



CITY OF HAYWARD

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

Agenda City Council

Tuesday, June 27, 2023

7:00 PM

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

CITY COUNCIL MEETING

NOTICE: The City Council will hold a hybrid meeting in the Council Chambers and virtually via Zoom.

PUBLIC PARTICIPATION

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:

Participate in the Council Chambers or click link below to join the meeting:
<https://hayward.zoom.us/j/88467598465?pwd=cFVTdzJ3OTdreVlZSIFJdEZuYjFhQT09>

Meeting ID: 884 6759 8465
Password: CC6/27@7pm

or

Dial: +1 669 900 6833 or +1 646 931 3860

Meeting ID: 884 6759 8465
Password: 0303441493

CALL TO ORDER: Mayor Salinas**Pledge of Allegiance: Council Member Roche****AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION****ROLL CALL****CLOSED SESSION ANNOUNCEMENT****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 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, items 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 23-080](#) Approve the Minutes of the Special City Council/Hayward Public Finance Authority Board Meeting on June 20, 2023

Attachments: [Attachment I Draft Minutes of 6/20/23](#)

2. [CONS 23-414](#) Adopt an Ordinance of the City of Hayward Amending Chapter 5, Article 7 of the Hayward Municipal Code Regarding Community Preservation by Amending Section 5-7.00 Relating to Findings and Purpose, Amending Section 5-7.10 Relating to Definitions, Amending Section 5-7.20 Relating to Public Nuisance, Amending Section 5-7.30 Relating to Administrative Citations and Adding Section 5-7.140 Relating to Cumulative Remedies

Attachments: [Attachment I Staff Report](#)
 [Attachment II Summary of Published Ordinance](#)

3. [CONS 23-306](#) Adopt a Resolution Confirming the Report of Non-Abatable Code Violations and Penalty Liens List Associated With the Code Enforcement Division and Community Preservation/Rental Housing Programs

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

4. [CONS 23-349](#) Adopt a Resolution Confirming the Report and Special Assessment List and Authorizing Transmittal of Assessments to the County Assessor for Collection Associated with Overdue Community Preservation and Rental Program Charges for the Period of January 1, 2022, Through May 1, 2023

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

5. [CONS 23-370](#) Adopt a Resolution Confirming the Report and Assessment for Delinquent Garbage Bills Incurred by Property Owners of Single-Family Residences

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III List of Delinquent Accounts](#)

6. [CONS 23-392](#) Adopt a Resolution Confirming the Report and Special Assessment for Delinquent Sewer and Water Bills and Authorizing the Delinquent Charges to Become a Special Assessment Against the Properties if not Paid by August 1, 2023

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Special Assessment List 2023](#)
 [Attachment IV Legal Notice](#)

7. [CONS 23-350](#) Adopt a Resolution Approving the Final Map of Tract 8614, a 10 Lot Subdivision for Condominium Purposes at 29212 Mission Boulevard, Hayward to Allow the Construction of 59 Condominium Units, Open Space Areas, and Related Site Improvements; Applicant/Owner: Hayward SoMi, LLC., Application No. 202201713.

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Final Map Tract 8614](#)
 [Attachment IV Approved Tentative Map](#)
 [Attachment V Final Map Phasing](#)

8. [CONS 23-364](#) Adopt a Resolution Authorizing the City Manager to Execute a Three-Year Agreement With Pacheco Landscape Management for Landscape Maintenance Services at all Hayward Fire Department Stations in an Amount Not-To-Exceed \$319,600

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

9. [CONS 23-373](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$100,000 in Grant Funding From Pacific Gas & Electric For the No-Cost Residential Chipping Program and Defensible Space Resident Assistance Program

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

10. [CONS 23-377](#) Adopt a Resolution Authorizing the City Manager to Amend an Existing Agreement with Ganey Science, LLC to Update the Emergency Management Plan and to Negotiate and Execute an Agreement for On-Call Emergency Management Consulting Services with Ganey Science, LLC.
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
11. [CONS 23-380](#) Adopt a Resolution Authorizing the City Manager to Transfer Up to \$59,801.50 from Fund 230 to Fund 730 to Reimburse the Information Technology (IT) Department for the CENIC Upgrade Work at the Weekes Branch Library (Weekes Branch)
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
12. [CONS 23-384](#) Adopt a Resolution Authorizing the City Manager to Allow the Hayward Police Department to Participate in the Application Process for the Organized Retail Theft Prevention Grant Sponsored Through the Board of State and Community Corrections
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
13. [CONS 23-390](#) Adopt a Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Carollo Engineers, Inc., to Increase the Contract Amount by \$276,746 for a Not-to-Exceed Amount of \$1,385,581 to Provide Additional Construction Support Services for the Water Pollution Control Facility (WPCF) Switchgear Rehabilitation Project No. 07656
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)

14. [CONS 23-395](#) Adopt a Resolution Authorizing the City Manager to Execute a MOU and Partnership Agreement, and Accept and Appropriate up to \$101,000 for the Operation of Family Education Program Services for Hayward Unified School District (HUSD) Schools

Attachments: [Attachment I Staff Report](#)
 [Attachment II HUSD MOU Resolution](#)
 [Attachment III CSUEB Agreement Resolution](#)
 [Attachment IV HUSD Fund Appropriation Resolution](#)
 [Attachment V CSUEB Fund Appropriation Resolution](#)

15. [CONS 23-401](#) Adopt Resolutions Rejecting All Bids for the La Vista Park Project and Approving Plans and Specifications and Call for Bids for the La Vista Park - Keyways Grading Project, Project No. 06914, and Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with SurfaceDesign, Inc.

Attachments: [Attachment I Staff Report](#)
 [Attachment II Bid Rejection Resolution](#)
 [Attachment III Call for Bids Resolution](#)
 [Attachment IV Amendment to PSA with SDI Resolution](#)

16. [CONS 23-402](#) Adopt a Resolution Awarding a Construction Contract to Bear Construction, Inc., for the FY23 Median Landscape Improvement - Phase 2 Project, Project No. 05281 in the Amount of \$852,600, Approving Addendum No. 1, 2 and 3, and Authorizing a Construction Contingency Change Order Budget of \$155,000

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

17. [CONS 23-413](#) Adopt Resolutions Authorizing the City Manager to (1) Award a Construction Contract to W. Bradley Electric in the Amount of \$280,833 and Approving \$42,125 in Administrative Construction Contingency; and (2) Appropriate \$137,125 from the Measure BB Local Transportation (Fund 212) to the Safe Routes to School - Cesar Chavez Middle School, Project No. 05319

Attachments: [Attachment I Staff Report](#)
 [Attachment II Award of Contract Resolution](#)
 [Attachment III Appropriate of Funds Resolution](#)
 [Attachment IV Location Map](#)

18. [CONS 23-416](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Second Amendment to the Ground Lease with HWD AAS Hangar, LLC (dba APP Jet Center)

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

19. [CONS 23-386](#) Adopt a Resolution Adopting a Local Road Safety Plan

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Vision Zero Commitment Resolution](#)
 [Attachment IV Local Road Safety Plan](#)

20. [CONS 23-417](#) Adopt a Resolution Approving the Memoranda of Understanding between the City of Hayward and the International Association of Firefighters, Local 1909 and Authorizing Staff to Execute the Agreement

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

21. [CONS 23-418](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate up to \$15,000 Annually for the Next Five Years in Donations for the Annual Hayward Volunteer Recognition and Awards Dinner

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

22. [CONS 23-427](#) Adopt a Resolution Authorizing the City Manager to enter into an Exclusive Negotiation Rights Agreement with Montecito Development Company LLC for Proposed Development of the California Air National Guard and Skywest Sites at the Hayward Executive Airport (Report will be available no later than Monday, June 26, 2023)

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.

23. [WS 23-0](#) Community Survey Results: Receive Presentation of Community Survey Results and Consider Potential Ballot Measure for Future Facilities Needs (Report from Assistant City Manager Claussen)

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

24. [WS 23-031](#) I-880/Whipple Road - Industrial Parkway Interchange Improvement Project: Review and Discuss Aesthetic and Design Features (Report from Director of Public Works Ameri)

Attachments: [Attachment I Staff Report](#)
 [Attachment II Vicinity Map](#)
 [Attachment III I-880/Whipple Road IC - Proposed](#)
 [Attachment IV I-880/Industrial Pkwy West IC - Proposed](#)

PUBLIC HEARING

25. [PH 23-030](#) LLAD 96-1 Public Hearing: Adopt a Resolution to Approve the Final Engineer's Report, Reconfirm Maximum Base Assessment Amounts, Confirm the Assessment Diagrams and Fiscal Assessments, Order the Levy and Collection of Fiscal Assessments; and Adopt a Resolution to Approve Funding Recommendations and Appropriate Special Revenue Funds for Consolidated Landscaping and Lighting Assessment District (LLAD) No. 96-1, Zones 1 through 18, for Fiscal Year 2024 (Report from Maintenance Services Director Rullman)

Attachments:[Attachment I Staff Report](#)[Attachment II Engineer's Report Resolution](#)[Attachment III Appropriation Resolution](#)[Attachment IV Final Engineer's Report](#)[Attachment V Assessment Roll](#)

26. [PH 23-032](#) Maintenance District No. 1 Public Hearing: 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 2024 (Report from Maintenance Services Director Rullman)

Attachments:[Attachment I Staff Report](#)[Attachment II Engineer's Report Resolution](#)[Attachment III Appropriation Resolution](#)[Attachment IV Final Engineer's Report](#)[Attachment V Assessment Roll](#)

27. [PH 23-031](#) Maintenance District No. 2 Public Hearing: 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. 2 - Eden Shores Storm Water Buffer and Facilities, for Fiscal Year 2024 (Report from Maintenance Services Director Rullman)

Attachments: [Attachment I Staff Report](#)
[Attachment II Engineer's Report Resolution](#)
[Attachment III Appropriation Resolution](#)
[Attachment IV Final Engineer's Report](#)
[Attachment V Assessment Roll](#)

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 REFERRAL

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.

28. [RPT 23-065](#) City Council Referral: Developing Hayward's Vulnerable Needs Registry (Referral from Council Members Syrop, Roche, and Bonilla Jr.)

Attachments: [Attachment I Council Referral Memo](#)

ADJOURNMENT

NEXT MEETING, August 15, 2023, 7:00 PM

COUNCIL RECESS - July 4, 2023 to August 8, 2023

PUBLIC COMMENT RULES

Any member of the public desiring to address the Council shall limit their 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.

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 City website, Cable Channel 15 - KHRT, and YouTube. ****

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 cityclerk@hayward-ca.gov.

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.