



## **CITY COUNCIL MEETING**

**777 B Street, Hayward, CA 94541**

**Council Chamber and Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/88129328683?pwd=eDI3dUtROHFBNVNLRnZtUUpSRFE5UT09>

**Tuesday, January 24, 2023, 7:00 p.m.**

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

Mayor Salinas asked attendees to observe a moment of silence in remembrance of the victims of the tragic incidents that occurred in Monterey Park and Half Moon Bay resulting from armed gunmen.

**Pledge of Allegiance:** Council Member Syrop

### **Roll Call**

Present

Council Chamber: Council Members Andrews, Goldstein, Márquez, Roche, Syrop  
Mayor Salinas

Virtual Platform (Zoom): Council Member Zermeño

Absent: None

### **CLOSED SESSION ANNOUNCEMENT**

The City Council convened in closed session at 5:30 p.m., with all members present and two public comments unrelated to closed session agenda items, regarding: 1) conference with legal counsel pursuant to Government Code section 54956.9 regarding RLW, LLC, et al. v. Bruhn, et al., Case No. 3:21-cv-06767-SK, US District Court, ND CA; and 2) conference with property negotiators pursuant to Government Code section 54956.8 regarding proposed project features located in the eastern San Francisco Bay Area, including portions of San Lorenzo, an unincorporated community in Alameda County, and portions of the Cities of Hayward, Union City, Fremont, and Newark; proposed project improvements would be constructed at Cargill's Solar Salt Facility, located at 7220 Central Avenue in Newark, California, and within roadway rights-of-way between the Solar Salt Facility and the Oro Loma Sanitary District/Castro Valley Sanitary District Water Pollution Control Plant in San Lorenzo. The MSS are primarily situated in Ponds 12 and 13 of Cargill's Solar Salt Facility, which are located within the US Fish and Wildlife Service's (USFWS's) Don Edwards San Francisco Bay National Wildlife Refuge (Refuge). City Attorney Lawson indicated there was no reportable action related to Item 1 noting the topic is on the January 24, 2023 Council Infrastructure Committee agenda; regarding Item No. 2, the Council discussed and unanimously approved, with Council Member Márquez moving, seconded by Council Member Roche, settlement of the lawsuit. The closed session adjourned at 6:33 p.m.

### **PRESENTATION**

Alameda County Mosquito Abatement District (ACMAD) General Manager Ryan Clausnitzer provided an overview of the formation and authority of ACMAD; noted there were fifteen

representatives on the ACMAD Board of Trustees and Council Member Márquez was Hayward's representative; reported on the ACMAD Strategic Plan; shared mosquito producing habitats and integrated mosquito management; and urged residents to contact ACMAD for mosquito abatement services.

Council Member Márquez commended Mr. Clausnitzer for his leadership and the ACMAD team for being a leader in the industry and was pleased that the district was joining efforts with the Hayward Area Shoreline Planning Agency.

Council Member Andrews requested that ACMAD provide a presentation to the Keep Hayward Clean and Green Task Force.

## **PUBLIC COMMENTS**

The following individuals spoke about the continued hardship that small businesses face competing with street vendors; spoke about the increased cost of goods, wages, and taxes which may force businesses to close; stated that street vendors do not contribute to the city's revenue; and asked for the City's assistance.

Mr. Jorge Flores  
Mr. Raul Martinez  
Mr. Jose Huitron

Mayor Salinas shared that he was aware of the concerns raised and staff was working on developing a solution that would be shared with affected parties.

Mr. Gabriel Altamirano, with South Hayward Now Ahora, expressed concern about unpermitted street vendors impacting the livelihood of retail businesses; favored sharing information on State legislation allowing individuals to obtain permits; and urged the City to have resources available on call during storm situations.

Mr. Carlos Archuleta shared that JJ Creech was a victim of gun violence in Hayward; spoke about blacklisting as the worst form of intimidation; and urged the Council to champion free speech without fear of retaliation and blacklisting.

Ms. A. Martinez spoke on behalf of California Governor's Office of Emergency Services about the importance of the California Earthquake Early Warning System and the development of the nation's first alert system application called MyShake App.

## **CITY MANAGER'S COMMENTS**

City Manager McAdoo provided an update on the mudslide situation on Faircliff Drive and the City's ongoing assistance to residents who have been impacted. In response to Council Member Zermeño's request for a status update on restaurant owners, City Manager McAdoo shared that staff met with them, a meeting with street vendors was planned as a street vendor ordinance is developed and staff was working with County Health Department staff to do



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enforcement of non-permitted vendors; and added that staff plans to bring the ordinance to Council for consideration before the August recess.

### CONSENT

Council Member Syrop removed Consent Item No. 5 from the Consent Calendar for discussion.

1. Approve the City Council Minutes of the Special City Council Meeting on January 3, 2023  
**MIN 23-011**

It was moved by Council Member Andrews, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special City Council Meeting on January 3, 2023.

2. Approve the City Council Minutes of the Special City Council Meeting on January 9, 2023  
**MIN 23-012**

It was moved by Council Member Andrews, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special City Council Meeting on January 9, 2023.

3. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Professional Services Agreement with Gray-Bowen-Scott for Transportation Engineering Services in the Amount of \$120,000, for a Total Not-To-Exceed Amount of \$270,000, and Extending the Termination Date to December 31, 2023 **CONS 23-028**

Staff report submitted by Public Works Director Ameri, dated January 24, 2023, was filed.

It was moved by Council Member Andrews, seconded by Council Member Márquez, and carried by the following roll call vote, to adopt the resolution.

AYES:	COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 23-020, "Resolution authorizing the City Manager to Execute Amendment No. 3 to the Professional Services Agreement with Gray-Bowen-Scott for Transportation Engineering Services in the Amount of \$120,000, for a Total Not-to-Exceed Amount of \$270,000, and Extending the Termination Date to December 31, 2023"

4. Adopt a Resolution Approving Addendum No. 1, and Awarding a Construction Contract to Silicon Valley Paving, Inc., for the Municipal Parking Lot No. 8 Improvement, Project No. 05740 in the Amount of \$466,950.75, and Authorizing a Construction Contingency Change Order Budget of \$93,049.25 **CONS 23-032**

Staff report submitted by Public Works Director Ameri, dated January 24, 2023, was filed.

It was moved by Council Member Andrews, seconded by Council Member Márquez, and carried by the following roll call vote, to adopt the resolution.

AYES:	COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 23-021, “Resolution Approving Addendum No. 1 for the Municipal Parking Lot No. 8 Improvement, Project No. 05740, and Awarding the Construction Contract to Silicon Valley Paving, Inc.”

5. Adopt a Resolution Approving the Plans and Specifications and Calling for Bids for the Safe Routes to School Project, Project No. 05319 **CONS 23-033**

Staff report submitted by Public Works Director Ameri, dated January 24, 2023, was filed.

In response to Council Member Syrop’s inquiry on whether Cesar Chavez Middle School has sufficient bike racks in place to accommodate the anticipated increase in bike traffic, Public Works Director Ameri responded that the proposed improvements are not expected to generate a significant increase in bike usage in the short term, and the school had indicated they have adequate bike racks. In response to Council Member Syrop’s inquiry about the proposed curb extensions, Director Ameri noted they were painted outline extensions.

Council Member Syrop requested that the proposed project be amended to prioritize adding a protected bike lane to build something that is used, and safe for residents. Director Ameri stated that staff will consider the solutions suggested by Council Member Syrop; however, if a solution is identified before the contract is awarded, then it can be added as an addendum to the calls for bids, and if the decision is made during construction after the project is awarded, then the solution can be implemented via a contract change order.

Council Member Andrews commented that since improvements were being made to Dickens Avenue, there had been issues further down in the area. Director Ameri noted that the



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crosswalk will be enhanced to include a rapid flashing beacon to improve safety and visibility to drivers.

In response to Council Member Roche's question on where the flashing beacons will be installed, Director Ameri indicated they will be on Tennyson Road and Dickens Avenue, and staff could evaluate if beacons were warranted on the crosswalks near Cesar Chavez.

Council Member Márquez requested that staff verify the school was fine with the timeline of starting the project in April and completing it by June. Director Ameri noted that the construction would not be too disruptive, and was contemplating to schedule the project when school is not in session to avoid disruptions.

Mayor Salinas opened the public comment period at 7:55 p.m.

Mr. Gabriel Altamirano, with South Hayward Now Ahora, stated he did not recall any community discussion on the topic, expressed that traffic was a major issue during peak hours, and suggested the City contact the Hayward Unified School District to reopen and build a pathway and automated gate to ease traffic congestion in the area.

Mayor Salinas closed the public comment period at 7:59 p.m.

Council Member Andrews indicated the staff report's public contact section noted there was a public survey and community meetings held on the matter. Director Ameri added that staff also received feedback from the Alameda County Transportation Commission and the school, and he would look into the suggestion made for further improvements.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried by the following roll call vote, to adopt the resolution.

AYES:	COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 23-026, "Resolution Approving the Plans and Specifications and Calling for Bids for the Safe Routes to School Project, Project No. 05319"

6. Adopt a Resolution Adopt a Resolution Increasing the Construction Contract with GSW Construction, Inc, Contract No. 23054, by \$34,000 for a Total Not-To-Exceed Amount of \$241,500 for the Trash Capture Device Installation on Cotter Way Project No. 07675  
**CONS 23-035**

Staff report submitted by Public Works Director Ameri, dated January 24, 2023, was filed.

It was moved by Council Member Andrews, seconded by Council Member Márquez, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche, Syrop,  
Zermeño  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 23-022, "Resolution Authorizing Staff to Increase the Construction Contract with GSW Construction, Inc. to a Total Not-to-Exceed Amount of \$241,500 for Project 07675"

7. Adopt a Resolution Authorizing the City Manager to Award a Contract to Carbon Supply Inc. for Bio-Gas Conditioning System Media Replacement Project No. 07618 in an Amount Not-to-Exceed \$319,800 **CONS 23-047**

Staff report submitted by Public Works Director Ameri, dated January 24, 2023, was filed.

It was moved by Council Member Andrews, seconded by Council Member Márquez, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche, Syrop,  
Zermeño  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 23-023, "Resolution Authorizing the City Manager to Award a Contract to Carbon Supply Inc. for Bio-gas Conditioning System Skid Media Replacement Project No. 07618 in an Amount Not to Exceed \$319,800"



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8. Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361 **CONS 23-043**

Staff report submitted by City Clerk Lens, dated January 24, 2023, was filed.

It was moved by Council Member Andrews, seconded by Council Member Márquez, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche, Syrop,  
Zermeño  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 23-024, "Resolution Making the Required Findings Pursuant to AB 361 to Continue to Hold Teleconferenced Public Meetings During the Covid 19 State of Emergency"

9. Adopt a Resolution Adopt a Resolution Appointing Ms. Karla Goodbody to Fill the Unexpired Term of Former Planning Commissioner Julie Roche and Appointing Ms. Anika Patterson to Fill the Unexpired Term of Former Planning Commissioner Dan Goldstein, and Confirming the Selection of Ms. Shanta Franco-Clausen as the Alternate for a Term Ending July 2023 **CONS 23-046**

Staff report submitted by Public Works Director Ameri, dated January 17, 2023, was filed.

It was moved by Council Member Andrews, seconded by Council Member Márquez, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Goldstein, Márquez, Roche, Syrop,  
Zermeño  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 23-025, “Resolution Confirming the Appointment of Ms. Karla Goodbody and Ms. Anika Patterson to the Planning Commission, and Confirming the Selection of Ms. Shanta Franco-Clausen as the Alternate”

## **WORK SESSION**

### **10. Hayward Residential Design Study: Parking Analysis for Hayward Residential Design Study**

Staff report submitted by Acting Development Services Director Buizer, dated January 24, 2023, was filed.

Acting Development Services Director Buizer announced the item and introduced Senior Planner Blanton and Assistant Planner Richard who provided a synopsis of the staff report.

Mayor Salinas opened the public comment period at 8:21 p.m.

Mr. Gabriel Altamirano, with South Hayward Now Ahora, stated that he did not see discussion in the Study about residential units built both before and after 1979 that have cement over 75 percent of front yard area to use as parking which takes away from on-street parking usage for community members; and asked that this be considered in the Study noting it was not permissible for residents to create ingress/egress access over sidewalks adjacent to a public street without proper permits.

Ms. Ro Aguilar supported measures to decrease the cost of parking in developments; urged to continue the vision for the city to function with fewer cars, consider unbundling parking and allow driving spaces to satisfy uncovered parking; and supported continued development of affordable housing and creative responses to address parking issues.

Mayor Salinas closed the public comment period at 8:28 p.m.

Discussion ensued among members of the City Council, City staff and Mr. Josh Pilachowski with DKS Associates, regarding: on-street parking taken away by residents pouring concrete over the grass area for parking; corner lot properties that have created driveways limiting on-street parking; Transportation Demand Management (TDM) strategies; State law viewed parking requirements as inhibitors to housing developments; unbundling of parking; parking for motorcyclists and other two-wheeled vehicles; motorcycles are not included in TDM measures because they do not reduce vehicle miles traveled (VMT); Uber or Lyft as alternatives to get to BART which could generate more VMT; shuttle service and a mini shuttle system called FRAN (Free Rides Around the Neighborhood), subsidized through grants; multifamily housing developments that used lifts to accommodate additional parking; and the City’s ability to control zoning and parking regulations but not ownership of cars. Staff was commended for the community outreach related to the item.





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The City Council was in general support of staff's recommendations with some members making the following comments and recommendations: address issues with on-street parking taken away by residents cementing over the grass area for parking and creating makeshift curb cuts that limit street parking; consider findings and supportive data showing TDM, including bus passes and bike lockers, reduce people's ownership of cars; would support developers paying into infrastructure, such as protected bike lanes; consider a Mission Boulevard shuttle for new developments in the area, or maybe a creation of a district to reduce dependability on cars; supported the creation of tandem parking in multifamily housing development in front of driveways and creating them long enough to accommodate additional parking; consider providing off-site parking that can be used by developments as their unbundled parking; provide statistics on unbundling parking; consider parking for motorcycles and other two-wheeled vehicles in high visibility locations and in covered spaces; explore options for getting people to BART rather than driving and paying for an all-day parking permit; prioritize last-mile trips in TDM measures; finding a solution to the housing and rental cost will help address off-street parking issues; consider, as a part of TDM and equitable measures, guaranteeing renters a parking spot that could be released in exchange for a bus pass or e-bike credit with oversight to ensure that savings is not kept by the property owner; explore shuttles near residential developments through grants to subsidize them and continue conversations about the feasibility and ridership for businesses in the industrial corridor; consider parking incentives connected to uses/amenities on the first floor of residential units; accommodate parking for ADUs to help resolve housing and multigenerational housing challenges; explore land or a partnership that could be identified for off-site parking; continue to improve the Ped and Bike Plan; have candid conversations with BART and AC Transit on how to improve ridership; have a menu of options tailored to proximity to public transportation to incentivize residents to not own as many vehicles and use public transportation; consider the option for individuals to rent their cars out as a part of a car sharing program; there are notable benefits to shuttle programs like FRAN; there was support for increasing use of TDM options and for them to come to fruition; note the need for coordination by the Hayward Police Department and Code Enforcement to approach homeowners in violation of regulations; consider a shuttle service connecting Chabot College, Southland Mall, downtown Hayward, and California State University East Bay with grant funds; and ensure checks and balances are in place while incentivizing not owning a car.

## **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Members Andrews shared that there will be a Keep Hayward Clean and Green Task Force clean-up event at Rancho Arroyo Park on January 28, 2023.

Council Member Goldstein shared that the NAACP will be having its swearing-in ceremony of its officers in the City Hall Rotunda on January 28, 2023.

Council Member Márquez congratulated her new colleagues on the Council and shared that she participated in a ride-along with the Hayward Police Department on January 21, 2023.

### **COUNCIL REFERRALS**

There were none.

### **ADJOURNMENT**

Mayor Salinas adjourned the special meeting at 9:23 p.m. in memory of former HPD/HFD employee Everett Veal and Dr. Doris Yates.

Mr. Everett Veal was hired by the Hayward Police Department (HPD) in 1958 and retired in 1989, returned to HPD as Community Services Officer, joined the Hayward Fire Department (HFD) in 2007 to do the mail route, had a total of sixty years of service with the City of Hayward, and is remembered for having a very joyous and friendly personality. Mayor Salinas asked City staff to plant a tree in memory of Everett Veal.

Dr. Doris Yates served as a Personnel Commissioner; was a professor at CSUEB and a colleague of Mayor Salinas, was highly beloved by students and staff on campus, was engaged with the Hayward community working primarily with youth at the South Hayward Resource Center, was instrumental in writing a grant resulting in a tattoo removal program for youth transitioning from gangs and resetting their lives, and participated in many community events.

### **APPROVED**

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Mark Salinas  
Mayor, City of Hayward

### **ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward