



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

## Agenda City Council

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**Tuesday, June 20, 2023**

**7:00 PM**

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

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### **SPECIAL JOINT MEETING OF THE CITY COUNCIL AND HAYWARD PUBLIC FINANCE AUTHORITY BOARD**

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

#### *PUBLIC PARTICIPATION*

*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](mailto: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/87366851496?pwd=bDRkVGRWejBqUDRMZitkRVdncEFmUT09>

Meeting ID: 873 6685 1496

Password: Cm6/20@7pm

or

Dial: +1 669 900 6833 or +1 646 931 3860

Meeting ID: 873 6685 1496

Password: 1540299671

**CALL TO ORDER: Mayor/HPFA Chair Salinas**

**Pledge of Allegiance: Council/HPFA Member Goldstein**

**AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION**

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**June 13, 2023**

**June 20, 2023**

**PROCLAMATION**

Juneteenth Proclamation

**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 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, items 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.*

**HAYWARD YOUTH COMMISSION**

1. [APPT 23-002](#) Hayward Youth Commission: Adopt a Resolution Confirming the Appointment and Reappointment of Hayward Youth Commission Members (Report from City Clerk Lens)

**Attachments:** [Attachment I Staff Report](#)

[Attachment II Resolution](#)

## CONSENT

2. [MIN 23-072](#) Approve the Minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority Meeting on June 6, 2023

**Attachments:** [Attachment I Draft Minutes of 6/6/2023](#)

3. [CONS 23-368](#) Adopt an Ordinance Establishing Reach Codes for the City of Hayward; Adopting Chapter 9, Article 8 of the Hayward Municipal Code to Amend Part 11 (California Green Building Standards Code) of the California Building Standards Code (Title 24 of the California Code of Regulations); and Amending the City's Off-Street Parking Regulations (Chapter 10, Article 2) of the Hayward Municipal Code

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

4. [CONS 23-320](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with SCI Consulting Group for Support on the City's Landscape and Lighting Assessment Districts in a Total Not-to-Exceed Amount of \$106,211 and Agreement Effective Date Through Fiscal Year 2028

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

5. [CONS 23-321](#) Adopt a Resolution Authorizing a Joint Application to and Participation in the State Homekey Program for the Project Reclamation Scattered Site Program in a Total Not-to-Exceed Amount of \$10 Million, for which the California Environmental Quality Act Does Not Apply

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

6.     [CONS 23-330](#)     Adopt a Resolution Preliminarily Approving the Final Engineer's Report and Ordering the Levy of Assessments for Fiscal Year 2024 for Old Highlands Area Road Improvement Assessment District
- Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III OHHA Final Engineers Report FY 2024](#)
7.     [CONS 23-345](#)     Adopt a Resolution Authorizing the City Manager to Appropriate Additional Funds in the Amount of \$109,531.25 from Measure BB (Local Transportation) Fund 212 for the Hesperian Boulevard and West A Street Protected Intersection, Project No. 05338
- Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)
8.     [CONS 23-348](#)     Adopt a Resolution Rejecting the Bid from Nema Construction and Awarding a Construction Contract to Ray's Electric for the Traffic Signal Upgrade at Jackson Street Project, Project No. 05270 in the Amount of \$622,540 in Addition to Approving \$62,254 in Administrative Construction Contingency
- Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Location Map](#)
9.     [CONS 23-353](#)     Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Tartaglia Engineering for Design Services for the Airport Pavement Rehabilitation Project in Total Not-to-Exceed Contract Amount of \$648,000
- Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)

10.     [CONS 23-358](#)     Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Project Sentinel for Fiscal Year 2024 in an Amount Not-to-Exceed \$160,000 to Provide Mediation, Arbitration, and Education Services Related to the Residential Rent Stabilization and Tenant Protection Ordinance and Mobilehome Space Rent Stabilization Ordinance

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

11.     [CONS 23-359](#)     Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Master Agreement and Lease with the Hayward Area Recreation and Park District for Operations and Maintenance of City Lands

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Master Agreement and Lease](#)

12.     [CONS 23-369](#)     Adopt Resolutions Authorizing the City Manager to (1) Execute an Agreement with MBS Engineering Inc., for Installation of Liquefied Petroleum Gas Pipes in a Not-to-Exceed Amount of \$224,321, (2) Amend the Professional Services Agreements with Kitchell CEM for Extended Construction Support Services by \$307,000 for a Not-to-Exceed amount of \$2,840,000; and (3) with ABC Inspections by \$85,000 for a Not-to-Exceed Amount of \$1,030,000, for the Fire Station 6 and Fire Training Center Project, Project Nos. 07481 and 07482

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II MBS Resolution](#)  
                          [Attachment III Kitchell Amendment Resolution](#)  
                          [Attachment IV ABC Amendment Resolution](#)

13.     [CONS 23-371](#)     Adopt a Resolution Approving Plans and Specifications and Call for Bids for The Stack Center - Phase I Project

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

14.     [CONS 23-387](#)     Adopt a Resolution Authorizing the City Manager to Enter into a Contract with Aclara Technologies LLC for Sole Source Purchase of AclaraONE Software Upgrade Services for the Advanced Metering Infrastructure (AMI) Implementation Project for a Period of Three Years with Two, One-Year Options to Extend in an Amount Not-to-Exceed \$416,400

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

15.     [CONS 23-409](#)     Report and Assessment for Delinquent Garbage Bills Incurred by Property Owners of Single-Family Residences (Item continued to June 27, 2027 City Council meeting)

#### **PUBLIC HEARING**

16.     [PH 23-026](#)     Utility Rate Adjustments: Adopt a Resolution Amending the Master Fee Schedule and Approving the Proposed FY 2024 and FY 2025 Water, Sewer, Recycled Water Rates and Connection Fees and Finding the Action is Exempt from CEQA Review (Report from Director of Public Works Ameri)

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Utility Rate Increase Resolution](#)  
                          [Attachment III Utility Connection Fees Resolution](#)  
                          [Attachment IV Top Water Users by Customer Class in 2022](#)

#### **LEGISLATIVE BUSINESS**

17.     [LB 23-027](#)     Military Equipment Use Policy: Review of HPD's Annual Military Equipment Use Report July 2022 - March 2023 and Annual Renewal of an Ordinance Approving Military Equipment Use Policy No. 706 Regarding the Hayward Police Department's Funding, Acquisition, and Use of "Military Equipment," as Defined by Assembly Bill 481 (Report from Acting Police Chief Matthews and City Manager McAdoo)

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Ordinance 22-06](#)  
                          [Attachment III Annual Military Equipment Use Report](#)  
                          [Attachment IV Military Equipment Use Policy 706](#)  
                          [Attachment V Inventory List](#)

18. [LB 23-018](#) Community Preservation Ordinance: Introduction of an Ordinance Amending, Chapter 5, Article 7 of the Hayward Municipal Code Regarding Community Preservation Standards and Finding that this Action is Subject to the CEQA Common Sense Exemption (Report from Development Services Director Buizer)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Proposed Ordinance](#)  
[Attachment III Original Ordinance With Redlined Amendments](#)

19. [LB 23-029](#) Refunding Certificates of Participation: Adopt Resolutions Authorizing Issuance of Certificates of Participation in an Amount Not to Exceed \$55 Million to Refinance Prior Lease Payment Obligations (Report from Finance Director Gonzales)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Council Resolution](#)  
[Attachment III HPFA Resolution](#)  
[Attachment IV Draft Trust Agreement](#)  
[Attachment V Draft Lease Agreement](#)  
[Attachment VI Draft Site Lease](#)  
[Attachment VII Draft Assignment Agreement](#)  
[Attachment VIII Draft Escrow Deposit and Trust Agreement](#)  
[Attachment IX Debt Management Resolution](#)  
[Attachment X Exhibit 1 Policies Revisions](#)

20. [LB 23-026](#) Council-Appointed Officers' Employment Agreements: Adopt Resolutions Approving Amendments to the Employment Agreements between the City of Hayward and the City Attorney and City Clerk and a Resolution Approving a New Employment Agreement between the City of Hayward and the City Manager and Authorizing the Mayor to Execute the Agreements (Report from Human Resources Director Frye)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution City Attorney](#)  
[Attachment III Resolution City Clerk](#)  
[Attachment IV Resolution City Manager](#)  
[Attachment V Amendment City Attorney](#)  
[Attachment VI Amendment City Clerk](#)  
[Attachment VII Agreement City Manager](#)

21. [LB 23-023](#) Salary Plan Amendment: Adopt a Resolution Approving the City of Hayward Salary Plan for Fiscal Year 2024 (Report from Human Resources Director Frye)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III FY 2024 Salary Plan](#)

## 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 REFERRAL

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 MEETING, June 27, 2023, 7:00 PM**



**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](mailto: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.*