code section 54957.6 regarding the Hayward Police Officers Association and other bargaining units; (2) conference with property negotiators pursuant to Government Code section 54956.8 regarding Caltrans Parcel Group 3, adjacent to Tennyson Road, East 16<sup>th</sup> Street and Calhoun Street, APNs: 078C-0626-003-16,078C-0626-003-09, 078C-0626-001-07; (3) conference with property negotiators pursuant to Government Code section 54956.8 regarding Caltrans Parcel Group 5, Maitland Drive, Bunker Hill Court, Bunker Hill Boulevard and Central Boulevard, APNs: 445-0250-041-01, 445-0260-084-03, 445-0260-018-04, 445-0270-054-02, 445-0250-060-00, 445-0250-059-01, 445-0260-109-04, 445-0260-018-03, 445-0260-109-03, 445-0260-002-00; (4) conference with legal counsel pursuant to Government Code section 54956.9 regarding Ann Rosalia, et al. v. City of Hayward, et al. United States District Court Case No. 21-cv-00380-VC; (5) conference with legal counsel pursuant to Government Code section 54956.9 regarding Darlene Martin v. City of Hayward, et al. Superior Court of California, County of Alameda Case No. HG21105380; (6) conference with legal counsel pursuant to Government Code section 54956.9 regarding Yolanda York, et al. v. City of Hayward, Superior Court of California, County of Alameda Case No. HG20070507; and (7) conference with legal counsel pursuant to Government Code section 54956.9 regarding Cynthia Grine, et al. v. City of Hayward, Superior Court of California, County of Alameda Case No. RG2000404. City Attorney Lawson reported on the items as follows: there was no reportable action related to Item 1 and Item 4; regarding Item 2, the Council gave direction to staff, with Council Member Andrews recusing herself from participating, and took no reportable action; regarding Item 4 (Ann Rosalia v. City of Hayward) the Council gave direction to staff and took no reportable action; regarding Item 5 (Darlene Martin v. City of Hayward) the Council unanimously approved, with Council Member Zermeño moving and Council Member Lamnin seconding, settlement in the amount of \$120,000 with the City contributing \$90,000 and adjacent property owners contributing \$30,000; regarding Item 6 (Yolanda York v. City of Hayward) the Council was advised that

staff settled the matter for \$50,000 and no Council action was required; and regarding Item 7 (Cynthia Grine v. City of Hayward) the Council unanimously approved, with Council Member Salinas moving and Council Member Márquez seconding, settlement in the amount of \$75,000. The closed session adjourned at 6:30 p.m.

## **PUBLIC COMMENTS**

Ms. Wanda Herpe, Hayward resident, spoke about her experience applying for a building permit to construct an Accessory Dwelling Unit (ADU), and expressed the process took longer and fees were more than expected.

Mr. Greg Popovich, with Goldbar Builders and contractor for the Herpes, spoke about SB 13, AB 68, and AB 881, indicated the City's regulation do not align with state ADU law related to fees as they should be proportionate to the ADU size, noted his client's fees were paid under protest, and asked for a response to his correspondence.

Ms. Donna Thomas, Hayward resident, referred to correspondence she submitted regarding BART and an agreement with the City for the maintenance of trees, noted the trees which are located between A Street and Simon Street, are overgrown, and requested that staff look into the matter.

Hayward Youth Commissioner Samiksha Lingan and Bay Area Strength Through Activism (BASTA) youth leader, spoke about the need for smokefree multi-unit housing, noted secondhand smoke is dangerous to vulnerable populations and urged Council to prioritize the needs of the community.

Ms. Freda Barnes, multifamily housing resident, spoke about the negative impact of secondhand smoke and how it has impacted her health.

Ms. Jade Le asked for an update on the request to add smokefree multifamily housing to Council's upcoming discussion and urged Council to prioritize the matter earlier than at the end of the fiscal year noting the Public Health Department supports the goal for smokefree multifamily housing.

City Manager McAdoo noted that staff is working on various regulatory projects and suggested new requests be a part of the prioritization discussion during the Strategic Roadmap update.

Council Member Wahab indicated that in May/June, Council had asked staff to prioritize Human Resources and recruitments to increase capacity and work on project requests.

In response to Council Member Márquez's inquiry about a memo update on the matter, City Manager McAdoo indicated staff will work on an informational item which would include a timeline.



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Ms. Mildred Vasquez, Hayward resident and BASTA member, noted that smoking and cigarette litter continue to be a problem in her apartment complex, and requested the matter be prioritized.

Mayor Halliday shared that in August, she presented a proclamation to Hayward's Farmers Market in recognition of National Farmers Market Week.

### CITY MANAGERS COMMENTS

City Manager McAdoo reported on the successful Hayward Executive Airport Open House on September 11, 2022.

### CITY COMMISSIONS AND TASK FORCE

1. City Commissions and Keep Hayward Clean and Green Task Force: Adopt a Resolution Confirming the Appointment and Reappointment of Members of the Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Planning Commission and Personnel Commission **APPT 22-002**

Staff report submitted by City Clerk, Lens dated September 20, 2022, was filed.

City Clerk Lens provided a synopsis of the staff report and expressed gratitude for residents who applied to fill vacancies.

Council Member Márquez thanked staff for the recruitment process which included outreach efforts ensuring applicants represent the demographics of the community; and recommended that next year Council identify alternates for all commissions and the Keep Hayward Clean and Green Task Force to ensure vacancies are filled throughout the year.

Council Member Zermeño thanked the City Clerk team for the work done, agreed with the recommendation for alternates, and apologized that he was not able to participate in the interview process due to family obligations.

There being no public comments, Mayor Halliday opened and closed the public comment period at 7:47 p.m.

It was moved by Council Member Salinas, seconded by Council Member Márquez, and carried by the following roll call vote, to adopt the resolution with a recommendation that alternates be considered for all commissions and the Keep Hayward Clean and Green Task Force.

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

Resolution 22-229, "Resolution Confirming the Appointment and Reappointment of Members of the Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Personnel Commission and Planning Commission"

City Clerk Lens administered the oath of affirmation to the newly appointed and reappointed members who were in person in the Council Chambers.

### CONSENT

2. Approve the City Council Minutes of the City Council Meeting on July 5, 2022 **MIN 22-103**

It was moved by Council Member Wahab, seconded by Council Member Lamnin, and carried unanimously to approve the minutes of the City Council Meeting on July 5, 2022, with a minor amendment to the minutes.

3. Approve the City Council Minutes of the Special City Council Meeting on July 12, 2022 **MIN 22-106**

It was moved by Council Member Wahab, seconded by Council Member Lamnin, and carried unanimously to approve the minutes of the Special City Council Meeting on July 12, 2022.

4. Approve the City Council Minutes of the Special City Council Meeting on August 9, 2022 **MIN 22-107**

It was moved by Council Member Wahab, seconded by Council Member Lamnin, and carried unanimously to approve the minutes of the Special City Council Meeting on August 9, 2022.

5. Approve the City Council Minutes of the Special City Council Meeting on September 6, 2022 **MIN 22-108**

It was moved by Council Member Wahab, seconded by Council Member Lamnin, and carried unanimously to approve the minutes of the Special City Council Meeting on September 6, 2022.

6. Adopt a Resolution Accepting Revisions to the City of Hayward Conflict of Interest Code **CONS 22-500**

Staff report submitted by City Clerk, Lens dated September 20, 2022, was filed.



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It was moved by Council Member Wahab, 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 22-230, "Resolution Accepting Additions to the City of Hayward Conflict of Interest Code"

7. Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Nelson Nygaard Consulting Associates to Provide Paratransit Consulting Services for the Hayward Operated Paratransit Program in an Amount Not-to-Exceed \$100,000 **CONS 22-482**

Staff report submitted by Assistant City Manager Ott, dated September 20, 2022, was filed.

It was moved by Council Member Wahab, 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 22-231, "Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Nelson Nygaard Consulting Associates, to Provide Paratransit Consulting Services for the Hayward Operated Paratransit (HOP) Program in an Amount Not-to-Exceed \$100,000"

8. Adopt Resolutions Authorizing the City Manager to 1) Execute a Professional Services Agreement with Raftelis to Prepare the FY24 and FY25 Water, Wastewater, Recycled Water Rate Studies and Connection Fee Study in an Amount Not-to-Exceed \$200,000 and Transfer \$10,000 from the Water Fund to Recycled Water Fund, and 2) Appropriate \$200,000 from the Utilities Enterprise Funds **CONS 22-508**

Staff report submitted by Public Works Director Ameri, dated September 20, 2022, was filed.

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

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

Resolution 22-232, "Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Raftelis to Prepare the FY24 and FY25 Water, Wastewater, Recycled Water Rate Study and Connection Fee Study in an Amount Not-to-Exceed \$200,000 and Transfer \$10,000 from Water Operating Fund to Recycled Water Operating Fund"

Resolution 22-233, "Resolution Authorizing the City Manager to Appropriate a Total of \$200,000 for the FY24 and FY25 Water, Wastewater, Recycled Water Rate Study and Connection Fee Study"

9. Adopt a Resolution Authorizing a Grant Deed for the "MAE Parcel" of Tract 8428, SoHay, to the Hayward Area Recreation and Park District **CONS 22-494**

Staff report submitted by Assistant City Manager/Development Services Director Ott, dated September 20, 2022, was filed.

It was moved by Council Member Wahab, 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, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 22-234, "Resolution Authorizing a Grant Deed for the MAE Parcel of Tract 8428, SoHay, to the Hayward Area Recreation and Park District (HARD)"



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### WORK SESSION

#### 10. Firearms Regulations: Review and Discuss Regulations Related to Firearms **WS 22-029**

Staff report submitted by Assistant City Manager/Development Services Director Ott and Police Chief Chaplin, dated September 20, 2022, was filed.

Assistant City Manager/Development Services Director Ott announced the item and introduced Deputy Development Services Director Buizer who provided a synopsis of the staff report which included a recommendation against creating a formal buyback program given cost and program effectiveness concerns and insufficient staff capacity.

Mayor Halliday opened the public comment period at 8:08 p.m.

Mr. Pekon Gupta, Hayward resident, recommended putting in place conditions of purchase to limit the amount of ammunition that is purchased, such as requiring that weapons or proof of purchase of weapons be presented at a retailer to purchase ammunition or require an authorization letter from an entity such as the Police Department.

Mayor Halliday closed the public comment period at 8:10 p.m.

Discussion ensued among members of the City Council, Deputy Development Services Director Buizer, Deputy Police Chief Matthews, and Assistant City Manager Ott regarding: amendments to firearms regulations; definition of firearms in the ordinance; buyback program; the establishments Security Six and Big 5 Sporting Goods; requirement to have gun sales videotaped; current policies addressing Concealed Carry Weapons (CCW); domestic violence restraining orders that allow police officers to seize firearms and notifications to schools involving child victims; and Planning Commission approval of conditional use permits for establishments that sell firearms.

Members of the City Council thanked City staff for the work done related to firearms regulations.

Council Member Zermeño recommended that the definition of gun in the ordinance be specifically defined to include ghost guns, revolvers, pistols, and rifles so non-English speakers can better understand the term; agreed with the comments made by Mr. Gupta about incorporating language in the ordinance about the purchase of ammunition, should language be considered about carrying weapons; and was in favor of having a formal buyback program.

Council Member Andrews recommended, since it was not possible to have a formal buyback program due to staff capacity, looking at incentives such as gift cards for individuals to turn their firearms into the Police Department and advertise it as an ongoing program and investigate what outreach was done previously to receive private donations for the program.

Council Member Salinas acknowledged Mayor Halliday and Council Members Lamnin and Andrews for submitting a referral related to firearms regulations; requested to consider, when regulations return for Council's review, incorporating language addressing BB guns; suggested, if staff recommends that the sale of guns be videotaped, that there be an analysis to include BB guns; recommended to add pre-schools to sensitive locations near which gun sales were prohibited; recommended that retail targeting the youth be included within the 1,000 feet buffer; requested that staff provide further analysis of the buyback program addressing cost and success rate; suggested that Mr. Gupta's public comment about the condition of purchase to buy ammunition be evaluated when drafting the regulation.

Council Member Wahab was concerned a buyback program may result in a gun owner switching up weapons; suggested partnering with law enforcement agencies; had privacy concerns about the preservation of video footage capturing gun sales and did not want to infringe on people's rights and recommended that staff engage American Civil Liberties Union, Moms Demand Action, Everytown USA and other stakeholders; was concerned about the purchase of pieces of a weapon to create an untraceable one and wanted to include this in the regulations; suggested reaching out to the Sheriff's Department regarding plans for CCWs in Alameda County; requested further consideration for situations that trigger checks and balances and warning the school system to create safeguards for children; asked for actions that will be taken for individuals who do not have proper authority to be in possession of weapons; and for gun language to be broad and inclusive to allow for as many safeguards as possible.

Council Member Lamnin suggested that staff work with state and federal legislators through the legislative advocacy program and pull in surrendering guns, removing guns, and ammunition limitations; supported review of video surveillance and having regulations align with HARD's regulations for public spaces during the strategic planning process and legislative policy update; supported having public information available on safe surrenders at any time and opportunities to get help as the mental health program is built out; and suggested seeking public input related to incentives and a potential formal buyback program funded through private organizations.

Council Member Márquez supported the implementation of a buyback program as a streamlined effort to have weapons dropped off at the Police Department; indicated there were opportunities to partner with the cities of Union City and Fremont; supported using funding from local foundations for gift cards to incentivize the program as well as City funds to get guns off the street; suggested launching the program in October 2023 during Intimate Partner and Domestic Violence Awareness Month; supported the proposed amendments to the Hayward Municipal Code; suggested adding parks and libraries to sensitive locations; encouraged connecting with state and federal legislators for policies





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that could be implemented to limit the number of guns on the streets; liked Mr. Gupta's comments on limiting the quantity of ammunition purchased; requested that staff address Council feedback during discussion of strategic priorities; and acknowledged that there were short and long-term goals for the proposed policies.

Mayor Halliday appreciated the discussion and comments received; expressed concern about the use of firearms used in recent horrific incidents; supported the idea of having an ongoing program where weapons could be surrendered to the Police Department in exchange for a gift card; suggested adding a video surveillance requirement and perhaps a conditional use permit for any new firearms establishment; suggested consideration of prohibiting carrying guns on public property such as parks, schools, libraries and City facilities; and look into what local legislators are doing and partner with local agencies that are addressing firearms regulations.

Council Member Márquez shared for the public that due to the upcoming election, the City Council was in a transitional time, hence the pause on the conversation on firearms regulations and urged outgoing members to continue to be involved in future discussions.

### **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Zermeño announced the 12<sup>th</sup> annual Mariachi Festival which would be held at the City Hall Plaza on September 30, 2022.

Mayor Halliday reported that she attended the Cal Cities Annual Conference in Long Beach September 7 through September 9, 2022, as the City's delegate, noted Cal Cities bylaws' amendments were approved as proposed, noted a ballot initiative to strengthen local planning authority was referred to a policy committee, and spoke about sessions she attended.

Council Member Salinas reported that he also attended the Cal Cities Annual Conference and shared he attended a session on homelessness and shared that San Mateo County had a multimillion-dollar goal to house every single unhoused member of the county by the end of 2023 and another session around youth programming in partnership with public safety.

Mayor Halliday stated she attended a meeting held by Congressman Swalwell where he shared the Progress Report for the 117<sup>th</sup> Congress; and she thanked staff for organizing the Russell City Reparative Justice Project meeting on September 13, 2022.

Council Member Márquez shared that the Tennyson High School Puente Program would be holding a car show fundraiser on September 24, 2022 for its college tour program; noted the La Familia Counseling Service would be hosting its first annual golf tournament and dinner event on October 17, 2022 at Stonebrae; noted that residents who are a part of the

East Bay Community Energy's (EBCE) CARE and FERA programs should have received a \$50 credit for the past month; as the representative on the Alameda County Mosquito Abatement District (ACMAD), reported there were no cases of the West Niles virus; and added that ACMAD joined the Hayward Area Shoreline Planning Agency (HASPA) to expand the joint powers agreement to help implement the Shoreline Adaptation Plan.


**COUNCIL REFERRALS**

There were none.

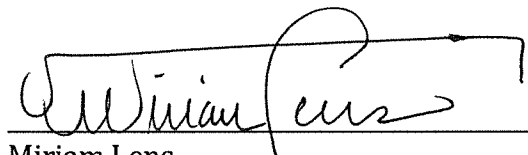
**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 9:16 p.m.

**APPROVED**

  
\_\_\_\_\_  
Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

  
\_\_\_\_\_  
Miriam Lens  
City Clerk, City of Hayward