



# CITY OF HAYWARD

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

## Agenda City Council

---

**Tuesday, December 5, 2023**

**7:00 PM**

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

---

### CITY COUNCIL MEETING

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/85130903372?  
pwd=C1i1-Tbt0qm\\_ytHp2VUZRh4HPs-dYZ9Vm-k.bXtIHloCEqv\\_3gdq](https://hayward.zoom.us/j/85130903372?pwd=C1i1-Tbt0qm_ytHp2VUZRh4HPs-dYZ9Vm-k.bXtIHloCEqv_3gdq)

Meeting ID: 851 3090 3372

Password: CC12/5@7pm

or

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

Meeting ID: 851 3090 3372

Password: 7467861306

**CALL TO ORDER: Mayor Salinas**

**Pledge of Allegiance: Council Member Bonilla Jr.**

**AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION**

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**PRESENTATIONS**

Presentation of 2023 Keep Hayward Clean and Green Beautiful Yard Contest Award

Presentation of International Economic Development Council 2023 Awards of Excellence including a Silver Award in the Economic Resiliency, Recovery and Mitigation Category for the Together for Hayward Restaurant Relaunch and Restore and Re-Open Programs and a Bronze Award in the Economic Equity and Inclusion Category for the Together for Hayward Digital Point-of-Sale Grant Program

**PUBLIC COMMENTS**

*The Public Comments section provides an opportunity to address the City Council on items not listed on the agenda or Informational Staff Presentation 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. The City Council welcomes comments, including criticism, about the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a City Council. The City is committed to maintaining a workplace free of unlawful harassment and is mindful that City staff regularly attend Council meetings. Discriminatory statements or conduct that is hostile, intimidating, oppressive, or abusive – are per se disruptive to a meeting and will not be tolerated.*

**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 23-125](#) Approve the Minutes of the City Council Meeting on November 7, 2023  
**Attachments:** [Attachment I Draft Minutes of 11/7/2023](#)
2. [MIN 23-126](#) Approve the Minutes of the Special Joint City Council and Hayward Housing Authority Meeting on November 14, 2023  
**Attachments:** [Attachment I Draft Minutes of 11/14/2023](#)
3. [CONS 23-622](#) Adopt a Resolution Authorizing the City Manager to Execute an Agreement with All Star Talent, Inc. for Recruitment Consulting and Services in an Amount Not-to-Exceed \$158,300  
**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)
4. [CONS 23-623](#) Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreements with The Friends of Chabot College and California State University East Bay Foundation Inc. for Program Management Services for the Tuition Assistance Program Each for a Total Additional Not-to-Exceed Amount of \$200,000  
**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)
5. [CONS 23-628](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Newton Construction & Management for the Watkins Parking Garage Project No. 07204 in an Amount Not-to-Exceed \$484,781 and Transfer and Appropriate \$425,781 from the General Fund to the Facilities Capital Improvement Fund  
**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)

6. [CONS 23-648](#) Adopt a Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Brown and Caldwell to Increase the Contract Amount by \$8,023,117 to a Not-to-Exceed Amount of \$16,672,828 for Final Design Services for the Water Pollution Control Facility (WPCF) Improvements Phase II Project No. 07760, and Authorize Use of Contingency Funds for Design of the Existing Final Clarifiers Retrofit

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

7. [CONS 23-650](#) Adopt a Resolution Approving the Exclusive Negotiation Agreement with Montecito Development Company LLC for the Proposed Development of the California Air National Guard and Skywest Sites at the Hayward Executive Airport

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III ENA Term Sheet CANG](#)  
[Attachment IV ENA Term Sheet Montecito Skywest](#)

8. [CONS 23-638](#) Adopt a Resolution Approving a One-Year Extension of the Citywide Community Workforce Agreement with the Building and Construction Trades Council of Alameda County

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

9. [CONS 23-637](#) Adopt a Resolution Approving an Updated Freeway Agreement with Caltrans Accommodating Changes Relating to the I-880/Whipple Road Industrial Parkway Interchange Improvement Project.

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III Freeway Agreement 2/14/12](#)

10. [CONS 23-632](#) Adopt a Resolution Approving Plans and Specifications and Call for Bids After Receiving Caltrans Authorization to Proceed with Construction for the Main Street Complete Street Project No. 05283

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

11. [CONS 23-649](#) Adopt a Resolution Authorizing Renaming the Water Pollution Control Facility (WPCF) to “Water Resource Recovery Facility (WRRF),” and New Laboratory Dedication

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

12. [CONS 23-644](#) Adopt a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2024 Pursuant to California Government Code Section 22892 of the Public Employees’ Medical and Hospital Care Act

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

13. [CONS 23-647](#) Adopt a Resolution Approving the Memorandum of Understanding between the City of Hayward and the International Association of Firefighters, Local 1909, Hayward Fire Officers Association and Authorizing Staff to Execute the Agreement

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

14. [CONS 23-646](#) Adopt a Resolution Approving the Memorandum of Understanding between the City of Hayward and the Hayward Police Management Unit (HPMU) and Authorizing Staff to Execute the Agreement

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

## 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.*

15. [WS 23-045](#) HEART Pilot Program: Implementation Updates Regarding the Hayward Evaluation and Response Team Program (Report from City Manager McAdoo, Fire Chief Contreras, and Acting Police Chief Matthews)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II HEART Program Summary](#)  
[Attachment III Homeless Response Resource Guide](#)

#### PUBLIC HEARING

16. [PH 23-048](#) Spectator Ordinance Modifications: Introduction of an Ordinance Amending Chapter 4, Article 12 of the Hayward Municipal Code Relating to Spectators at Illegal Speed Contests and Exhibitions of Speed to Include Sideshows (Report from Acting Police Chief Matthews)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Spectator Ordinance Amendments](#)

#### LEGISLATIVE BUSINESS

17. [LB 23-044](#) Mayor Pro Tempore Election: Adopt a Resolution Authorizing the Election of Mayor Pro Tempore of the City of Hayward for 2024 (Report from City Clerk Lens)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III List of prior Mayor Pro Tempore](#)

#### 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 SPECIAL MEETING, December 12, 2023, 7:00 PM****PUBLIC COMMENT RULES**

*Any member of the public desiring to address the Council shall limit their comments 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.*