



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

Agenda City Council

Tuesday, July 20, 2021

7:00 PM

Remote Participation

CITY COUNCIL MEETING

COVID-19 Notice: Consistent with State of California Executive Order No. 29-20 dated March 17, 2020, the City Council will be participating in public meetings via phone/video conferencing.

How to observe the Meeting:

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

How to submit written Public Comment:

1. Use eComment on the City's Meeting & Agenda Center webpage at: <https://hayward.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

2. Send an email to List-Mayor-Council@hayward-ca.gov by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 3:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

How to provide live Public Comment during the City Council Meeting:

Click the link below to join the meeting:

<https://hayward.zoom.us/j/97468756910?pwd=K0pmY2hoNnNUS0I2U2RLZG5sL3QrZz09>

Meeting ID: 974 6875 6910

Passcode: CC7/20@7pm

or

Dial: +1 669 900 6833 or +1 253 215 8782

Meeting ID: 974 6875 6910

Password: 0744527887

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

CALL TO ORDER: Mayor Halliday**Pledge of Allegiance: Mayor Halliday****ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PRESENTATIONS**

Certificate of Commendation Presented to Ann and Joe Farias for Donation of \$100,000 for Teen Programs and Teen Center at the Downtown Library

Report on California Energy Commission Hearing Regarding Calpine/Russell City Energy Center Explosion and Restart Application

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.

CITY MANAGER'S COMMENTS

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

ACTION ITEMS

The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.

CONSENT

1. [MIN 21-100](#) Approve City Council Minutes of the City Council Meeting on July 6, 2021

Attachments: [Draft Minutes of July 6, 2021](#)

2. [CONS 21-405](#) Adopt an Ordinance Amending Article 14 of Chapter 6 of the Hayward Municipal Code Regarding Commercial Cannabis Businesses
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Summary of Published Ordinance](#)
 [Attachment III Revised Ordinance](#)
3. [CONS 21-406](#) Adopt an Ordinance Amending the Regulations for Personal Cannabis Cultivation and Commercial Cannabis Land Uses Through the Amendment of Hayward Municipal Code, Chapter 10 (Planning, Zoning and Subdivisions)
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Summary of Published Ordinance](#)
 [Attachment III Revised Ordinance](#)
4. [CONS 21-374](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$205,000 in Awarded Grant Funding from the State of California Office of Traffic Safety for the Hayward Police Department
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Grant Agreement](#)
5. [CONS 21-379](#) Adopt a Resolution Authorizing the City Manager to: (1) Submit an Application to the California State Department of Housing and Community Development for an Amount Not-to-Exceed \$5 Million; (2) Execute a Standard Agreement and Any Subsequent Amendments, Modifications, or Documents Thereto; (3) Accept and Appropriate Awarded Funds in the Amount Not-to-Exceed \$5 Million; and (4) Allocate Funds, if Awarded, to EAH’s Mission Paradise and Resource for Community Development’s Parcel Group 8 Affordable Housing Projects
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)

6. [CONS 21-387](#) Adopt a Resolution Awarding a Contract to Western Systems for the Purchase of Eleven Traffic Signal Controller Cabinets with Battery Backup Systems in an Amount Not-to-Exceed \$149,992
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
7. [CONS 21-394](#) Adopt a Resolution Authorizing the City Manager to Transfer and Appropriate \$351,500 in Mutual Aid Funds (Project 05002) to Fire Department's Fiscal Year 2022 Operating Budget
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Purchase Justifications](#)
8. [CONS 21-397](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate up to \$110,000 from Hayward Unified School District (HUSD) for the Operation of Library Family Education Program Services for Hayward Unified School District Schools
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Executed MOU 20-21](#)
 [Attachment IV Proposed MOU 21-22](#)
9. [CONS 21-400](#) Adopt a Resolution Supporting the Goal for 100% Zero Emission Vehicle Sales in California by 2030 (ZEV2030)
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
10. [CONS 21-407](#) Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Rincon Consultants in an Amount Not- to- Exceed \$599,565 to Prepare General Plan Amendments Related to the Housing Element, Climate Action Plan, Environmental Justice and the Safety Element and Related Environmental Analysis
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Rincon Proposal](#)

11. [CONS 21-412](#) Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Association of Management Employees to Make Association Members who Participated in the Fiscal Year 2021 Furlough Program Whole and Authorizing the City Manager to Execute the Agreement
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Tentative Side Letter of Agreement](#)
12. [CONS 21-413](#) Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Police Management Unit to Make Members who Participated in the Fiscal Year 2021 Furlough Program Whole and Authorizing the City Manager to Execute the Agreement
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Tentative Side Letter of Agreement](#)
13. [CONS 21-414](#) Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and International Federation of Professional and Technical Engineers, Local 21 to Make Members who Participated in the Fiscal Year 2021 Furlough Program Whole and Authorizing the City Manager to Execute the Agreement
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Tentative Side Letter of Agreement](#)
14. [CONS 21-415](#) Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and Service Employees International Union, Local 1021 to Make Members who Participated in the Fiscal Year 2021 Furlough Program Whole and Authorizing the City Manager to Execute the Agreement
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Tentative Side Letter of Agreement](#)

WORK SESSION

Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.

15. [WS 21-036](#) Fireworks Mitigation Options (Report from Assistant City Manager Ott)

Attachments: [Attachment I Staff Report](#)
[Attachment II Hayward Municipal Code Excerpts](#)

PUBLIC HEARING

16. [PH 21-069](#) Engineer's Report MD-1: Adopt a Resolution to Approve the Final Engineer's Report, Confirm the Maximum Base Assessment Rate, Confirm the Fiscal Assessment Rate, Confirm the Assessment Diagram, Order the Levy and Collection of Fiscal Assessment; and Adopt a Resolution to Approve Funding Recommendations and Appropriate Revenue and Expenditure Budgets for Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane, for Fiscal Year 2022 (Report from Director of Maintenance Services Rullman)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution I](#)
[Attachment III Resolution II](#)
[Attachment IV Engineer's Report](#)
[Attachment V FY 2022 Assessment Role](#)

17. [PH 21-065](#) Recommended FY 2022 and FY 2023 Water and Sewer Rates: Adopt a Resolution Amending the Master Fee Schedule and Approving the Proposed Water and Sewer Service Rates (Report from Director of Public Works Ameri)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)

18. [PH 21-064](#) Urban Water Management Plan and Water Shortage Contingency Plan: Review and Approve the 2020 Urban Water Management and 2020 Water Shortage Contingency Plans (Report from Public Works Director Ameri)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution UWMP](#)
[Attachment III Resolution Water Shortage Contingency](#)

LEGISLATIVE BUSINESS

19. [LB 21-038](#) Unrepresented Salary and Benefits: Adopt a Resolution Amending the Salary and Benefits Resolution for Unrepresented Executives, Management, City Manager's Office, Human Resources, and City Attorney Employees (Report from Director of Human Resources Sangy)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Salary and Benefits Resolution](#)

20. [LB 21-037](#) League of California Cities 2021 Annual Conference: Adopt a Resolution Designating Voting Delegates and Alternates for the Annual Conference Scheduled for September 22-24, 2021 (Report from City Clerk Lens)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III League of California Cities Correspondence](#)

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

COUNCIL REFERRALS

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

ADJOURNMENT**NEXT SPECIAL MEETING, COMMISSION INTERVIEWS, July 27, 2021****PUBLIC COMMENT RULES**

Any member of the public desiring to address the Council shall limit her/his address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.

CHILDCARE WILL NOT BE PROVIDED UNTIL FURTHER NOTICE DUE TO COUNTYWIDE SHELTER-IN PLACE ORDER.

