



# CITY OF HAYWARD

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

## Action Minutes City Council

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**Tuesday, July 5, 2022**

**7:00 PM**

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

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### CITY COUNCIL MEETING

**CALL TO ORDER: Mayor Halliday**

**Pledge of Allegiance: Council Member Zermeño**

#### ROLL CALL

**Present:** 6 - Council Member Sara Lamnin, Council Member Elisa Marquez, Council Member Mark Salinas, Council Member Aisha Wahab, Council Member Francisco Zermeno, and Mayor Barbara Halliday

**Absent:** 1 - Council Member Angela Andrews

#### CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:15 p.m., with Council Member Andrews and Council Member Zermeño absent and no public comment, regarding two items: (1) conference with legal counsel pursuant to Government Code section 54956.9 regarding RLW, LLC v. City of Hayward, et al., U.S.D.C., N.D. CA, No. 21-cv-06767-SK; and (2) conference with legal counsel pursuant to Government Code section 54956.9 regarding Justin Nishioka v. City of Hayward, Alameda County Superior Court, Case No. RG 20078266. City Attorney Lawson reported that Item 1 was discussed, and the Council provided direction to counsel but took no reportable action. Mayor Halliday reported that Item 2 was discussed, and the Council provided direction to counsel but took no reportable action. The closed session adjourned at 6:40 p.m.

#### PUBLIC COMMENTS

Ms. Susan Gehlke  
Ms. Mary Beth Bywosky  
Ms. TJ  
Ms. Elena Lepe

**CITY MANAGER'S COMMENTS**

City Manager McAdoo

**ACTION ITEMS**

Approval of the Consent Calendar

A motion was made by Council Member Marquez, seconded by Council Member Zermeno, to approve the Consent Agenda. The motion carried by the following vote:

**Aye:** 6 - Council Member Lamnin, Council Member Marquez, Council Member Salinas, Council Member Wahab, Council Member Zermeno, and Mayor Halliday

**Absent:** 1 - Council Member Andrews

**CONSENT**

1. [Approve the City Council Minutes of the City Council Meeting on June 21, 2022](#)

Consent item approved.

2. [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](#)

Consent item approved.

3. [Adopt an Ordinance Granting Exclusive Franchise to Waste Management of Alameda County for Solid Waste, Recyclable Materials and Organic Materials Services](#)

Consent item approved.

4. [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](#)

Consent item approved.

5. [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](#)

Consent item approved.

6. [Adopt a Resolution Authorizing the City Manager to Appropriate \\$640,000 for the SR-92/Whitesell Interchange - Project Initiation Document Project No. 05334](#)

Consent item approved.

7. [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](#)

Consent item approved.

8. [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](#)

Consent item approved.

9. [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](#)

Consent item approved.

10. [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](#)

Consent item approved.

11. [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](#)

Consent item approved.

12. [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](#)

Consent item approved.

13. [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](#)

Consent item approved.

14. [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](#)

Consent item approved.

15. [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](#)

Consent item approved.

16. [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](#)

Consent item approved.

17. [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](#)

Consent item approved.

18. [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](#)

Consent item approved.

19. [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](#)

Consent item approved.

20. [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](#)

Consent item approved.

**LEGISLATIVE BUSINESS (Continued from June 28, 2022)**

21. [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 \(Report from Acting Assistant City Manager Claussen\) \(Continued from June 28, 2022\)](#)

A motion was made by Council Member Lamnin, seconded by Council Member Wahab, to approve staff's recommendation. The motion carried by the following vote:

**Aye:** 6 - Council Member Lamnin, Council Member Marquez, Council Member Salinas, Council Member Wahab, Council Member Zermeno, and Mayor Halliday

**Absent:** 1 - Council Member Andrews

**WORK SESSION**

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

No action; information only. Council Member Zermeno lost connection.

**PUBLIC HEARING**

23. [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 \(Report from Maintenance Services Director Rullman\)](#)

A motion was made by Council Member Salinas, seconded by Council Member Lamnin, to approve staff's recommendation with an amendment to RES 22-109 by correcting Zone 14 assessment rate from \$704.16 to \$683.65. The motion carried by the following vote:

**Aye:** 5 - Council Member Lamnin, Council Member Marquez, Council Member Salinas, Council Member Wahab, and Mayor Halliday

**Absent:** 2 - Council Member Andrews, and Council Member Zermeno

24. [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 \(Report from Maintenance Services Director Rullman\)](#)

A motion was made by Council Member Salinas, seconded by Council Member Márquez, to approve staff's recommendation. The motion carried by the following vote:

**Aye:** 5 - Council Member Lamnin, Council Member Marquez, Council Member Salinas, Council Member Wahab, and Mayor Halliday

**Absent:** 2 - Council Member Andrews, and Council Member Zermeno

25. [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 \(Report from Maintenance Services Director Rullman\)](#)

**A motion was made by Council Member Salinas, seconded by Mayor Halliday, to approve staff's recommendation. The motion carried by the following vote:**

**Aye:** 5 - Council Member Lamnin, Council Member Marquez, Council Member Salinas, Council Member Wahab, and Mayor Halliday

**Absent:** 2 - Council Member Andrews, and Council Member Zermeno

## **LEGISLATIVE BUSINESS**

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

**A motion was made by Council Member Salinas, seconded by Council Member Lamnin, to approve designating Mayor Halliday as the voting delegate and Council Member Salinas as the alternate. The motion carried by the following vote:**

**Aye:** 5 - Council Member Lamnin, Council Member Marquez, Council Member Salinas, Council Member Wahab, and Mayor Halliday

**Absent:** 2 - Council Member Andrews, and Council Member Zermeno

## **ADJOURNMENT**

**Mayor Halliday adjourned the meeting at 10:17 p.m.**

**NEXT SPECIAL MEETING, July 12, 2022**