

CITY COUNCIL MEETING

JULY 5, 2022

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AGENDA**

AGENDA

QUESTIONS AND ANSWERS

AGENDA QUESTIONS & ANSWERS

MEETING DATE: July 5, 2022

Item #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

Related to the sewer replacement item, Agenda Item Number 11, were any of the longer segments evaluated for placement of fiber optic cable in compliance with our dig once policy?

Staff has evaluated the installation of fiber optic cable conduits. However, it is not advisable for a fiber optic line to be placed over, under, or in the same trench adjacent to a sewer or water main. In an emergency, maintenance staff should be able to get to a broken water or sewer main quickly. Having fiber lines in the way can cause a problem, including damage to fiber optic lines that may carry critical communication signals or networks.

Item #20 [CONS 22-429](#)

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

In the evaluation of triggering events, 80mph appears to be a high threshold given the average speed limit on Hayward's streets? Would 5-10 mph above the average speed limit on Hayward's city streets make sense or another threshold lower than 80mph?

The 80 mph is a common trigger point as most agencies set it 10 mph above highway/freeway speed limits. Although the speed limits within our city are between 25 mph and 45 mph, officers use the freeways (880 & 92) to travel throughout the city. 880 and 92 have 65 mph limits, in our city limits, so a 75 mph trigger wouldn't be a problem.

Item #22 [WS 22-027](#)

Housing Element: Work Session on the Housing Resources, Inventory and Housing Plan of the 2023-2031 Housing Element RECOMMENDATION

Regarding the housing element:

1. For the by-right affordable housing noted on page C-21, is the proposal to require rezoning on parcels the City does not own? If so, would you please remind me how that works?

2. In the current allocation, is it the intent to encourage low income housing only in the Mission Corridor? Or to encourage high or low income housing only in specific parts of the city?

1. The sites in question, which are privately owned, would not be rezoned to a different Zoning District. The City could create, for example, a Housing Element Overlay District that would allow new development on those parcels to bypass typical planning entitlements (i.e. Site Plan Review) and allow for ministerial approval of projects that meet minimum densities and provide a minimum 20% affordability to low-income households as part of the project. The process for ministerial planning review would likely be modeled on the City's Senate Bill 35 process which requires review for conformance with Zoning, Building, and Fire Code standards and requirements and results in Standard Conditions of Approval but does not include discretionary findings or review and is not subject to the California Environmental Quality Act.
2. The purpose of the sites inventory is to show that the City can accommodate housing on specific sites under the current zoning to meet the City's RHNA. Per the State Department of Housing and Community Development (HCD) guidance, local jurisdictions may assume development for lower income households will occur on sites that are between half an acre and ten acres in size with allowable density of at least 30 units per acre. Sites that meet those criteria are generally located in the Downtown Specific Plan, Mission Boulevard Corridor and in the Sustainable Mixed Use General Plan designation. Regardless of the assumptions in the Inventory, it is essential to note housing at all income levels is required throughout the City in accordance with the Affordable Housing Ordinance. Further, City staff does not know how or where sites will develop in this next eight-year cycle. For example, sites not on the previous sites inventory were developed in the last cycle and at least one was development site not identified in the last cycle is permanent supportive housing that is 100% affordable to very low and low-income households (2595 Depot Road).

3. Does Economic Development anticipate any auto use for the former Hayward Chevrolet site?
4. In encouraging recycling of sites, how do we prevent the failure to perform issues that occurred with Mission Crossings?
5. Within the Housing Plan, would it make sense to add a policy that would work with owners of naturally occurring affordable rental housing to maintain and, as funding allows, improve their units, with the goals of protecting tenants and preserving property/investment, preventing turnover to investment companies, and, when possible, facilitating transition to co-op or other ownership models?
6. Page 6-3, Action 2.3, is the intent to disseminate information only to homeowners and only to 100 of them?
7. Regarding affordable housing development assistance, is there any logic to adding an action related to prioritizing ownership for first time BIPOC buyers in areas that were historically redlined?
8. In Action 14.2, is annual (rather than bi-annual) reporting sufficient to monitor progress?

3. Planning staff is not aware of any proposed automotive uses on the former Hayward Chevrolet site. Planning staff reached out to Economic Development staff to see if they have any additional information on this topic.
4. City staff will make every effort to ensure that developments are constructed in accordance with the approved entitlements. There may be outliers that do not develop in accordance with the approved plans and staff will address those issues on a case-by-case basis.
5. Thank you for this suggestion. Planning will work with Housing Division staff to explore language for an additional or expanded Action under Program H-3, Preservation of At-Risk Affordable Housing, where we have two Actions related to naturally occurring affordable housing (Actions 3.5 and 3.6).
6. Action 2.3 will be revised to read as follows “Maintain current information on the City’s website and provide information to a minimum of 100 renter households annually through workshops, non-profits or advocacy groups, and direct outreach at the Permit Center and in the field.”
7. Thank you for this suggestion. Planning staff will work with Housing Division staff to expand or develop an Action to prioritize first time BIPOC homeowners in a manner that is consistent with Fair Housing Law.
8. Thank you for this suggestion. Staff agrees that annual reporting would be adequate to accomplish Action 14.2.

PUBLIC COMMENTS

Amber Parras

From: noreply@granicusideas.com
Sent: Tuesday, July 5, 2022 3:13 PM
To: CityClerk
Subject: [BULK] New eComment for City Council on 2022-07-05 5:15 PM

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



New eComment for City Council on 2022-07-05 5:15 PM

Gloria Villasenor submitted a new eComment.

Meeting: City Council on 2022-07-05 5:15 PM

Item: The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda.

eComment: I appreciate the Councils efforts our city needs to do more to address homelessness in D.T I would like to see a permanent police presence. A power washing schedule(weekly) I continue to see human feces on sidewalks. Shuttered business are staying abandoned. Downtown Hayward is virtually gone lost to blight. Please take a walk to downtown and see first hand. I walk weekly to downtown and am very upset as a homeowner and long time resident. Please help our downtown businesses and community.

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MEMO

ITEM #23

PH 22-040



DATE: July 5, 2022

TO: Mayor and City Council

FROM: Maintenance Services Director

THROUGH: City Manager

SUBJECT: 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

RECOMMENDATION

That the Council accept an amendment to PH 22-040, regarding Attachment II - Resolution Approving the Engineer's Report. This resolution contained an error in the FY 2023 assessment rate for Zone 14. The resolution has been amended to correct the Zone 14 assessment rate from \$704.16 to \$683.65.

Recommended by: Todd Rullman, Maintenance Services Director

Approved by:

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-__

Introduced by Council Member_____

RESOLUTION APPROVING THE FINAL ENGINEER'S REPORT, RECONFIRMING MAXIMUM BASE ASSESSMENTS, CONFIRMING THE ASSESSMENT DIAGRAMS AND FISCAL ASSESSMENTS, AND ORDERING LEVY AND COLLECTION OF FISCAL ASSESSMENTS FOR FISCAL YEAR 2023 FOR THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1, ZONES 1-18

WHEREAS, by adopting Resolution No. 22-158 on June 21, 2022, the City Council reviewed the preliminary Engineer's Report and declared its intention to levy assessments for Fiscal Year (FY) 2023 in accordance with and pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the Preliminary Engineer's Report was duly considered by the City Council and found to be sufficient in every particular; and

WHEREAS, a date of July 5, 2022, at the hour of 7:00 p.m. was appointed as the date and time for a public hearing before the City Council on the question of the levy of the proposed assessments, a notice of which proceedings was duly published; and

WHEREAS, a public notice of the proposed assessment and of the City Council public hearing was published once in East Bay Times newspaper (June 24, 2022) and a postcard mailed (June 3, 2022) to each property owner of record for each parcel in LLAD 96-1, zones 1-18; and

WHEREAS, at the appointed date and time, said hearing was duly and regularly held, and all interested persons desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said levy were fully heard and considered by the City Council; and

WHEREAS, the City Council thereby confirms the maximum base assessments, assessment diagrams, and fiscal assessments for LLAD No. 96-1, zones 1-18, prepared by and made a part of the Final Engineer's Report to pay the costs and expenses thereof, and acquired the ability to order said levies for LLAD 96-1, zones 1-18.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that:

1. The public interest, convenience, and necessity require that the levies be assessed for LLAD No. 96-1, zones 1-18.
2. The properties benefitted by the improvements are to be assessed in order to reimburse the costs and expenses thereof, and the exterior boundaries thereof, are shown on the LLAD No. 96-1 assessment diagrams for zones 1-18, included in the Final Engineer's Report.
3. Said Final Engineer's Report, as a whole and each part thereof, is hereby approved, confirmed, and incorporated herein, including, but not limited, to the following:
 - (a) The Engineer's estimate of the itemized and total costs and expenses of maintaining said improvements and of the incidental expenses in connection therewith; and
 - (b) The diagram showing the zones of the assessment district, plans and specifications for the improvements to be maintained, and the boundaries and dimensions of the respective lots and parcels of land within the District; and
 - (c) The assessment of the total amount of the cost and expenses of the proposed maintenance of said improvements upon the lots or parcels in said zone of the district be made in proportion to the estimated benefits to be received by such lot or parcel, respectively, from said maintenance and of the expenses incidental thereto, is approved and confirmed and incorporated herein.
4. Based on the oral and documentary evidence offered and received, including the Final Engineer's Report, the City Council expressly finds and determines:
 - (a) That each of the parcels in the district will be specially benefitted by the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the parcel; and
 - (b) That there is substantial evidence to support this finding and determination as to special benefit; and
 - (c) Any public property owned by any public agency and in use in the performance of a public function within the district shall not be assessed.
5. The public interest, convenience, and necessity require that a levy on each lot of parcels in LLAD No. 96-1, zones 1-18, be no more than the annually calculated Maximum Base Assessments (MBA) rates. FY 2023, MBA rates are summarized below:

<u>Fund</u>	<u>Zone</u>	<u>FY 2023 MBA</u>
Fund 266	LLAD Zone 1	\$295.83
Fund 267	LLAD Zone 2	\$193.39
Fund 268	LLAD Zone 3	\$1,062.12
Fund 269	LLAD Zone 4	\$180.00
Fund 272	LLAD Zone 5	\$258.67
Fund 273	LLAD Zone 6	\$2.61
Fund 274	LLAD Zone 7	\$1,110.94
Fund 275	LLAD Zone 8	\$794.54
Fund 276	LLAD Zone 9	\$212.14
Fund 277	LLAD Zone 10	\$1,265.04
Fund 279	LLAD Zone 11	\$1,794.28
Fund 278	LLAD Zone 12	\$237.76 (Eden Shores East)
Fund 278	LLAD Zone 12	\$232.80 (Spindrift)
Fund 281	LLAD Zone 13	\$1,349.22
Fund 282	LLAD Zone 14	\$704.16
Fund 283	LLAD Zone 15	\$682.86
Fund 284	LLAD Zone 16	\$487.00 (Zone A)
Fund 284	LLAD Zone 16	\$511.34 (Zone B)
Fund 290	LLAD Zone 17	\$564.86
Fund 291	LLAD Zone 18	\$430.82 (Zone A)
Fund 291	LLAD Zone 18	\$409.28 (Zone B)

6. The increases in the MBA rates for benefit zones 3 and 7 thru 18 include an annual inflation factor in their calculation and are in compliance with the provisions of Proposition 218 because the assessments do not exceed the established assessment formula when these benefit zones were formed or amended.
7. The fiscal assessments to pay the costs and expenses of the maintenance of said improvements in LLAD No. 96-1, zones 1-18 for FY 2023 are hereby levied. The following fiscal assessment amounts are hereby ordered to be collected for FY 2023:

<u>Fund</u>	<u>Zone</u>	<u>FY 2023 Assessments</u>
Fund 266	LLAD Zone 1	\$214.00
Fund 267	LLAD Zone 2	\$122.86
Fund 268	LLAD Zone 3	\$951.66
Fund 269	LLAD Zone 4	\$116.16
Fund 272	LLAD Zone 5	\$255.17
Fund 273	LLAD Zone 6	\$2.61
Fund 274	LLAD Zone 7	\$591.70
Fund 275	LLAD Zone 8	\$186.56
Fund 276	LLAD Zone 9	\$34.19
Fund 277	LLAD Zone 10	\$287.32
Fund 279	LLAD Zone 11	\$340.44 (Developed)
Fund 279	LLAD Zone 11	\$180.43 (Undeveloped)
Fund 278	LLAD Zone 12	\$92.70 (Eden Shores East)

Fund 278	LLAD Zone 12	\$92.70 (Spindrift - Developed)
Fund 281	LLAD Zone 13	\$371.82
Fund 282	LLAD Zone 14	\$704.16 (Developed) <u>683.65</u>
Fund 283	LLAD Zone 15	\$0.00
Fund 284	LLAD Zone 16	\$482.00 (Zone A)
Fund 284	LLAD Zone 16	\$506.08 (Zone B)
Fund 290	LLAD Zone 17	\$528.69
Fund 291	LLAD Zone 18	\$300.00 (Zone A - Developed)
Fund 291	LLAD Zone 18	\$90.00 (Zone A - Undeveloped)
Fund 291	LLAD Zone 18	\$285.00 (Zone B - Developed)
Fund 291	LLAD Zone 18	\$85.50 (Zone B - Undeveloped)

8. The proposed assessments for Zones (2, 4, 5, 6, 7, 8, 9, 14, 15, 17) are unchanged from the previous year's assessments.
9. The proposed assessments for Zones (1, 3, 10, 11, 12, 13, 16, 18) are more than the previous year's assessments.
10. The proposed assessment for Zones 15 is zero and is the same as previous year's assessment. The assessment for this zone is not charged, in so long as the property owner submits an annual maintenance plan and maintenance is performed as described in the plan.
11. The increases in fiscal collection amounts in benefit zones (1, 3, 10, 11, 12, 13, 16, 18) from the previous fiscal year are in compliance with the provisions of Proposition 218 because the assessments do not exceed the established assessment formula when these benefit zones were formed or amended.
12. Adoption of the Final Engineer's Report as a whole, estimate of the costs and expenses, the diagram and the assessments, as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by the City Council.
13. The City of Hayward Director of Finance is hereby directed to expend said money for the maintenance of the improvements set forth in this resolution and described in the Final Engineer's Report, and it is hereby determined to order the collection of the fiscal assessments stated in item No. 7 above.
14. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, SCI Consulting Group shall file a certified copy of this resolution, the diagram, and the assessment with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the county assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the

same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the county of collection, shall be paid to the Director of Finance of the City of Hayward.

- 15. Upon receipt of monies representing assessments collected by the County, the Director of Finance of the City of Hayward shall deposit the monies in the City Treasury to the credit of the individual zone improvement funds. Monies in said improvement fund shall be expended only for said maintenance of the improvements set forth in the Final Engineer’s Report, referenced in this resolution.

IN COUNCIL, HAYWARD, CALIFORNIA July 5, 2022

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