



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/87872373016?pwd=QytLYjEEdFE5K2RpZzM0SWJ5bFowZz09>

Tuesday, June 28, 2022, 7:00 p.m.

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

CALL TO ORDER: Mayor Halliday

Pledge of Allegiance: Council Member Andrews

Present:

Council Chamber: Council Members Lamnin, Salinas
Mayor Halliday

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

Absent: Council Member Zermeño

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:30 p.m., with Council Member Zermeño absent and no public comment, regarding three items: (1) conference with legal counsel pursuant to Government Code section 54956.9 regarding Stoddard-Nunez v. City of Hayward, U.S. District Court, N.D. CA, No. 4:13-cv-04490 KAW; (2) conference with property negotiators pursuant to Government Code 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, 22798 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; APNs: 085A-6424-007-00, 415-0210-028-02, 081D-2086-058-00, 432-0104-001-01, 455-0024-097-00, 415-0250-001-04, 415-0210-029-00, 083-0221-050-01, 453-0050-052-01, 453-0075-004-05, 078G-2651-017-02, 078G-2651-016-00, 078G-2651-018-01, 078G-2651-018-02, 081D-2081-069-00, 081D-2081-068-00, 081D-2081-070-00, 081D-1900-003-13, 415-0230-038-00, 415-0230-039-00, 452-0036-001-02, 425-0380-005-00, 425-0380-004-00, 425-0380-003-00, 441-0083-019-00, 441-0083-018-00, 455-0060-032-01, 464 0040-003-00, 464-0035-013-00, 445-0220-111-00, 445-0220-112-00, 445-0220-110-00, 445-0220-114-00, 445-0220-113-00, 464-0122-001-00, 454-0070-002-00, 452-0084-110-01, 452-0080-055-01, 452-0068-109-01, 078G-2651-019-00, 443-0005-076-00, 452-0028-102-00, 432-0134-001-05, 432-0134-003-00, 432-0134-002-00, 456-0097-001-00, 456-0050-059-00, 456-0046-109-00, 452-0076-026-00, 452-0076-047-00, 452-0076-025-00, 452-0076-048-00, 465-0001-011-02, 445-0070-015-00, 445-0140-001-00, 432-0056-033-00, 461-0036-003-00, 428-0066-045-00, 438-0080-013-08, 443-0075-035-02; and (3) conference with legal counsel pursuant to

Government Code 54956.9 regarding Cisneros v. City of Hayward, et al., Alameda County Superior Court, Case No. HG20069664.

City Attorney Lawson reported that Item 1 was discussed and the Council approved, with Mayor Halliday moving, Council Member Lamnin seconding and Council Member Zermeño absent, settlement in the amount of \$3 million; Item 2 was discussed and by consensus the Council directed staff to negotiate a three-month extension with further consideration in September; and Item 3 was discussed and the Council approved, with Council Member Lamnin moving, Council Member Salinas seconding, and Council Member Zermeño absent, settlement in the amount of \$1.5 million. The closed session adjourned at 6:50 p.m.

PUBLIC COMMENTS

Ms. Velda Goe, Hayward resident, noted that her property, in addition to five other residences, were located on the most dangerous part of Campus Drive where vehicles travel at 50 mph and urged the city to help find a solution to stop the speeding issues on Campus Drive.

CITY MANAGER'S COMMENTS

City Manager McAdoo made three announcements: 1) the library is a net zero energy building and the solar panel system, installed over the roof of the library, was designed to meet all of the building's energy needs; 2) City Hall was bathed in pink light for one week in support of reproductive rights in the United States and the freedom to make independent reproductive decisions; and 3) the library was launching its online author talk series starting July 7, 2022 with first author Alka Joshi of the book Henna Artist, and was offering summer programs; and 3) provide the status of the West Winton Avenue paving project and noted that with the total FY22 Pavement Rehabilitation project the overall city pavement condition index had risen to a score of 72.

CONSENT

Mayor Halliday noted a member of the public had asked to remove Item 5 from the consent calendar.

1. Approve the City Council Meeting Minutes of the Special City Council Meeting on June 14, 2022 **MIN 22-087**

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and Council Member Zermeño absent, to approve the minutes of the Special City Council Meeting on June 14, 2022.

2. Adopt a Resolution Approving the Report and Assessment for Past Due Community Preservation and Rental Housing Fees **CONS 22-316**

Staff report submitted by Acting Assistant City Manager/Development Services Director Claussen, dated June 28, 2022, was filed.



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It was moved by Council Member Márquez, 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
MAYOR Halliday
NOES: None
ABSENT: Zermeno
ABSTAIN: None

Resolution 22-171, "Resolution Confirming the Report and Special Assessment List and Authorizing Transmittal of Assessments to the County Auditor for Collection Associated with Overdue Community Preservation and Rental Program Charges for the Period of January 1, 2021 through May 4, 2022"

3. Adopt a Resolution Filing Nuisance Abatement/Municipal Code Liens with the County Recorder's Office for Non-Abatable Code Violations **CONS 22-317**

Staff report submitted by Acting Assistant City Manager/Development Services Director Claussen, dated June 28, 2022, was filed.

It was moved by Council Member Márquez, 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
MAYOR Halliday
NOES: None
ABSENT: Zermeno
ABSTAIN: None

Resolution 22-172, "Resolution Confirming the Report and Non-Abatable Code Violations and Penalties Liens List Associated with the Code Enforcement Division and Community Preservation/Rental Housing Programs"

4. Adopt a Resolution Approving a Report and Special Assessment for Delinquent Sewer Bills and Water Bills Incurred by Property Owners **CONS 22-396**

Staff report submitted by Public Works Director Ameri dated June 28, 2022, was filed.

It was moved by Council Member Márquez, 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
MAYOR Halliday
NOES: None
ABSENT: Zermeno
ABSTAIN: None

Resolution 22-173, "Resolution Confirming the Report and Special Assessment List Associated with Delinquent Water and Sewer Bills and Authorizing the Delinquent Charges to Become a Special Assessment Against the Properties if not Paid by August 1, 2021"

5. Adopt a Resolution Approving a Report and Assessment for Delinquent Garbage Bills Incurred by Property Owners of Single-Family Residences **CONS 22-404**

Staff report submitted by Public Works Director Ameri, dated June 28, 2022, was filed.

Public member withdrew her request to speak.

It was moved by Council Member Lamnin, 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
MAYOR Halliday
NOES: None
ABSENT: Zermeno
ABSTAIN: None

Resolution 22-184, "Resolution Confirming the Report and Special Assessment List Associated with Delinquent Garbage Bills Incurred by Residential Property Owners with Cart Service"

6. Adopt Resolutions Authorizing the City Manager to Execute Amendments to the Professional Services Agreements for Kitchell CEM for Extended Construction Support Services for the Fire Station 6 and Fire Training Center Project by \$400,000 for a Not-to-Exceed Amount of \$2,200,000 and for Extended Inspector of Record Services with ABC Inspections, Inc., by \$115,000 for a Not-to-Exceed Amount of \$865,000 **CONS 22-379**

Staff report submitted by Public Works Director Ameri, dated June 28, 2022, was filed.



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It was moved by Council Member Márquez, 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,
MAYOR Halliday

NOES: None

ABSENT: Zermeño

ABSTAIN: None

Resolution 22-174, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Kitchell CEM for Construction Support for the Fire Station 6 and Fire Training Center Improvement Project"

Resolution 22-175, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with ABC Inspections, Inc., for Inspector of Record Services for the Fire Station 6 and Fire Training Center Improvement Project"

7. Adopt a Resolution Rejecting All Bids for the Keyways Grading Project, Project No 06914 at La Vista Park **CONS 22-381**

Staff report submitted by Public Works Director Ameri, dated June 28 2022, was filed.

It was moved by Council Member Márquez, 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,
MAYOR Halliday

NOES: None

ABSENT: Zermeño

ABSTAIN: None

Resolution 22-176, "Resolution Rejecting All Bids for the Keyways Grading Project, Project No. 06914 for the La Vista Park"

8. Adopt a Resolution Implementing the Water Shortage Contingency Plan Level 2 **CONS 22-389**

Staff report submitted by Public Works Director Ameri dated June 28, 2022, was filed.

It was moved by Council Member Márquez, 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
MAYOR Halliday
NOES: None
ABSENT: Zermeno
ABSTAIN: None

Resolution 22-177, “ Resolution Implementing Level 2 of the City of Hayward Water Shortage Contingency Plan”

9. Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Bay Area Community Services for Fiscal Year 2022-2023 Shallow Rental Subsidy Program Operations in an Amount Not to Exceed \$500,000 **CONS 22-391**

Staff report submitted by Acting Assistant City Manager Claussen, dated June 28, 2022, was filed.

It was moved by Council Member Márquez, 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
MAYOR Halliday
NOES: None
ABSENT: Zermeno
ABSTAIN: None

Resolution 22-178, “ Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Bay Area Community Services (BACS) for Fiscal Year 2022-2023 Shallow Rental Subsidy Program Operations in an Amount Not-to-Exceed \$500,000”

10. Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Solcom for Installation of City Fiber Optic Conduit on West Winton Avenue for the Fire Station 6 and Fire Training Center Project in a Not-to-Exceed Amount of \$102,147 **CONS 22-393**

Staff report submitted by Public Works Director Ameri, dated June 28, 2022, was filed.



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It was moved by Council Member Márquez, 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
MAYOR Halliday

NOES: None

ABSENT: Zermeno

ABSTAIN: None

Resolution 22-179, " Resolution Authorizing the City Manager to Execute an Agreement with Solcom for Installation of City Fiber Optic Conduit on West Winton Avenue for the Fire Station 6/Fire Training Center Project in an Amount Not-to-Exceed \$102,147"

11. Adopt a Resolution Authorizing the City Manager to Execute a Cooperative Agreement with the California Department of Transportation (Caltrans) for Reimbursement from the Local Alternative Transportation Improvement (LATIP) Funds for the Traffic Signal Improvements on Jackson Street (Formerly SR-92) **CONS 22-394**

Staff report submitted by Public Works Director Ameri, dated June 28, 2022, was filed.

It was moved by Council Member Márquez, 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
MAYOR Halliday

NOES: None

ABSENT: Zermeno

ABSTAIN: None

Resolution 22-180, " Resolution Authorizing the City Manager to Execute a Cooperative Agreement with Caltrans for Reimbursement from The LATIP Funds for the Traffic Signal Improvements on Jackson Street (Formerly SR92)"

12. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Professional Services Agreement with MuniServices, LLC for a One-Year Contract for FY 2023 Sales Tax Auditing Services **CONS 22-414**

Staff report submitted by Director of Finance Claussen, dated June 28, 2022, was filed.

It was moved by Council Member Márquez, 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
MAYOR Halliday
NOES: None
ABSENT: Zermeno
ABSTAIN: None

Resolution 22-181, “ Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Professional Consulting Services Agreement with MuniServices, LLC to Extend the Term of the Contract for One Year”

13. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Allied Universal Technology to Integrate Additional Facilities for Purchase and Implementation of a Consolidated Phase 2 Access Control System and Appropriation of \$100,000 from the Hayward Executive Airport CIP Fund 621 **CONS 22-420**

Staff report submitted by Director of Maintenance Services
Rullman, dated June 28, 2022, was filed.

It was moved by Council Member Márquez, 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,
MAYOR Halliday
NOES: None
ABSENT: Zermeno
ABSTAIN: None

Resolution 22-182, “ Resolution Authorizing and Appropriating One Hundred Thousand Dollars (\$100,000) to the Airport Capital Improvement Fund (Fund 621) for Phase II of the Airport Access Control System Project, Project No. 06830”

Resolution 22-183, “ Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Allied Universal Technology for Phase 2 Integration of Additional Facilities into the Access Control System”



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WORK SESSION

14. Community Agency Funding Process Review WS 22-025

Staff report submitted by Acting Assistant City Manager Claussen, dated June 28, 2022, was filed.

Acting Assistant City Manager Claussen announced the staff report and introduced Community Services Manager Davis who provided background and an overview of the Community Agency Funding Process, and recommendations to modify the process.

There being no public comments, Mayor Halliday opened and closed the public comment period at 7:46 p.m.

Members of the Community Services Commission and Council Members Lamnin, Márquez and Salinas were acknowledged for their review of the modifications to the Community Agency Funding (CAF) process.

Discussion ensued among members of the City Council and City staff regarding distinction between special or cultural events and arts and music events; staff time involved on re-prioritizing and redefining goals; emerging priorities and reallocation of funding; and event guidelines.

Members of the City Council offered the following comments and recommendations: identify appropriate channels to advertise available sources of funding such as through the City's website or social media platforms; consider holding events in different geographical locations; explore ways community members could submit their own events to promote inclusiveness and have them reviewed by City staff prior to being available on a community calendar; have the chart noting the difference between events and arts and music funding guidelines available to agencies when they apply for funding to minimize confusion; keep scheduled funding allocations and if an emergent priority arises, staff is not retooling the process but Council limits direction to staff for that priority through discretionary funds with a clear timeline of when funds would be available; note that safety net programs are important for residents; would be open to modifying the events guidelines as it is being implemented; create a recap document from the Community Services Commission (CSC) perspective that would note the work done for historical record; there was a preference to separate out "events and arts" and "arts and music" which were redundant as music itself was a performing art; there are people in the community who would love to serve on a newly created commission focusing on arts and events that reflects the City Council's priorities on inclusiveness; consider having the CSC review the City Council roadmap at the start of the year; consider the CSC be a part of the Housing Element update process; and when reviewing agency applications add commentary on proposals that align with strategic priorities.

PUBLIC HEARING

15. Sale of Parcel Group 8 for Development of Affordable Housing: Adopt a Resolution Approving the Government Code Section 52201 Summary Report for the Project; and Authorizing the City Manager to Negotiate and Execute a Disposition, Development, and Loan Agreement with RCD GP IV, LLC and Parcel Group 8, L.P. for Transfer of Specified City Owned Properties and for the Development of Housing and Making Specified Findings in Association with Government Code Section 65913.4 Exemption from the California Environmental Quality Act **PH 22-037**

Staff report submitted by Acting Assistant City Manager Claussen, dated June 28, 2022, was filed.

Acting Assistant City Manager Claussen introduced Community Services Manager Davis who provided a synopsis of the staff report related to the sale of Parcel Group 8 for development of affordable housing.

Discussion ensued among members of the City Council, City Manager McAdoo, Community Services Manager Davis, Housing Manager Morales, and Mr. Nick Cranmer with Resources for Community Development (RCD) regarding: East Bay MUD would provide the water service to the development; RCD had been in conversations with the Eden Community Land Trust to identify potential tenants for the commercial space; prohibited uses for commercial space could be stated in the Disposition, Development and Loan Agreement (DDA); the City was working in partnership with HARD to perform geotechnical work and was actively working with them to transfer the land; options presented to tenants and RCD; work with tenants to verify income eligibility and background check to be placed in an affordable housing unit; 57-year term for repayment was tied to the 55-year affordability term of an affordable housing project; general support from the neighbors in the area; 27% of the identified units are anticipated to be affordable housing units; and the strategy for handling Parcel Group 8 in the subdivision was to maximize the purchase price on the market rate middle piece.

Mayor Halliday opened the public hearing at 8:53 p.m.

Ms. Sally Lum had questions about the number of units at the proposed development location, the number of parking spaces, traffic and transit for the people living in the area, changes in the roadway to manage the existing traffic on Foothill Boulevard, and health and safety oversight over the building.

Ms. Lillian Adams expressed concern about the earthquake impact of the project.

Ms. Ann Marris did not support the project until more research is done analyzing the impacts and benefits of the project to existing tenants, noted the DDA will have long lasting impacts on Hayward and Alameda County residents, added that community amenities, safety and traffic concerns were left unaddressed, public participation was insufficient, and urged the Council to



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address these concerns before approving the DDA.

Ms. Diane Dunn expressed the project description indicated there were 96 deed restricted rental units, but the low/very low-income rental units totaled 95; and asked if there will be fencing along the Carlos Bee Park expansion segment and how will this be funded and designed.

Ms. Ida Alvarez, Bridge Court tenant, had concerns the presentation did not specify that tenants would be positioned back in the existing units that are rehabilitated; and wanted to ensure this was in the proposal for approval.

Mr. Carter noted he believes the community deserved further consideration and benefits and stated he did not support the proposed development next to where people would be raising kids.

Mr. Tom Ferreira, Hayward Concerned Citizens member, spoke in favor of affordable housing, commented that although Parcel Group 8 was a good starting point, more needed to be done for residents in terms of recreational amenities.

Mr. Albert Lopez, Planning Director for Alameda County, was pleased to see the project was underway and noted that Alameda County was available to address any questions.

Mayor Halliday closed the public hearing at 9:07 p.m.

Mr. Nick Cranmer stated there would be 188 residents based on the unit mix of the two properties; there are 61 parking spaces on the City parcel; approximately 10-15 spaces at the Bridge Court parcel and an additional 4-5 on street parking spaces along Grove Way; the roadway improvements include bulb outs to allow for loading and trash along Grove Way; the project was exempt from CEQA because it was a ministerial approval; all new construction projects meet Building Code to mitigate earthquake impacts; and the intent of the language in the proposal was to ensure that residents have a path to return to their units that they currently occupy or will be offered a unit within the new construction project; and the occupancy has to be consistent with funding sources.

In response to Council Member Salinas' inquiry regarding the timeline for development of the units, Community Services Manager Davis confirmed that housing would be built on the City's side (96 new units) as well as on the County's side (at least eleven rehabilitated units). Council Member Salinas emphasized that priority be placed for existing tenants.

In response to Council Member Andrews' request to address comments made by Ms. Maris, Alameda County Planning Director Lopez stated that most comments were related to CEQA, that the County provided feedback on this previously and the City was the lead agency for the

project.

In response to Council Member Lamnin's question about the antique building, Mr. Cranmer indicated this would no longer be a commercial use and option 1 was to add more units to the commercial building and demolish the building behind it and option 2 was to retain the building in the rear and demolish the building in front.

Council Member Lamnin commented that the neighborhood desired a cohesive plan and that because there were multiple agencies involved such as the City, Caltrans and Alameda County, there were some challenges, stated the goal with Route 238 parcels was to have some control over the vision of this plan and stated there was thoughtfulness with what staff had incorporated based on early conversations, and requested the conditions of approval be made available on the Route 238 project page.

Council Member Lamnin concurred with Council Member Salinas that tobacco and alcohol would not be good uses for the commercial space in the proposed development, favored any tenants that had commercial enterprises to be able to use the commercial space, and appreciated the recognition of the native people and encouraged RCD to work with the Muwekma Tribe.

Council Member Lamnin made a motion to approve the staff recommendation. Council Member Salinas seconded the motion.

Council Member Salinas stated that at the onset it was apparent that the proposed parcel would present challenges; however, the current project was a good affordable housing project. Council Member Salinas offered an amendment to the motion adding commercial space restrictions similar to those applied to the Route 238 Mission Boulevard Corridor prohibiting liquor stores, tobacco outlets, and predatory check cashing services. Council Member Lamnin was supportive of the amendment.

Council Member Wahab stated that the goal of the project was to create more housing and to not displace individuals and was reassured there were safety nets in place if the property management company failed to fulfill its obligation. Council Member Wahab commented that the proposed location already had parking challenges and could create tension in the neighborhood and asked staff to ensure that wildlife be preserved at the proposed location.

Council Member Márquez indicated that the proposed development was the best path forward as the City had to comply with the state, underscored the project was complex as not all the land was in the City's jurisdiction and required collaboration and outreach to Alameda County partners, was pleased there were multiple options available to tenants and the project would create more affordable housing.

Mayor Halliday supported the motion, hoped that the market rate housing will go forward in the future and pointed out that the development was approved administratively due to state law, and the neighborhood provided input.



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It was moved by Council Member Lamnin, seconded by Council Member Salinas with an amendment to the motion adding commercial space restrictions similar to those applied to the Route 238 Mission Boulevard Corridor prohibiting liquor stores, tobacco outlets, and predatory check cashing services.

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

Resolution 22-185, “ Resolution Approving Government Code Section 52201 Summary Report for the Project; Authorizing the City Manager to Negotiate and Execute a Disposition, Development and Loan Agreement with RCD GP IV, LLC and Parcel Group 8, L.P. for Transfer of Specified City Owned Properties and for the Development of Housing and Making Specified Findings in Association with a Government Code Section 65913.4 Exemption from the California Environmental Quality Act”

The City Council took a recess at 9:40 p.m. and Mayor Halliday reconvened the meeting at 9:45 p.m.

16. New Solid Waste and Recycling Franchise Agreement: Approval of New Franchise Agreement and New Refuse, Recycling, and Organics Services Rates Introduction of Ordinance **PH 22-036**

Staff report submitted by Director of Public Works, Ameri, dated June 28, 2022, was filed.

Public Works Director Ameri announced the item and introduced Solid Waste Manager Krump who provided a synopsis of the staff report.

Discussion ensued among members of the City Council and City staff regarding: two employees, at the former Main Street office, have been absorbed into related operations; carts that do not meet the requirement under SB1383 and therefore would be replaced with new carts; there were approximately 100,000 containers currently in use, some could be recycled and some would be sent to landfill; illegal dumping collection process in coordination with WMAC; the potential conversion to electric trucks; the services offered at the former Main Street office for Waste Management could not be performed at City Hall; rate adjustment including a consumer price index (CPI) component each year; and the bulky pick-up service and vouchers for excess waste programs would remain the same.

Members of the City Council had the following suggestions: have the Council Sustainability Committee weigh in on placement of additional 167 Big Belly cans throughout the City; ensure that information on the rate increase is highlighted for the public and point out there are no significant increases and individuals can opt to have a smaller cart size of 20 gallons or have a lower rate for residents who are income qualified; prioritize environmental efforts and urge public education on reduction of waste; continue the partnership with the Keep Hayward Clean and Green Task Force or local schools around this issue; since no complaints had been received with the closure of the Waste Management office on Main Street in the last 2.5 years, continue with the closure as it would further save community members money.

Mayor Halliday opened the public hearing at 10:25 p.m.

Mr. Rich Fierro, Teamsters representative and Hayward resident, spoke in support of the proposed Franchise Agreement, shared the batteries used in electric trucks take up a lot of space, and noted that mulch goes through a process handled by staff which explains the associated cost.

Mr. Jim Fried, WMAC employee and Teamsters Local 70 Vice President, spoke in support of the proposed franchise contract noting WMAC employees do a great job.

Ms. Christina Segura filled out a speaker card but was not present to speak.

Mr. Brad Seeya, Public Sector Director of Waste Management, spoke in favor of extending a comprehensive agreement that took two years to develop, noted that despite SB 1383 compliance requirements there were community benefits, and added the rates were competitive with other rates in Alameda County.

In response to Council Member Andrews' inquiry about bulky pick-up service for multifamily housing, Mr. Seeya noted tenants must contact the property manager and modifying the process would result in increased costs associated with capital expenses and logistics challenges. Public Works Director Ameri shared the City of Oakland was piloting a program for multifamily housing and staff would get more information about costs and other practical impacts.

In response to Council Member Márquez's questions, Mr. Seeya shared that with the onset of COVID-19, the two employees who were at the former office were reassigned to work from home, and he would get back to Council on the number of Waste Management and TriCED employees who service Hayward.

Mr. Seeya noted WMAC would try to recycle as many disposed carts as possible, noted they have not received much feedback about the closure of the Main Street office, he added his company is evaluating how to further move materials into reusable life, the agreement will include a robust education and outreach plan, technology tools will identify customers that need additional help, and a recycling coordinator will work directly with business customers to educate how to move materials out of trash and into recycling bins.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/87872373016?pwd=QytLYjEEdFE5K2RpZzM0SWJ5bFowZz09>

Tuesday, June 28, 2022, 7:00 p.m.

In response to Mayor Halliday's inquiry, Mr. Seeya indicated there have been several bills passed over the last several years seeking to standardize product labels, and he would work with staff to get involved with the community regarding recycling.

Mayor Halliday closed the public hearing at 10:42 p.m.

It was noted that Mayor Halliday, Council Members Márquez and Zermeño serve on the Council Sustainability Committee.

Council Member Márquez made a motion per staff's recommendation, including closing the Main Street office. Council Member Salinas seconded the motion.

Council Member Márquez commended City staff, Waste Management and TriCED for their great partnership collaborating at events and was pleased with bulky pick-up and trash collection services.

Public Works Director Ameri shared the city sent 62,000 Proposition 218 notices to residents and if 50% letters are received in protest, then the City could not move forward with approval of the franchise agreement. He reported that by the closing of the meeting, 57 letters were received protesting the increase, and noted this was below the threshold for approval.

Council Member Andrews expressed her appreciation for Waste Management and their participation at community and Keep Hayward Clean and Green Task Force events; asked to explore, in the future, options enabling multi-family residents to schedule bulky pick-up service; encouraged more ways of advertising, such as placing stickers on top of cart lids; and hoped residents who submitted protests would be contacted by staff to offer support.

Council Member Wahab stressed the importance of highlighting the amount of the rate increase for the public through social media or via a press release and suggested that bulky pick-up services occur on a quarterly or a more regular and frequent basis.

Mayor Halliday appreciated the work by staff in negotiating the agreement, was surprised that no complaints had been received by the City Council about the cameras that will be installed on the trucks capturing how residents dispose of trash and hoped that it will be administered in a way to educate the public.

Council Member Lamnin concurred with the request to reach out to the 57 residents who submitted protest letters, requested that there be clear and transparent communication when cart changes occur, concurred with closing the Main Street office, connect with East Bay Depot for Creative Reuse and the artist community to get ideas on what to do with the 100,000 carts to be disposed, appreciated there would be more big belly cans, suggested posting the

artwork of Earth Day contest winners on the big belly cans, urged continued work on edible food recovery, building out a local recycling infrastructure, explore the bulky pick-up service for multifamily units, and continue to push back on organic material because of the cost involved.

It was moved by Council Member Márquez, seconded by Council Member Salinas, and carried by the following roll call vote, to approve the resolutions, including closing the Main Street office.

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

Resolution 22-186, “ Resolution Authorizing the City Manager to Execute a Franchise Agreement with Waste Management of Alameda County for Solid Waste, Recyclable Materials and Organic Materials Services”

Resolution 22-187, “ Resolution Authorizing the City Manager to Execute an Extension to the Current Memorandum of Understanding with Oro Loma Sanitary District and Waste Management of Alameda County Related to Residential Recycling Programs

LEGISLATIVE BUSINESS

17. City of Hayward Homelessness Update: 1) Receive Results of 2022 Point-in-Time Count Results; 2) Receive an Update on City of Hayward Homelessness Efforts; 3) Adopt Resolutions for FY2023 Homelessness Related Professional Services Agreements **LB 22-018**

Mayor Halliday noted the item was continued to the City Council meeting on July 5, 2022 due to time constraints.

18. Salary Plan Amendment: Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2023 **LB 22-017**

Staff report submitted by Assistant City Manager/Interim Director of Human Resources Youngblood dated June 28, 2022, was filed.

Assistant City Manager Youngblood provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at



CITY COUNCIL MEETING

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Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/87872373016?pwd=QytLYjEEdFE5K2RpZzM0SWJ5bFowZz09>

Tuesday, June 28, 2022, 7:00 p.m.

10:59 p.m.

Council Member Wahab noted that for over a decade, the Firefighters have not been in the average of the top four which has saved the city millions of dollars, they pay 15% into their pension, and they are usually the first to help such as COVID-19 testing sites, and noted that providing context helps the City Council make a decision and also informs the public how these groups have partnered with the City.

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

Resolution 22-191, “ Resolution Approving the Amended Fiscal Year 2023 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 22-072 and all Amendments thereto”

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Salinas shared that the Words for Lunch event would be resuming the week of July 11th at Heritage Plaza Park and at Mia’s Dream Come True playground, noting that there would be no programming the week of the Fourth of July holiday.

Council Member Andrews thanked Congressman Swalwell for leading a reproductive rights rally at a Planned Parenthood center in solidarity of women and was pleased that the City was also supporting women’s rights by the lighting of City Hall in pink lights.

Council Member Wahab said it was important to highlight advocacy for reproductive rights, wished everyone a happy Fourth of July and shared that she has not heard many complaints about fireworks since the new policy had been adopted.

Council Member Márquez thanked Council Member Wahab for leading efforts on reproductive rights, encouraged the public if they wished to donate to Access Reproductive Justice whose funds were available to anyone wishing to access reproductive healthcare, thanked Congressman Swalwell for organizing the protest on June 25, 2022.

Mayor Halliday encouraged the importance of making voices heard and to rally to the cause and shared that it took almost 50 years to overturn Roe v. Wade.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 11:12 p.m., in memory of Mr. John Dutra. Mayor Halliday read a certificate presented to his family and highlighted his involvement in real estate had a profound impact in Hayward.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward