

HAYWARD CITY COUNCIL

RESOLUTION NO. 24-_____

Introduced by Council Member _____

RESOLUTION APPROVING AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF HAYWARD AND DUTRA ENTERPRISES, INC., FOR THE SAN LORENZO CREEK BANK EMERGENCY REPAIR AND 50% COST SHARE OF UP TO \$400,000 FOR THE CITY'S GENERAL FUND AND DETERMINING THAT THE PROPOSED PROJET IS CATEGORICALLY EXEMPT FROM CEQA

WHEREAS, in February 2024 a small section of San Lorenzo Creek bank and a storm drain outfall were found to have collapsed with significant erosion cavities, approximately 50 feet upstream of the A Street bridge; and

WHEREAS, it is necessary to restore the creek bank, its concrete armoring and the storm drain outfall system to their pre-damage conditions before the next heavy creek flows to alleviate further damage to the creek bank and the A Street bridge abutments; and

WHEREAS, it is necessary to replace the 100-ft. length of damaged existing 18-inch storm drain to properly discharge drainage collected from approximately 16 acres of predominantly residential area in the City of Hayward along B Street and 4th Street; and

WHEREAS, Dutra Enterprises, Inc. is the current owner of a property along the damaged creek bank and this property is approved for development of 41 single family homes; and

WHEREAS, Dutra Enterprises, Inc. has offered to retain the services of qualified and the State licensed professionals and construction contractors, assist the City with preparation of the construction design plans, secure regulatory agency permits and complete the required emergency repairs; and

WHEREAS, the City has secured the required regulatory permits and is prepared to issue a grading permit to McGuire and Hester, a Class A State licensed construction contractor retained by Dutra Enterprises, Inc.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Hayward that the Interim City Manager is authorized to approve and execute an agreement, in a form approved by the City Attorney, between the City of Hayward and Dutra Enterprises, inc. for the San Lorenzo Creek Bank Emergency Repair: and

BE IT FURTHER RESOLVED that the Council of the City of Hayward authorizes allocation of up to \$400,000 from the City's Capital General Project Fund balance for reimbursement to Dutra Enterprises, Inc., or its nominee, of 50% of the total cost of the project, including but not limited to, preparing studies and construction plans, securing regulatory agency permits, retaining of construction contractors, and for all other reasonable costs required for completion of the emergency repair works as approved by the City Engineer.

BE IT FURTHER RESOLVED that the Council of the City of Hayward determines that the proposed project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Minor Alteration of Existing Facilities) and Section 15302, Class 2 (Replacement or Reconstruction of Existing Facilities of the CEQA guidelines.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2024

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