



CITY OF HAYWARD

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

Agenda City Council

Tuesday, July 5, 2022

7:00 PM

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

CITY COUNCIL MEETING

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

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/89513711378?pwd=NWh5NXVIS0pmNktYNkw1VENGZTdYdz09>

Meeting ID: 895 1371 1378

Password: HCC7/5@7pm

or

Dial: +1 669 444 9171 or +1 669 900 6833 or 877 853 5247 (Toll Free)

Meeting ID: 895 1371 1378

Password: 7624645159

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

CALL TO ORDER: Mayor Halliday

Pledge of Allegiance: Council Member Zermeño

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 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 22-089](#) Approve the City Council Minutes of the City Council Meeting on June 21, 2022

Attachments: [Attachment I Minutes of 6/21/2022](#)

2. [CONS 22-429](#) Adopt an Ordinance of the City of Hayward Adding Article 15 to Chapter 3 of the Hayward Municipal Code Relating to the Use of Military Equipment by Law Enforcement

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

3. [CONS 22-440](#) Adopt an Ordinance Granting Exclusive Franchise to Waste Management of Alameda County for Solid Waste, Recyclable Materials and Organic Materials Services
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Summary of Published Ordinance](#)
4. [CONS 22-397](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute Professional Services Agreements with Consolidated Engineering Labs, Signet Testing Labs, and Apex Testing Laboratories in an Amount Not-to-Exceed \$200,000 Annually Per Firm for Three Years for On-Call Material Testing and Special Inspection Services
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
5. [CONS 22-410](#) Adopt a Resolution Authorizing the City Manager to Execute an Agreement with the Alameda County Sheriff's Office for Receipt of FY 2019 Byrne Justice Assistance Grant (JAG) funds in the Amount of \$36,891
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
6. [CONS 22-415](#) Adopt a Resolution Authorizing the City Manager to Appropriate \$640,000 for the SR-92/Whitesell Interchange - Project Initiation Document Project No. 05334
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Location Map](#)
7. [CONS 22-416](#) Adopt a Resolution Approving Addendum No. 1 and Awarding a Contract to GSW Construction, Inc., for the Willimet Way & I-880 Sanitary Sewer Main Installation Project, Project No. 07717, in an Amount of \$770,218 with the Addition of \$85,000 in Administrative Change Orders and Appropriating Additional Funds in an Amount of \$543,675
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Location Map](#)

8. [CONS 22-418](#) Adopt a Resolution Approving the Final Engineer's Report and Ordering the Levy of Assessments for Fiscal Year 2023 for Old Highlands Area Road Improvement Assessment District

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Final Engineer's Report](#)

9. [CONS 22-419](#) Adopt a Resolution Approving the Plans and Specifications and Calling for Bids for the Water Pollution Control Facility's (WPCF) Switchgear Rehabilitation Project, Project No. 07656

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

10. [CONS 22-424](#) Adopt a Resolution Approving the Final Map of Tract 8581, a 47 Lot Subdivision on a 5.4 Acre Site located at 1000 La Playa Drive to Allow the Construction of 47 Single Family Homes, a Common Open Space Parcel, and Related Site Improvements; Applicant/Owner: D.R. Horton Bay, Inc., Application No. 202200670

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Final Map Tract 8581](#)
 [Attachment IV Vesting Tentative Map Tract 8581](#)

11. [CONS 22-431](#) Adopt a Resolution Approving Addendum No. 1 and No. 2 and Awarding a Contract to Ranger Pipelines, Inc., for the Sewer Line Improvements Project, Project No. 07761, in the Amount of \$11,087,925 in Addition to Approving \$1,108,793 in Administrative Construction Contingency, and Appropriating Additional Funds in an Amount of \$3,067,915

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

12. [CONS 22-433](#) Adopt a Resolution Authorizing the Single Source Agreement with Western Energy Systems for Services to the Cogeneration Engine System at the Water Pollution Control Facility (WPCF) in an Amount Not-to-Exceed \$507,710 Plus Administrative Change Orders in the Amount of Ten Percent of the Contract Price for a Total of \$558,500
- Attachments:** [Attachment I Staff Report](#)
[Attachment II Resolution](#)
13. [CONS 22-434](#) Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Applied Pavement Technology, Inc., to Provide Consulting Engineering Services for the Airport Pavement Management Program (PMP) Update at Hayward Executive Airport Project in an Amount of \$227,000
- Attachments:** [Attachment I Staff Report](#)
[Attachment II Resolution](#)
14. [CONS 22-436](#) Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Brown and Caldwell for the Preliminary Design Services for the Water Pollution Control Facility (WPCF) Improvements Phase II Project, Project No. 07760, in an Amount Not-to-Exceed \$3,849,711
- Attachments:** [Attachment I Staff Report](#)
[Attachment II Resolution](#)
15. [CONS 22-437](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$313,375 from Bunker Hill by Trumark Homes, LLC to the La Vista Park Project, Project No. 06914
- Attachments:** [Attachment I Staff Report](#)
[Attachment II Resolution](#)
16. [CONS 22-438](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Extension to the Master Agreement and Lease with the Hayward Area Recreation and Park District for Operations and Maintenance of City Lands through October 15, 2022
- Attachments:** [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Parks Covered by Master Lease](#)

17. [CONS 22-443](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Kitchell for Construction Management for the Stack Center in an Amount Not-to-Exceed \$520,000
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
18. [CONS 22-444](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$210,000 in Awarded Grant Funding from the State of California Office of Traffic Safety for Use by the Hayward Police Department
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
19. [CONS 22-449](#) Adopt a Resolution Authorizing the City Manager to Execute a Memorandum of Understanding (MOU) Between the City of Hayward and Tiburcio Vasquez Health Center (TVHC) for a Lease to Operate the Firehouse Clinic (FHC) and to Appropriate the Rent from TVHC to CIP Project FD010 for Building Maintenance, Upgrades, and Improvements in Service Delivery
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
20. [CONS22-429](#) Adopt a Resolution Authorizing the Hayward Police Department to Enter Into A Five-Year Agreement With Axon Enterprises, Inc. For the Purchase of Axon Fleet Vehicle Dash Cameras With Automated License Plate Reading Technology
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III HPD ALPR Policy 429](#)
 [Attachment IV HPD Policy 425](#)

LEGISLATIVE BUSINESS (Continued from June 28, 2022)

21. [LB 22-018](#) City of Hayward Homelessness Update: 1) Receive Results of 2022 Point-in-Time Count Results; 2) Receive an Update on City of Hayward Homelessness Efforts; 3) Adopt Resolutions for FY2023 Homelessness Related Professional Services Agreements (Report from Acting Assistant City Manager Claussen) (Continued from June 28, 2022)

Attachments: [Attachment I Staff Report](#)
[Attachment II Alameda County PIT Data](#)
[Attachment III Hayward PIT Data 2022](#)
[Attachment IV LHH Plan Update](#)
[Attachment V Resolution to Amend Agreement with FPCH](#)
[Attachment VI HNC and Annex Report](#)
[Attachment VII Resolution with BACS](#)
[Attachment VIII Resolution to Amend Agreement with BACS](#)

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.

22. [WS 22-027](#) Housing Element: Work Session on the Housing Resources, Inventory and Housing Plan of the 2023-2031 Housing Element (Report from Acting Assistant City Manager/Development Services Director Claussen)

Attachments: [Attachment I Staff Report](#)
[Attachment II Housing Resources & Inventory](#)
[Attachment III Housing Plan](#)

PUBLIC HEARING

23. [PH 22-040](#) LLAD 96-1 Assessment 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 2023 (Report from Maintenance Services Director Rullman)

Attachments:

[Attachment I Staff Report](#)

[Attachment II Resolution Approving the Engineer's Report](#)

[Attachment III Resolution Approving Funding](#)

[Attachment IV Engineer's Report](#)

[Attachment V FY 2023 Assessment Roll](#)

24. [PH 22-041](#) 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 2023 (Report from Maintenance Services Director Rullman)

Attachments:

[Attachment I Staff Report](#)

[Attachment II Resolution Approving Engineer's Report](#)

[Attachment III Resolution Approving Funding](#)

[Attachment IV Engineers Report](#)

[Attachment V FY 2023 Assessment Roll](#)

25. [PH 22-042](#) 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 2023 (Report from Maintenance Services Director Rullman)

Attachments:

[Attachment I Staff Report](#)

[Attachment II Resolution Approving Engineer's Report](#)

[Attachment III Resolution Approving Funding](#)

[Attachment IV Engineers Report](#)

[Attachment V FY 2023 Assessment Roll](#)

LEGISLATIVE BUSINESS

26. [LB 22-019](#) Cal Cities 2022 Annual Conference: Adopt a Resolution Designating Voting Delegates and Alternates for the Annual Conference Scheduled for September 7-9, 2022 (Report from City Clerk Lens)

Attachments:

[Attachment I Staff Report](#)

[Attachment II Resolution](#)

[Attachment III Cal 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, July 12, 2022

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.