

CITY COUNCIL MEETING

FEBRUARY 28, 2023

**DOCUMENTS RECEIVED
AFTER PUBLISHED
AGENDA**

AGENDA

QUESTIONS AND ANSWERS

AGENDA QUESTIONS & ANSWERS

MEETING DATE: February 28, 2023

Item #1 CONS 23-082

Adopt a Resolution Approving Plans and Specifications and Call for Bids for the FY23 Pavement Improvement Project No. 05240

Can staff please provide a map of the streets that will receive the bike lanes outline in the staff report? Will these bike lanes be next to road traffic or protected by parked cars?

The bike lanes will mostly be next to road traffic (Class III), Cabot Blvd will be a combination of Class II and Class IV bike lanes. The bike lane details are still under design by the City’s traffic team. While they generally follow the recommendations of the City’s Bike & Ped Master Plan, they use local conditions to propose the best recommendations for implementation. Case in point: B&P MP had recommended bike lanes next to the curb and parking next to bike lane there. After public outreach, that is how it was initially implemented. After fierce opposition from the residents and businesses there, and after months of community engagement, and detailed safety and access reviews, the design was reversed, and parking was moved next to the curb.

Staff will also be coordinating with Bike East Bay for bike lane implementation for their input related to current best practices and design solutions from around the East Bay.

The locations of the 9.8 street miles of bike lane striping that will be installed with this project are as follows (to clarify, it is 9.8 bike lane miles (both directions), not centerline miles.):

CLASS II & IV BIKE LANES	LENGTH	LANE MILES
Longwood Ave, Hesperian Blvd to Klamath Rd (1.0 miles)	2420	1.0
Thelma St, Memorial Wy to Longwood Ave (0.8 miles)	2238	0.9
Elmwood St, Fuller Wy to Amador St (0.8 miles)	1801	0.7
Depot Rd, Industrial Pkwy to West End (2.2 miles)	5511	2.1
Tyrrell Ave Schafer Rd to Tennyson Rd (1.5 miles)	3879	1.5
Cabot Blvd, Depot Rd to North End (2.9 miles)	7400	2.9
Skywest Dr, Sueirro St to West A St, (0.6 miles)	1590	0.7

TOTAL 9.8

Item #5 [CONS 23-103](#)

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for the Hayward Medians with Brightview Landscape in an Annual Amount of \$122,406 for a Total Not-to-Exceed Amount of \$489,624, and Appropriate \$30,000 from the General Fund to Fund the Annual Contingency

Why did staff decide against Image Landscape seeing as they provide triple the weekly hours for less than twice the cost?

A correction memo was sent to Council to clarify the typo in the staff report calculation; it does not change low-bid nor staff's recommended contract awardee.

Item #6 [CONS 23-109](#)

Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Galls to Purchase Point-Blank (Origin) Ballistic Body Armor for Hayward Police Department Special Response Unit Members, in an Amount Not to Exceed \$130,000

What level is the proposed armor categorized as?

This proposed purchase is for Level IV ballistic vests, which provides enhanced ballistic protection and safety for personnel assigned to the SWAT Team

Will this purchase use funds from HPD's current capital budget? Or is this a request for an additional 130k from the City's capital budget?

This purchase has been budgeted for and the funds will be coming from CIP. We are not asking for any additional funding, just permission to purchase based upon the dollar amount being above \$75K (we would not bring this item to Council if the total dollar amount was under \$75K).

What happens to the old vests?

In the past, retired vests have been booked into property for destruction, they have been repurposed for training, they have been placed inside door panels of police vehicles, and they have been donated to law enforcement partners in our sister cities. They cannot, however, be used operationally by our personnel as they are outside of the manufacturer's warranty once they reach the 5-year mark.

Item #7 [CONS 23-112](#)

Adopt a Resolution Authorizing the City Manager to Accept Up to 1.5 Million Dollars in Revenue from Bay Area Rapid Transit as the Fiscal Agent for the South Hayward Bay Area Rapid Transit Station Access Authority

Could these funds be set aside to incentivize or accelerate TOD/Housing at the South Hayward BART station?

These funds will initially be put towards any outstanding expenses associated with the South Hayward BART Access Authority, in the City's fund 295. These funds are the accumulated revenues from BART parking revenues for FY19, 20, 21, and 22. After these expenses are covered, funds will be distributed to BART and the City for internal administrative expenses related South Hayward BART operations and management costs for FY19 through FY22.

After the Authority's accounts are settled, staff will move forward to distribute the remaining fund balance to both the City and BART in proportion to the number of parking spaces within the Authority. Surplus funds must be spent on South Hayward BART station related investments, including access improvements, as defined by the South Hayward BART Access Authority's agreement and the subsequent Intergovernmental Agreement between BART and the City.

If there are funds remaining after these expenses and with Council direction, staff could evaluate whether funds could be utilized towards incentivizing the TOD/Housing at South Hayward BART and what impact this might have.

Item #8 [LB 23-009](#)

Cannabis Regulations Revised Ordinance: Introduction of an Ordinance Amending Article 14, Chapter 6 of the Hayward Municipal Code Regarding Commercial Cannabis Businesses by Amending Section 6-14.13 Relating to Commercial Cannabis Permit Applications, Amending Section 6-14.14 Relating to Operating and Performance Standards and Adding Section 6-14.18 Relating to Enforcement; Finding that this Action is Subject to CEQA Common Sense Exemption RECOMMENDATION

What are some examples of commercial violations that the enforcement in this ordinance would apply to?

The enforcement provisions would apply to licensed operators who do not comply with performance standards for their respective permits contained in the Municipal Code or who engage in operations that are not within the scope of their permit. It would also apply to activity by unlicensed operators, such as illegal cultivation operations.

Will the transition from a refundable deposit to a fee deter new cannabis businesses from opening?

With respect to the second question, staff's assessment is that various external factors such as market conditions and costs associated with state regulatory compliance are more likely to serve as a deterrent to applicants rather than the shift from a deposit to a non-refundable application fee for the local license. For clarity, the shift to a fee occurred as part of the 2021 cannabis ordinance updates. This proposed amendment cleans up leftover language related to the deposit that was

	<p>inadvertently left in the Municipal Code. Operationally, a flat fee is already being assessed – this is simply clean up across all City documents.</p>
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PUBLIC COMMENTS

2023-2024
2023-2024

February 21, 2023

Dear Planning Department,

I am writing to you on behalf of my tenants (Food Trucks) and myself to request that your department re-considers to issue another Temporary Use Permit for the site at 22877 Mission Blvd, Hayward CA.

My plans for the future of this site are to develop a mixed-use building that will enhance this downtown area. I have been working with Elizabeth Blanton on this project. It has been a bit delayed first due to Covid 19 and then supply chain issues that affected the cost of construction. However, my architect and I are moving forward now and do plan to submit our 1st round of plans with in the next couple of months. And my hope is that we continue to allow the current Food Trucks to operate at this site temporarily until plans are approved. I anticipate it may take 12-18 months for this process. By having them at this location, it has brought safety and keep all the vandalizers away. The Food trucks have also provided a more vibrant area at this site. Before they were here, the building kept getting broken into and the homeless were always trying to sleep there. And if there are any other concerns from your department, please let us know and we will accommodate.

I sincerely believe that there are more positives to allowing the Food trucks to operate at this site temporary and will keep the area looking good unlike some of the other abandoned buildings in the downtown area.

Please reconsider our request for an additional Temporary Use Permit.

Sincerely,

Tan Family Investments LLC,

Enrique Chan

Enrique Chan

From: Reena sekhon

Sent: Tuesday, February 28, 2023 5:10 PM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>

Subject: Tenant abusing covid protections while buying real estate.

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

Mayor Salinas and Hayward City Council,

We have been proud property owners @ 442 Ranker Pl Hayward Ca for 12 years. We have worked with the Hayward PD Task for hand in hand to remove a precarious gang issue in our neighborhood. The Pandemic has created various challenges of being a landlord in this new era.

We had a two tenants that couldn't pay rent in the early days of the pandemic. We made arrangements with them to forgo their rent so that they can buy groceries over rent until the job market stabilized. Our baker who worked in the financial district in San Francisco eventually went back to work after 2 months and paid their back rent on a monthly plan. Our other tenant who worked out for Bart was laid off and gave notice January 1, 2021 that he was going to leave. We asked him where he was planning on living and he didn't have a plan and told him to not move out and that in good conscience we couldn't allow him to live in his car and we gave him 6 months free rent until he was able to relocate to columbia with his family.

We now have a tenant that has been excessively subletting their unit resulting in excess wear and tear on the unit. After vaccines became available we were able to find someone who was willing to remodel the bathroom while the tenants lived there. We discovered all the excess mold in the bedrooms they were illegally subletting. We made a commitment to fix the interior bedroom walls to remove the mold after a few months when we saved enough money to do the work.

We made several attempts to schedule work to be done but the tenants Armando and Maria refused our calls and refused access. Instead went to the City of Hayward and complained about the issues that we were already trying to fix.

In compliance with what code enforcement has specified, we have been diligently trying to fix the unit while the tenant lives there. We discovered that the mold issues were so extensive and the repairs ARE so severe to rehab the until that we could only do the work with them no longer living there. I asked them why they would continued to live in a unit that has mold that they claim is causing their child breathing issues. They indicated they couldn't afford to move because they did not have enough money deposit or first last month's rent.

They asked for \$25,000.00 to move out...I told them I could not do that because I couldn't afford that as my husband has lost his job we are single income house and we too are experiencing financial challenges due to covid, but rather I could give them 2 months free rent and \$11,000.00 if they moved out April 1st and everyday beyond that they would incur a deduction of \$77.00 from their \$11,000.00.

When following up we noticed that they are making no effort to vacate the premises on 4/1/23. They told our handyman that they plan to finish out the summer at the unit and do not plan on leaving. When

we asked that they then continue to pay rent they said we can deduct it from the \$11,000.00 move out fee and that because of the covids eviction memoritoriam we can not do anything to evict them.

While investigating them we discovered that they have purchased 3 homes in Modesto, Madera & Oakland. I feel upset and taken advantage that I believed them when they said they had financial hardship but instead they were gaming the system for their own financial gain. The irony is not lost on me that they are collecting rent from a subletter but not paying their own rent.

When opening up the walls our handman discovered mold that has the potential to spread to the other unit. We are desperate to remove them and save our property from complete disarray.

I hope the City of Hayward does not plan to extend the eviction moratorium as it would make an already difficult situation impossible. I would like to have a sit down meeting with the members of the city council and also a tour of our unit so you can see the type of challenges we face and if any tenant protections are to be implemented that protections for landlords from these type of dishonest tenants be put in place too.

Thank you,
Reena

CONSENT ITEM
CONS 23-090



DATE: February 28, 2023

TO: Mayor and City Council

FROM: Director of Library Services

THROUGH: City Manager

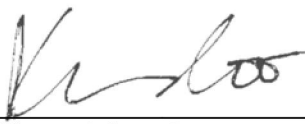
SUBJECT: Adopt Resolutions Authorizing the City Manager to Execute MOUs and Accepting and Appropriating up to \$101,000 for the Operation of Family Education Program Services for Hayward Unified School District (HUSD) Schools (CONS 23-090)

RECOMMENDATION

That the Council move CONS 23-090 from the February 28, 2023, consent calendar to the March 21, 2023, consent calendar to allow for additions to the consent item.

Recommended by: Jayanti Addleman, Director of Library Services

Approved by:



Kelly McAdoo, City Manager

CONSENT ITEM
CONS 23-103



DATE: February 28, 2023

TO: Mayor and City Council

FROM: Director of Maintenance Services

THROUGH: City Manager

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for the Hayward Medians with Brightview Landscape in an Annual Amount of \$122,406, for a Total Not-to-Exceed Amount of \$489,624, and Appropriate \$30,000 from the General Fund to Fund the Annual Contingency (**CONS 23-103**)

RECOMMENDATION

That the Council accepts an amendment to CONS 23-103, regarding an inadvertent calculation error. This error was discovered after the documents were published but not yet approved by Council. In the Background and Discussion section of the staff report, the yearly amount for New Image Landscape was mistakenly written as “\$156,000” when the received bid proposal was \$260,100. It is the opinion of the Maintenance Services Department that the correct amount of \$260,100 should be referenced, as shown in the following table. Furthermore, neither the incorrect or correct amounts impact the contract award.

VENDOR	WEEKLY HOURS	MONTHLY AMOUNT	YEARLY AMOUNT
BRIGHTVIEW LANDSCAPE	40	\$7,700.50	\$ 92,406
LOS LOZA INC.	93	\$24,200	\$ 290,400
NEW IMAGE LANDSCAPE	120	\$21,675	\$ 260,100

Recommended by: Todd Rullman, Director of Maintenance Services

Approved by:

Kelly McAdoo, City Manager