

CITY COUNCIL MEETING

JUNE 27, 2023

**DOCUMENTS RECEIVED AFTER
PUBLISHED AGENDA**

AB 2449 Teleconference
Notification and Consideration-
CM Goldstein



DATE: June 27, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT Remote Participation Based on AB 2449 Emergency Circumstance

RECOMMENDATION

The purpose of this memorandum is to bring to the City Council's attention the need of Council Member Goldstein to participate via MS Teams and Zoom platforms under AB 2449 Brown Act teleconferencing procedures for an emergency circumstance as defined in [Government Code section 54953\(f\)\(2\)\(A\)\(ii\) and 54953\(j\)\(1\)](#). Council Member Goldstein's preparation for an upcoming medical procedure creates a condition that prevents him from participating in person.

The City Council will need to take action on the item at the beginning of the Closed Session at 5:30 p.m., and at the beginning of the City Council meeting at 7:00 p.m.

Item# 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.



DATE: June 27, 2023

TO: Mayor and City Council

FROM: Director of Public Works

THROUGH: City Manager

SUBJECT: 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. 0914, and Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with SurfaceDesign, Inc.

RECOMMENDATION

That the Council accept an amendment to 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., removing the resolution (Attachment III) asking Council to Approve Plans and Specifications and Call for Bids for the La Vista Park - Keyways Grading Project, Project No. 06914.

BACKGROUND AND DISCUSSION

On June 6, 2023, three (3) bids were received for the La Vista Park Project ranging from \$41,927,606 to \$47,323,996 for base bid items. DeSilva Gates Construction LLC submitted the low bid in the amount of \$41,927,606, which is 64.8% above the engineer's estimate of \$25,438,301.

Staff recommends rejecting all bids. Staff will reevaluate the scope of the La Vista Park Project for future bidding possibilities.

Initially staff had recommended rejecting all bids but calling for new bids for the park's keyway construction. This was done assuming that the park keyway construction was required to allow the construction of the residential portion of Parcel Group 3 (PG3) to proceed. However, staff has received information that with a new keyway, which is to be constructed by the PG3 development on their property, there is no need for the construction of the park keyway at this time. The park keyway will function as protection from potential landslides on the park property itself.

Staff will evaluate the need and location for that keyway after a re-evaluation of the park design to better align the park design with the available budget for it. Staff will bring back the project to Council with options for Council's consideration.

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', with a long horizontal flourish extending to the right.

Kelly McAdoo, City Manager

Item# 19

CONS 23-386

Adopt a
Resolution
Adopting a Local
Road Safety Plan



DATE: June 27, 2023
TO: Mayor and City Council
FROM: Director of Public Works
THROUGH: City Manager
SUBJECT: Adopt a Resolution Adopting a Local Road Safety Plan **(CONS 23-386)**

RECOMMENDATION

That the Council accepts an amendment to CONS 20-206, Attachment II Resolution, adopting the Local Road Safety Plan (LRSP) with the goal of eliminating traffic deaths and severe injuries on the City's roadways by "2050" not "2030" as stated on the existing resolution.

Recommended by: Alex Ameri, Director of Public Works

Approved by:

Kelly McAdoo, City Manager

Attachment: Revised Attachment II Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL TO ADOPT THE LOCAL ROAD SAFETY PLAN

WHEREAS, the Local Road Safety Plan (LRSP) was funded by the California Department of Transportation (Caltrans) LRSP \$90,000 grant program with a \$10,000 City contribution from the Transportation System Improvement Fund (Fund 460); and

WHEREAS, the City Council approved to execute a professional services agreement to Kittelson & Associates, Inc., for the preparation of the LRSP; and

WHEREAS, the LRSP is a critical planning, policy, and implementation document that supports the City’s efforts to improve the safety of its transportation infrastructure for all modes and for people of all ages and abilities; and

WHEREAS, the LRSP has been designed with the goal of eliminating traffic deaths and severe injuries on the City’s roadways by ~~2030~~2050; and

WHEREAS, local agencies must have an LRSP or equivalent planning document in order to pursue safety grant funds such as Highway Safety Improvement Program (HSIP) administered by Caltrans and Safe Streets for All (SS4A) by the U.S. Department of Transportation; and

WHEREAS, the LRSP identifies action items and performance measures for implementation and evaluation that are aligned with plan goals and a list of funding sources such as Caltrans Active Transportation Program, HSIP, California Office of Traffic Safety, regional funding, and federal funding sources.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby adopts the Local Road Safety Plan.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Item# 22
CONS 23-427

Montecito
Development Company LLC

DATE: June 27, 2023

TO: Mayor and City Council

FROM: City Manager

SUBJECT

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

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and enter into an exclusive negotiation rights agreement with Montecito Development Company LLC for a period of twelve months with four (4) optional six-month extensions at the City Manager’s discretion for the development of parcels at the site known as the California Air National Guard (CANG) site and the former Skywest Golf Course.

SUMMARY

Montecito Development Company LLC is seeking the Council’s approval for an exclusive negotiating rights agreement for the CANG and former Skywest Golf Course sites to begin work on developing the parcels for use other than what is currently on the site.

ATTACHMENTS

- | | |
|----------------|--------------------------------|
| Attachment I | Staff Report |
| Attachment II | Resolution |
| Attachment III | CANG Property Visualization |
| Attachment IV | Skywest Property Visualization |



DATE: June 27, 2023

TO: Mayor and City Council

FROM: City Manager

SUBJECT: 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

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and enter into an exclusive negotiation rights agreement with Montecito Development Company LLC for a period of twelve months with four (4) optional six-month extensions at the City Manager's discretion for the development of parcels at the site known as the California Air National Guard (CANG) site and the former Skywest Golf Course.

SUMMARY

Montecito Development Company LLC is seeking the Council's approval for an exclusive negotiating rights agreement for the CANG and former Skywest Golf Course sites to begin work on developing the parcels for use other than what is currently on the site.

BACKGROUND

The Airport and all its facilities were originally transferred from the United States Government to the City in 1947 in the form of a quitclaim deed. The City entered into an agreement with the U.S. Government in 1949 for continued use of Airport land by the U.S. Air Force and the CANG. The CANG site was used by various military units until 1980 when the land was vacated and eventually returned to the City in September 2012. A significant portion of the vacated land (16 acres) is the subject of this development, while three additional acres continued to be leased by the CANG.

The Skywest property, which was formerly used as a golf course, is owned by the Hayward Executive Airport (Airport). After the Hayward Area Recreation and Park District (HARD) ceased operations at the Skywest Golf Course on September 30, 2020, Airport staff assumed maintenance of the property and initiated a process to guide future development of the site.

DISCUSSION

The Developer is proposing an advanced manufacturing development project at the CANG site. Advanced manufacturing includes the use of innovative technologies to improve products or processes, including life sciences (i.e., drugs and therapeutics), or electronic products (i.e., robotics and energy). Advanced manufacturing is a burgeoning industry, with over 100,000 Science, Technology, Engineering, Art and Math and 7,000 bio manufacturing jobs within the San Francisco Bay Area.

The Developer is proposing to develop 47 acres of the Skywest property. The intent is to create multiple class A commercial buildings for life sciences. The site will serve as a hub for the east bay area. The developer will keep in mind the natural state of the land now and will ensure no native animal habitats will be lost.

ECONOMIC IMPACT

The proposed development would add much needed square footage to Hayward's industrial real estate inventory. Currently, the industrial vacancy rate citywide is under 4 percent. Most of this vacant space is older stock and not conducive to attracting life science or advanced manufacturing users. This development would also generate employment opportunities for skilled and unskilled tradespeople during the construction phase, and advanced manufacturing jobs after the project is fully built. Furthermore, the City's General Fund would benefit from additional business license fees and sales tax.

FISCAL IMPACT

There is no fiscal impact of this action to the City's General Fund. Each year that the ENRA is in place, the Airport Enterprise Fund will generate \$150,000 in fee revenue from the agreement. Should the sites be completely developed, there will likely be a significant positive impact in revenues to the City's General Fund as the property will begin to generate property, sales and business license tax. Currently, those amounts are not estimable.

STRATEGIC INITIATIVES

2 b. Grow the Economy: Engage owners and encourage activation of vacant sites.

SUSTAINABILITY FEATURES

Sustainability features are not specified in this agreement.

PUBLIC CONTACT

The development of the Skywest site has been discussed at multiple Council Airport Committee meetings, with updates at each meeting in 2022 and 2023. Prior to that public outreach has included:

- Postings on City and Airport social media
- City of Hayward’s electronic distribution
- Hard copy fliers at the Airport, City Hall, and libraries
- Direct outreach to adjacent homeowner’s associations
- Postcards mailed to 13,800 residents
- A public facing website for project (translation of materials available directly through website)
- Posted to City and Airport websites
- Multiple rounds of public comment periods

NEXT STEPS

Should the Council approve this item, the City Manager will proceed in negotiating an Exclusive Negotiating Rights Agreement with Montecito Development Company LLC including compliance with local, state and federal statutes. All non-aeronautical development on the CANG site will likely require approval by the FAA. In addition, the zoning must be changed from AT-AC to AT-C to accommodate non-aeronautical commercial development. Staff will submit the rezoning request to the City for consideration in approximately one year, and will concurrently facilitate development of the site, including negotiating a lease agreement with the prospective developer and working with the developer in pursuing land use entitlements and environmental clearance, subject to site plan review and approval by the City.

Prepared by: Dustin Claussen, Assistant City Manager

Recommended by: Dustin Claussen, Assistant City Manager

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EXCLUSIVE NEGOTIATING AGREEMENT BETWEEN THE CITY OF HAYWARD AND MONTECITO DEVELOPMENT LLC FOR PROPOSED DEVELOPMENTS AT 1401 GOLF COURSE ROAD (SKYWEST PROPERTY) AND 1525 WEST WINTON AVENUE (CALIFORNIA AIR NATIONAL GUARD SITE)

WHEREAS, the City of Hayward ("City") owns and operates Hayward Executive Airport ("Airport"); and

WHEREAS, the ground lease for Skywest Golf Course was assigned to Hayward Area Recreation District (HARD) in 1975; and

WHEREAS, HARD ceased operations at the golf course on September 30, 2020 and the 126-acre leasehold was returned to the City; and

WHEREAS, the California Air National Guard (CANG) site has been vacant since 1980; and

WHEREAS, the CANG site was officially released to the City by the United States Government in 2012; and

WHEREAS, staff has held preliminary discussions with Montecito Development LLC related to development of the CANG site; and

WHEREAS, Montecito Development LLC has also recently expressed interest in potentially developing a portion of the Skywest property; and

WHEREAS, Montecito Development LLC is considering both sites for development, related to life sciences and advanced manufacturing; and

WHEREAS, Montecito Development LLC is requesting an Exclusive Negotiating Agreement (ENA) in order to conduct a due diligence investigation and determine the suitability of the premises for the intended use; and

WHEREAS, the duration of the ENA with Montecito Development LLC shall be for one year with up to four separate 6-month extensions of time, subject to the approval of the City Manager.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes and directs the City Manager to negotiate and execute an Exclusive Negotiating

ATTACHMENT II

Agreement with Montecito Development LLC consistent with the terms generally outlined in the accompanying staff report, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Site Plan

- 1** Hayward Community Building
- 2** History Walk
- 3** Campus Entry
- 4** Campus Amenity

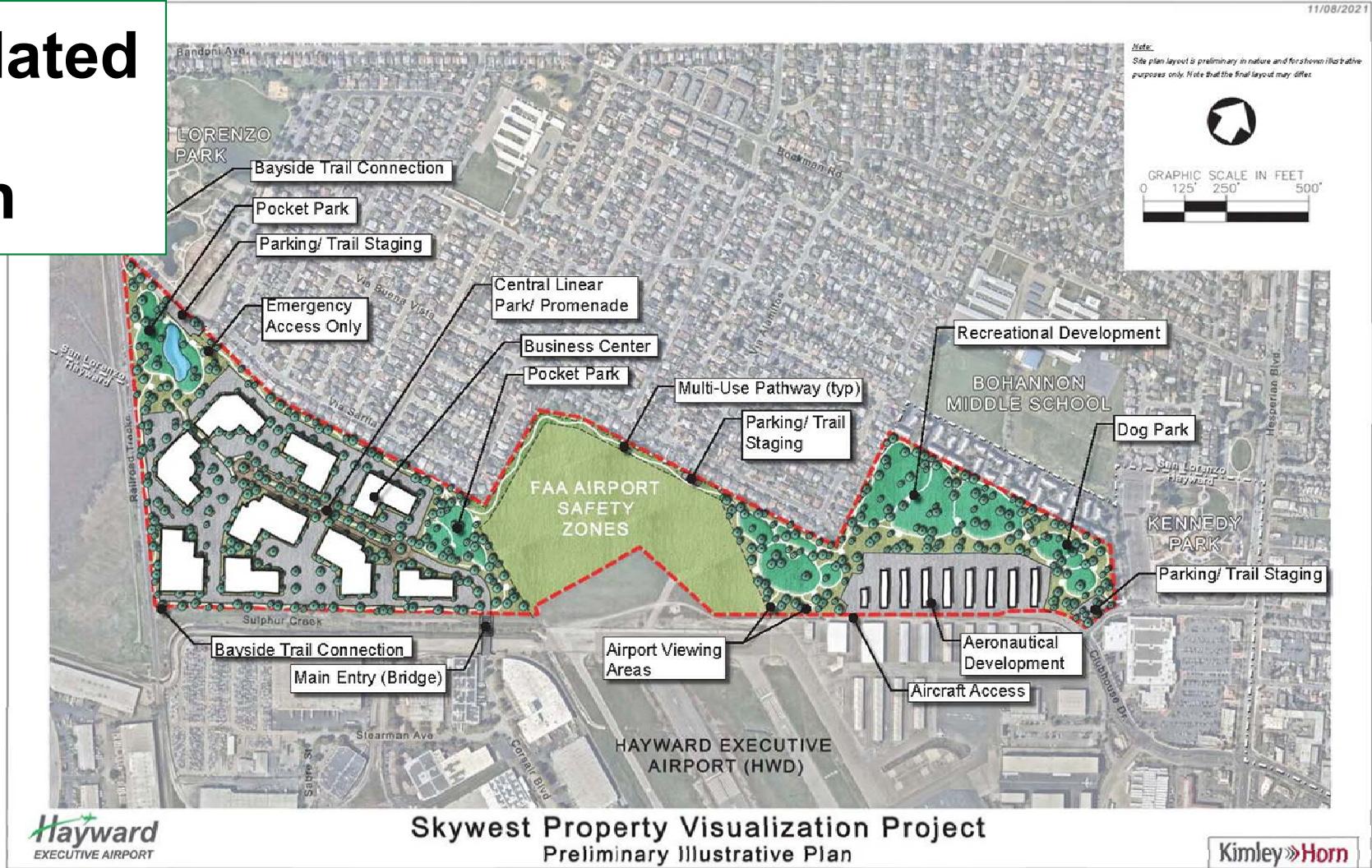


View of Campus Amenity



Updated Site Plan

11/08/2021



Item# 28

RPT 23-065

City Council Referral

From: [Lara Calvert](#)
To: [List-Mayor-Council](#)
Subject: RPT 23-065
Date: Tuesday, June 27, 2023 4:05:36 PM

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

Hayward Mayor & City Councilmembers ~

I am reaching out to you in support of the referral item on your agenda tonight to develop a Vulnerable Residents Registry.

As a non-profit working with older Hayward residents and residents experiencing low income, I worry about the next major earthquake, flood, prolonged power outage and storm that will cause an evacuation or other needs of our most needy neighbors. While I have a list of clients identified, it would not get into the City's first responders hands fast enough to make life-saving impacts. I urge you to move forward with this project and look forward to partnering with the City on this valuable tool.

Regards
~ Lara

Lara M. Calvert
Executive Director

www.SpectrumcCS.org

