

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-\_\_\_\_\_

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 RIGHTS AGREEMENT BETWEEN THE CITY OF  
HAYWARD AND TRUMARK PROPERTIES, LLC FOR A PROPOSED  
DEVELOPMENT LOCATED ON PARCEL GROUP 5: BUNKER HILL

WHEREAS, the State Department of Transportation (Caltrans) purchased over 400 parcels of property in the City of Hayward for the planned construction of the 238 Bypass Freeway project, which was stopped because of a lawsuit filed by La Raza Unida of Southern Alameda County; and

WHEREAS, the City and Caltrans negotiated a Purchase and Sale Agreement for the City to acquire a portion of the properties from Caltrans, that was approved by the City Council and the California Transportation Commission (CTC) in January 2016; and

WHEREAS, the Purchase and Sale Agreement with Caltrans allows the City to buy and dispose of ten different parcel groups for a six-year period that expires in January 2022; and

WHEREAS, on July 17, 2019, the City Council approved a resolution certifying an addendum to the 2014 General Plan Environmental Impact report, approved the Master Development Plan ("MDP"), and approved a resolution authorizing the City Manager to issue a Request for Proposals ("RFP") for the disposition and development of Parcel Group 5 consistent with the MDP; and

WHEREAS, the Addendum to the GP EIR was certified by the City Council on July 17, 2019 pursuant to CEQA Guidelines Section 15164, which confirmed that the proposed development for Parcel Group 5 consistent with the MDP and is within the scope of the GP EIR; will have no new or more severe significant effects and no new mitigation measures are required, and, therefore, no subsequent or supplemental EIR or further CEQA review is required prior to approval of the proposed project, as described in the Addendum; and

WHEREAS, there were two responses to the RFP issued by the City, including Brookfield Homes and Trumark, and after thorough interdepartmental review by staff, Trumark, a highly qualified residential developer, was recommended as the preferred developer for further negotiation with the City for development of Parcel Group 5; and

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 Rights Agreement (ENRA) with Trumark Properties, LLC consistent with the terms generally outlined in the accompanying staff report, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

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