

# **CITY OF HAYWARD**

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



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Tuesday, February 28, 2023**

**7:00 PM**

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

**City Council**

**CITY COUNCIL MEETING**

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

*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/88521514106?pwd=bTZtMzRtZnIyYmYzdmMwNlhLOStmdz09>

Meeting ID: 885 2151 4106  
 Password: CC2/28@7pm

or

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

Meeting ID: 885 2151 4106  
 Password: 1961549767

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

**CALL TO ORDER: Mayor Salinas**

**Pledge of Allegiance: Council Member Goldstein**

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**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.*

**CONSENT**

1.        [CONS 23-082](#)        Adopt a Resolution Approving Plans and Specifications and Call for Bids for the FY23 Pavement Improvement Project No. 05240

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

2.        [CONS 23-114](#)        Adopt a Resolution Approving Plans and Specifications and Call for Bids for the La Vista Park Project No. 06914

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

3. [CONS 23-090](#) Adopt Resolutions Authorizing the City Manager to Execute MOUs and Accepting and Appropriating up to \$101,000 for the Operation of Family Education Program Services for Hayward Unified School District (HUSD) Schools

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II MOUs Resolution](#)  
[Attachment III Fund Appropriation Resolution](#)  
[Attachment IV COH HUSD FEP MOU 2022-2023](#)  
[Attachment V CSUEB College Corps Partnership Agreement](#)

4. [CONS 23-095](#) Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Professional Services Agreement with EKI Environment & Water, Inc., for As-Needed Technical Support Related to Implementation of the Groundwater Management Plan Increasing the Contract Amount by \$50,000 for a Total Not-to-Exceed Amount of \$145,000

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

5. [CONS 23-103](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for the Hayward Medians with Brightview Landscape in an Annual Amount of \$122,406 for a Total Not-to-Exceed Amount of \$489,624, and Appropriate \$30,000 from the General Fund to Fund the Annual Contingency

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

6. [CONS 23-109](#) Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Galls to Purchase Point-Blank (Origin) Ballistic Body Armor for Hayward Police Department Special Response Unit Members, in an Amount-Not-to-Exceed \$130,000

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

7.        [CONS 23-112](#)     Adopt a Resolution Authorizing the City Manager to Accept Up to 1.5 Million Dollars in Revenue from Bay Area Rapid Transit as the Fiscal Agent for the South Hayward Bay Area Rapid Transit Station Access Authority

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

#### **LEGISLATIVE BUSINESS**

8.        [LB 23-009](#)        Cannabis Regulations Revised Ordinance: Introduction of an Ordinance Amending Article 14, Chapter 6 of the Hayward Municipal Code Regarding Commercial Cannabis Businesses by Amending Section 6-14.13 Relating to Commercial Cannabis Permit Applications, Amending Section 6-14.14 Relating to Operating and Performance Standards and Adding Section 6-14.18 Relating to Enforcement; Finding that this Action is Subject to CEQA Common Sense Exemption (Report from City Attorney Lawson)

**Attachments:**    [Attachment I Staff Report](#)  
                              [Attachment II Ordinance Amending Chapter 6 Article 14](#)

#### **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 REFERRALS**

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, March 7, 2023**

**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.*



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
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**File #:** CONS 23-082

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**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Approving Plans and Specifications and Call for Bids for the FY23 Pavement Improvement Project No. 05240

**RECOMMENDATION**

That the Council adopts a resolution (Attachment II) approving the plans and specifications and call for bids for the FY23 Pavement Improvement Project (PIP), Project No. 05239.

**SUMMARY**

The FY23 PIP calls for the rehabilitation of 91 street sections and preventive maintenance of twenty street sections for a total of 111 street sections (Attachment III). The proposed improvements will repair failed pavement sections and improve street surfaces.

The project budget of \$15,000,000 is funded via the Gas Tax, Measure B, Measure BB, Vehicle Registration Fees, anticipated Road Repair and Accountability Act (RRAA) (SB1), and Street System Improvement funds.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	List of Streets
Attachment IV	Location Map



**DATE:** February 28, 2023  
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### **BACKGROUND**

On April 26, 2022<sup>1</sup>, staff recommended Council approve a project list for the SB1 FY23 PIP Funding. A resolution was required to submit an application to the California Transportation Commission (CTC) to receive \$3,000,000 in funding for pavement improvement. The project list includes the Hayward neighborhoods within the limits of Hesperian Blvd, A Street, BART, Jackson Street, Union Pacific Railroad, and West Winton Avenue.

On June 7, 2022<sup>2</sup>, staff recommended Council adopt a resolution authorizing the City Manager to execute Amendment No. 4 to the Professional Services Agreement (PSA) with Pavement Engineering, Inc., (PEI) for engineering services associated with the FY23 PIP. The scope of work for PEI is limited to engineering review, pavement evaluation, measurement of field quantities, curb ramp design, and construction support.

Council Infrastructure Committee

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<sup>1</sup>[CITY OF HAYWARD - File #: CONS 22-252 \(legistar.com\)](#)

<sup>2</sup>[CITY OF HAYWARD - File #: CONS 22-331 \(legistar.com\)](#)



At the October 27, 2021<sup>3</sup> Council Infrastructure Committee (CIC) meeting, staff presented the FY22 PIP including street selection criteria, treatment types, and budget allocations.

The PIP involves one of four types of treatments:

**Pavement Rehabilitation:**

- 1) Standard overlay of the existing street pavement with new Hot Mix Asphalt surfacing.
- 2) Cold-In-Place Recycling (CIR), which involves removing the top layer of asphalt, mixing the removed aggregates with a recycling agent and other additives on-site, replacing this pavement material onto the same roadway, then applying a Hot Mix Asphalt overlay.
- 3) Full Depth Reclamation (FDR), which consists of pulverizing and mixing distressed asphalt and underlying pavement materials with or without the addition of stabilizing agents; using the resulting material as a base for the renewed pavement structure and adding a new Hot Mix Asphalt cap.

**Preventive Maintenance:**

- 4) Varying combinations of: crack sealing, 6" spot repair and micro-surfacing.

Street selection for the PIP is based on staff's analysis using several criteria described below:

- **Technology** – The Pavement Management Program (PMP)<sup>4</sup> evaluates current and predicts future roadway conditions. It provides logical and efficient methods of identifying street rehabilitation needs. It also determines the most cost-effective allocation of funds to the street segments needing preventive maintenance, rehabilitation, or reconstruction. Staff utilized the PMP to compile an initial list of recommended streets. This list is then revised to consider other criteria and project budget allocation parameters.
- **Social Equity** – Whether a particular area of the City has received its fair share of improvements in the past.
- **Internal Reports** - Reports from the City's Maintenance Services staff on streets needing repair were considered.
- **Council Member Input** – Council member requests for selecting streets were considered.
- **Public Input** - Public requests for selecting streets were considered.
- **Geographic Location** – Selecting streets in close vicinity to help lower construction bids was considered.

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<sup>3</sup> [CITY OF HAYWARD - File #: ACT 22-100 \(legistar.com\)](#)

<sup>4</sup> The PMP is a Metropolitan Transportation Commission (MTC) recommended software program.

- **Funding Availability** – Available funding and potential for obtaining outside grant funding was evaluated.

The Pavement Condition Index (PCI) is an overall rating of road conditions. The PCI of each arterial and collector street segment is evaluated by an independent third-party every other year, and each residential street segment is evaluated every five years.

<u>PCI Rating</u>	<u>Description</u>
100	This rating is given to newly constructed or rehabilitated roadways.
85 - 99	Highly functional roadway. No action required.
70 - 85	Roadway can be maintained ("preventive maintenance") with crack sealing, slurry seals, micro-surfacing, and some minor, localized pothole repairs. As the roadway pavement ages, preventive maintenance may not be effective after a few maintenance cycles.
40 - 70	Extensive "dig-outs," grinding, fabric, or asphalt overlays may be required to maintain (or "rehabilitate") roadway.
0 - 40	Roadway requires complete reconstruction using full depth reconstruction, cold in place recycling, or hot in-place recycling methods. If a street deteriorates beyond certain points, it becomes progressively more expensive to bring that street back to the desired standard.

As part of the 2018 Capital Improvement Program (CIP) agenda item at the September 26, 2017<sup>5</sup> CIP meeting, Council reviewed and agreed to the following budget allocations for annual pavement improvement projects:

- Minimum 20% for preventive maintenance (streets with PCI of 70-85).
- Minimum 15% for streets located in Industrial Hayward as recommended by the Economic Development Strategic Plan in 2014.
- Minimum 10% for deteriorated streets (streets with PCI of 0-30).

## **DISCUSSION**

Based on staff's analysis using the criteria described above, the project parameters are as follows:

<sup>5</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=3162145&GUID=271A23E5-9011-4B2B-9B73-99C315A0FDD1&Options=&Search=>

<b>Project Budget Allocation</b>	<b>Goal</b>	<b>Current Performance</b>	<b>Difference</b>
Preventive Maintenance Treatment	20% minimum	20%	0%
Streets Located in Industrial Hayward	15% minimum	25%	10%
Streets with PCI Less than 30	10% minimum	35%	25%

The project budget allocation is skewed towards streets in very poor condition (PCI less than 30) due to various reasons:

- Including streets in very poor condition with high number of resident requests in order to improve and increase equity in distribution of City services (Depot Rd, Tyrell Ave, Redbud Ln, Lester Ave).
- The establishment of the Old Highlands (OHHA) Assessment District requires the inclusion of streets from the area (Parkside Dr, Home Ave, Hillcrest Ave, Call Ave, Chronicle Ave).

This selection requires both judgement and experience. Staff has engaged an experienced consultant, PEI, to confirm the selection of streets segments, the approximate level of treatment for each and provide engineering support services.

9.8 street miles of bike lane striping will be installed at the following locations:

- Longwood Ave, Hesperian Blvd to Klamath Rd (1.0 miles)
- Thelma St, Memorial Wy to Longwood Ave (0.8 miles)
- Elmwood St, Fuller Wy to Amador St (0.8 miles)
- Depot Rd, Industrial Pkwy to West End (2.2 miles)
- Tyrrell Ave Schafer Rd to Tennyson Rd (1.5 miles)
- Cabot Blvd, Depot Rd to North End (2.9 miles)
- Skywest Dr, Sueirro St to West A St, (0.6 miles)

On November 15, 2016<sup>[1]</sup>, Council adopted a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. Because the construction cost estimate for the FY23 PIP project is more than \$1,000,000, the CWA agreement applies to this project.

## **ECONOMIC IMPACT**

The project is funded by City’s CIP Program and State RRAA (SB1) funds and there is no impact on the General Fund. Repaving City streets is beneficial for both residents and

<sup>[1]</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=2882111&GUID=118B2EF9-1D2C-471F-999E-4BE0929706A0&Options=&Search=>

people travelling within the City, reducing damage to vehicles and creating an environment that is well maintained. This maintenance may spur further investment in the City.

### **FISCAL IMPACT**

The estimated project funding sources are as follows:

- |   |                    |
|---|--------------------|
| • 210 - Gas Tax                           | \$3,222,000        |
| • 211 – RRAA (SB1)                        | \$3,350,000        |
| • 212 - Measure BB – Local Transportation | \$4,350,000        |
| • 215 - Measure B – Local Transportation  | \$1,409,000        |
| • 218 – Vehicle Registration Fee          | \$1,025,000        |
| • 450 – Street System Improvements        | <u>\$1,644,000</u> |

*Total:* \$15,000,000

### **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of Invest in Infrastructure. Specifically, this item relates to the implementation of the following project(s):

- Project 5, Part 5a: Maintain Pavement Condition Index (PCI) at 70.  
Project 5, Part 5c: Construct various OHHA Pavement Improvements

### **SUSTAINABILITY FEATURES**

The project requires the contractor to recycle all construction and demolition debris generated from the project.

This project is consistent with City’s Complete Streets Policy and improves travel for all users including:

- Improved pavement for motorists
- Additional bike lanes and sharrows for bicyclists
- More visible pavement markings for pedestrians, including near school zones
- New or upgraded curb ramps to meet the recently revised Caltrans standards for pedestrians

The project satisfies the following General Plan policies:

- PFS-7.10 Recycled Products or Processes for Capital Projects
- HQL-2.5 Safe Routes to School
- HQL-2.6 Education on Sharing the Road
- M-1.7 Eliminate Gaps (in pedestrian networks)
- M-3.1 Serving All Users
- M-5.1 Pedestrian Needs
- M-5.6 Safe Pedestrian Crossings
- M-6.2 Encourage Bicycle Use

As mentioned earlier, the project will also include installation of about 10 miles of bike lanes.

## **PUBLIC CONTACT**

Immediately after the construction contract is awarded, a preliminary notice explaining the project will be posted and distributed to all residents and businesses along the affected streets. After the construction work has been scheduled, signs on barricades will be posted seventy-two hours prior to commencement of work indicating the date and time of work for each street. Residents will be advised to park their vehicles on side streets outside of the work area during the period when the streets are being treated.

## **NEXT STEPS**

March 2023	Bid Opening
April 2023	Award of Contract
May 2023	Start of Construction
October 2023	End of Construction

*Prepared by:* Kathy Garcia, Deputy Director of Public Works

*Recommended by:* Alex Ameri, Director of Public Works

*Approved by:*



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE FY23  
PAVEMENT IMPROVEMENT PROJECT, PROJECT NO. 05240 AND CALL FOR  
BIDS

WHEREAS, those certain plans and specifications for the FY23 Pavement Improvement Project, Project Nos. 05240, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project; and

WHEREAS, the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law; and

WHEREAS, sealed bids therefor will be received by the City Clerk's office at City Hall, 777 B Street, City Hall Rotunda, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, March 28, 2023, and immediately thereafter publicly opened and declared by the City Clerk in the Hayward City Hall Rotunda, located on the 1st Floor of City Hall, Hayward, California.

NOW, THEREFORE, BE IT RESOLVED, that the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

BE IT FURTHER RESOLVED, that the project is categorically exempt under section 15301(c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2023

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

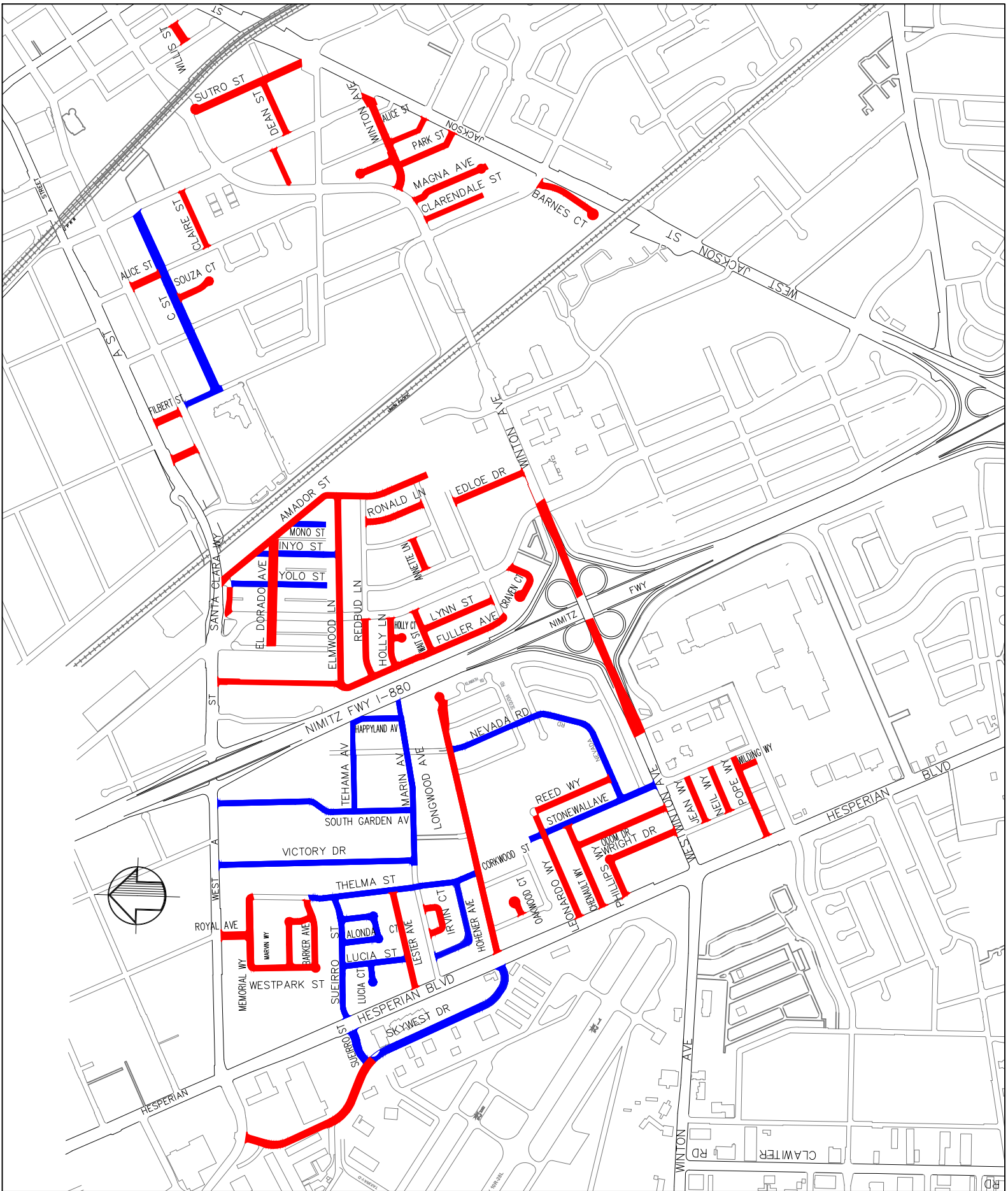
<b>FY23 PAVEMENT IMPROVEMENT PROJECT</b>			
<b>PREVENTIVE MAINTENANCE</b>			
<b>#</b>	<b>Street</b>	<b>Beg Location</b>	<b>End Location</b>
1	ALONDA CT	SUEIRRO ST	SUEIRRO ST
2	AMADOR ST ST	EL DORADO AV	NORTH END
3	C ST	GRAND ST	FILBERT ST
4	HAPPYLAND AV	TEHAMA AVE	MARIN AV
5	HOHENER ST	MARIN AV	THELMA ST
6	INYO ST	ELMWOOD LN	AMADOR ST
7	LUCIA CT	LUCIA ST	END
8	LUCIA ST	LESTER AV	SUEIRRO ST
9	MARIN AV	VICTORY DR	HAPPYLAND AV
10	MONO ST	AMADOR ST ST	END
11	NEVADA RD	SEQUOIA RD RD	LONGWOOD AV
12	NEVADA RD	STONEWALL AV	SEQUOIA RD RD
13	SOUTH GARDEN AV	MARIN AV	WEST A ST
14	STONEWALL AV	WINTON AV	END
15	SUEIRRO ST	HESPERIAN BLVD BLVD	SKYWEST DR
16	SUEIRRO ST	HESPERIAN BLVD FRONTAGE	THELMA ST
17	TEHAMA AVE	SOUTH GARDEN AV	HAPPYLAND AV
18	THELMA ST	BARKER AV	LONGWOOD AV
19	VICTORY DR	MARIN AV	WEST A ST
20	YOLO ST	END UNDER OVERPASS	BARRICADE

<b>REHABILITATION</b>			
<b>#</b>	<b>Street</b>	<b>Beg Location</b>	<b>End Location</b>
21	ALICE ST	WINTON AV	JACKSON ST
22	ALICE ST	B ST	C ST
23	ANNETTE LN	IDA LN	JORGENSEN LN
24	BARKER AV	WESTPARK ST	THELMA ST
25	BARNES CT	SOTO RD	END
26	BARRINGTON CT	CABOT BLVD	END
27	BERNHARDT ST	MCCONE AV	CABOT BLVD
28	BERYL PL	TYRRELL AV	END
29	CABOT BLVD	WINTON AV	LINCOLN
30	CABOT BLVD	LINCOLN	ACFC DITCH
31	CABOT BLVD	WINTON AV	END
32	CALL AVE	HAYWARD BLVD	CHRONICLE AVE
33	CALL AVE	CHRONICLE AV	TRIBUNE AVE
34	CARROLL AVE	TROY PL	GRESEL ST
35	CARROLL AVE	GRESEL ST	HOYLAKE PL
36	CAVANAGH CT	FOLEY ST	END



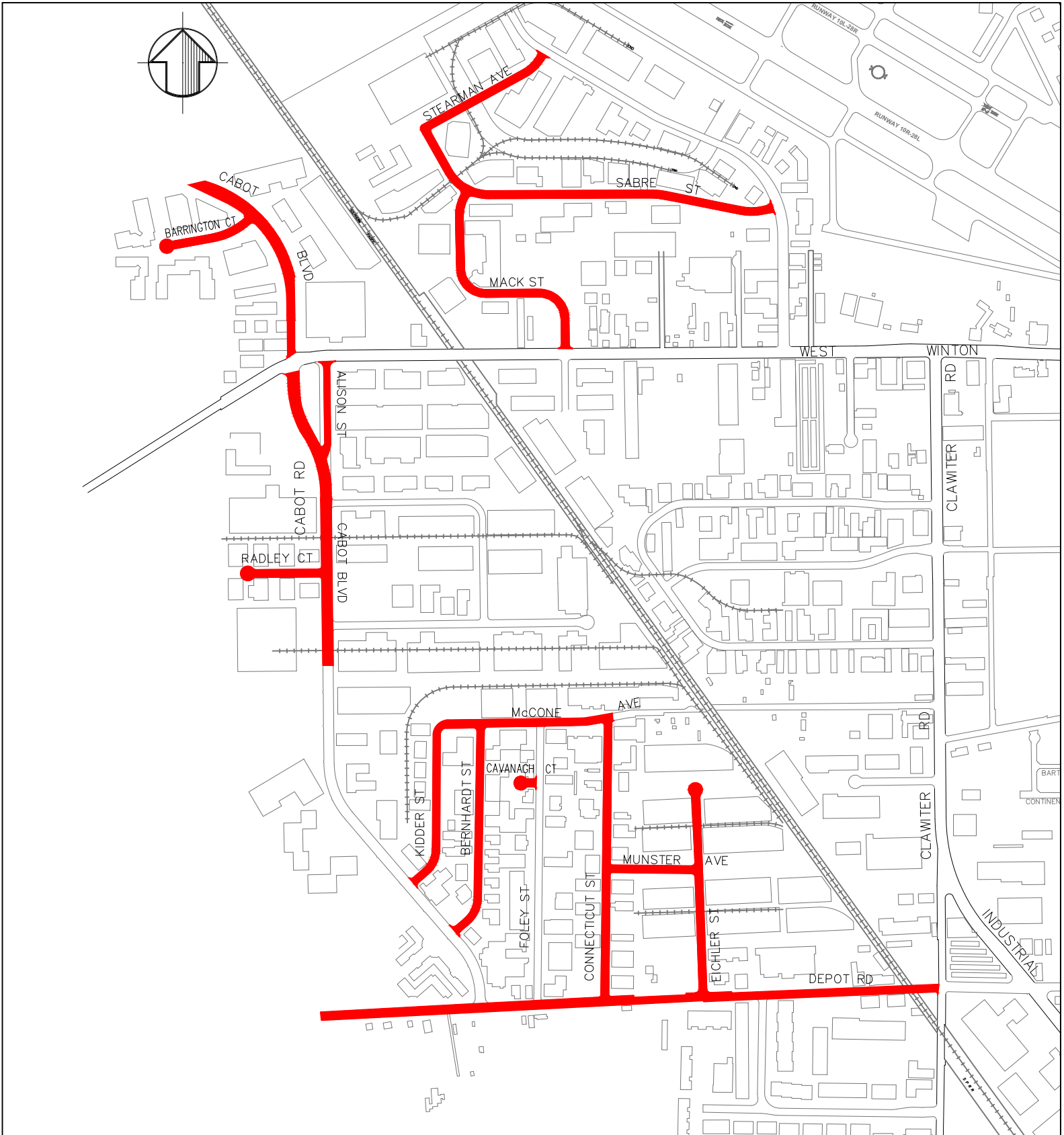
<b>REHABILITATION</b>			
<b>#</b>	<b>Street</b>	<b>Beg Location</b>	<b>End Location</b>
37	ALISON ST	WINTON AV	CABOT BLVD
38	CHENAULT WY	HESPERIAN BLVD FRONTAGE	STONEWALL
39	CHRONICLE AVE	HAYWARD BLVD	PARKSIDE DR
40	CIVIC AVE	HAYWARD BLVD	COTATI ST
41	CLAIRE ST	GRAND ST	ALICE ST
42	CLARENDALE ST	DEAD END	WINTON AV
43	CONNECTICUT ST	DEPOT RD	MCCONE AV
44	CRAVEN CT	CUL DE SAC	SANTA CLARA ST
45	DEAN ST	SUTRO ST	GRAND ST
46	DEPOT RD	INDUSTRIAL	EICHLER ST
47	DEPOT RD	EICHLER ST	WEST END
48	DOBBEL AV	COTATI ST	DRYDEN CT
49	DOTSON CT	WINTON AV	CUL DE SAC
50	EDLOE DR	WINTON AV	OCIE WY
51	EICHLER ST	DEPOT RD	MUNSTER ST
52	EICHLER ST	MUNSTER ST	END
53	EL DORADO AV	AMADOR ST	SONOMA ST
54	ELMWOOD LN	FULLER AV	AMADOR ST
55	FILBERT ST	A ST	B ST
56	FULLER AV	ELMWOOD LN	OCIE WY
57	FULLER AV	WEST A ST	ELMWOOD LN
58	HALDANE CT	TENNYSON RD	END
59	HALL RD	TRIPALDI WY	INDUSTRIAL PKWY
60	HILLCREST AV	END	TRIBUNE AVE
61	HOLLY CT	CUL DE SAC	HOLLY LN
62	HOLLY LN	FULLER AV	SANTA CLARA ST
63	HOME AV	HILLCREST	PARKSIDE DR
64	IRVIN CT	MARIN AV	MARIN AV
65	JEAN WAY	WRIGHT DR	DEAD END
66	KIDDER ST	CABOT BLVD	MCCONE AV
67	LEONARDO WAY	HESPERIAN BLVD FRONTAGE	REED WY
68	LESTER AV	HESPERIAN BLVD FRONTAGE	THELMA ST
69	LONGWOOD AV	HESPERIAN BLVD FRONTAGE	NEVADA RD RD
70	LONGWOOD AV	NEVADA RD RD	KLAMATH RD
71	LONGWOOD CT	KLAMATH RD	END
72	LYNN ST	OCIE WY	WAIT ST
73	MACK ST	W WINTON AV	SABRE ST
74	MAGNA AV	END	WINTON AV
75	MARVIN WAY	WESTPARK ST	BARKER AV
76	MCCONE AV	KIDDER ST	CONNECTICUT ST

<b>REHABILITATION</b>			
<b>#</b>	<b>Street</b>	<b>BegLocation</b>	<b>EndLocation</b>
77	NEIL WY	WRIGHT DR	END
78	MCCONE AV	CONNECTICUT	END
79	MEMORIAL WY	WESTPARK	THELMA ST
80	MUNSTER AV	CONNECTICUT ST	EICHLER ST
81	OAKWOOD CT	TEAKWOOD ST	CUL DE SAC
82	ODOM DR	WINTON AV	CHENAULT WY
83	PALOMERES DR	CITY LIMIT	CITY LIMIT
84	PARDEE CT	TYRRELL AV	END
85	PARK ST	WINTON AV	JACKSON ST
86	PARKSIDE DR	HAYWARD BLVD	HAYWARD BLVD
87	PHILLIPS WAY	HESPERIAN BLVD	WRIGHT DR
88	POPE WY	HESPERIAN BLVD	END
89	RADLEY CT	CABOT BLVD	CDS
90	REDBUD LN	FULLER AV	AMADOR ST
91	REED WY	NEVADA RD	LEONARDO WY
92	RONALD LN	JERILYNN LN	REDBUD LN
93	ROYAL AV	MEMORIAL WY	WEST A ST
94	SABRE ST	CORSAIR BLVD	STEARMAN AV
95	SANTA CLARA ST	SANTA CLARA ST	YOLO ST
96	SKYWEST DR	SUEIRRO ST	WEST A ST
97	SOUZA CT	CUL DE SAC	C ST
98	ST ANNES PL	CARROLL AVE	END
99	STEARMAN AV	SABRE ST	CORSAIR BLVD
100	SUTRO ST	MEEK AV	CHASE AVE
101	TRIPALDI WY	HESPERIAN BLVD	END
102	TYRRELL AV	SHEPHERD AV	SCHAFFER RD
103	TYRRELL AV	SHEPHERD AV	TENNYSON RD
104	WAIT ST	FULLER AV	SANTA CLARA ST
105	WALNUT	A ST	B ST
106	WEST WINTON AV	SOUTHLAND DR	SANTA CLARA ST
107	WESTPARK ST	BARKER AV	MEMORIAL WY
108	WILDING WY	POPE WY	END
109	WILLIS AV	ATHERTON PL	WATKINS ST
110	WINTON AV	D ST	GRAND ST
111	WRIGHT DR	PHILLIPS WY	WINTON AV



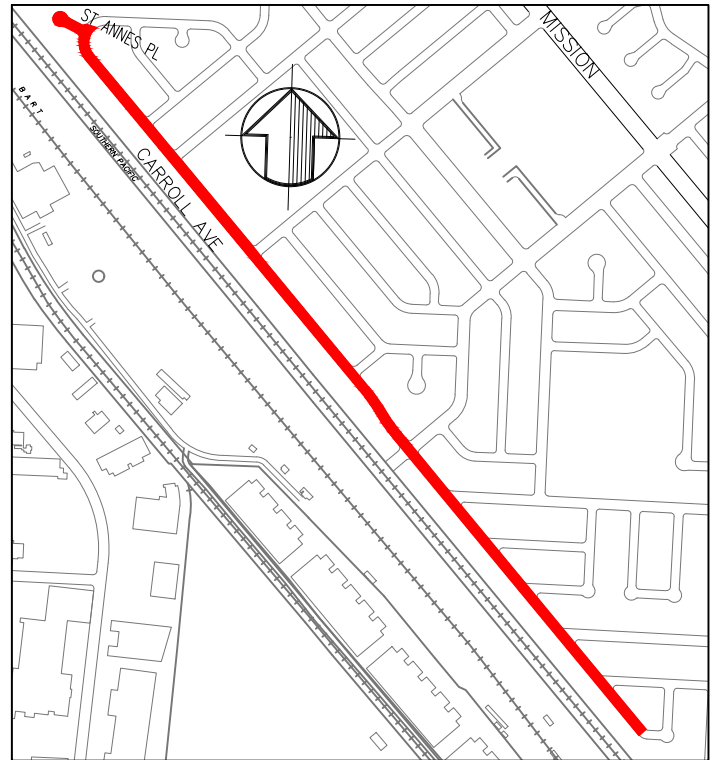
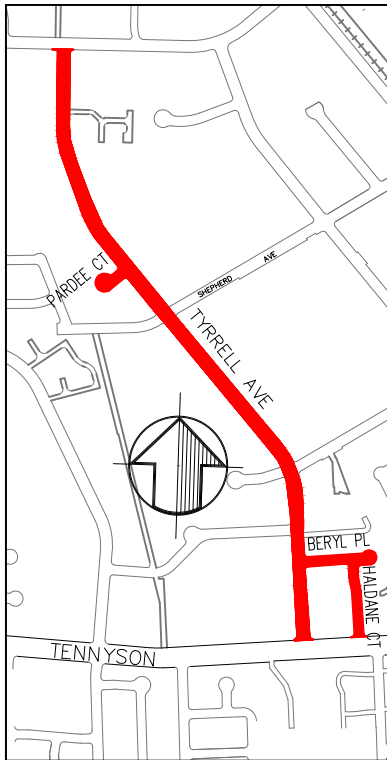
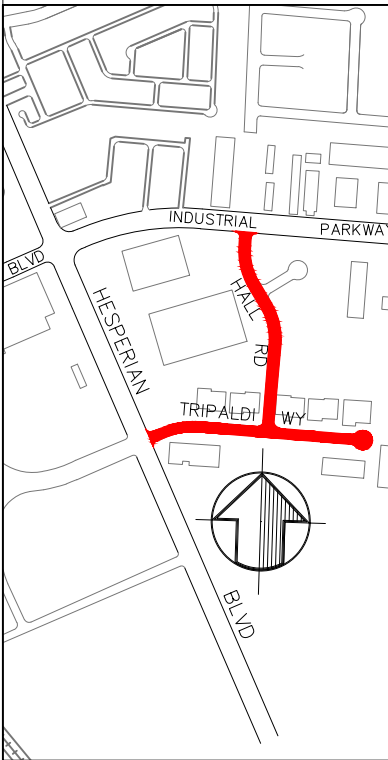
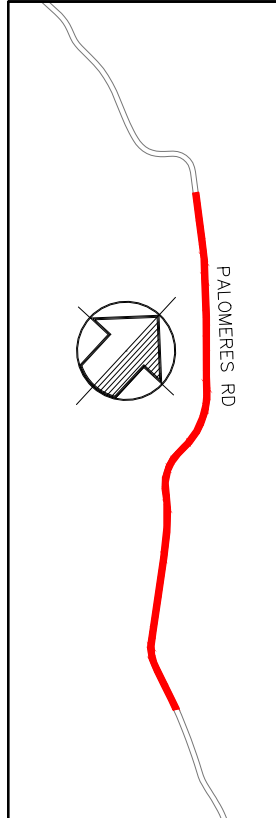
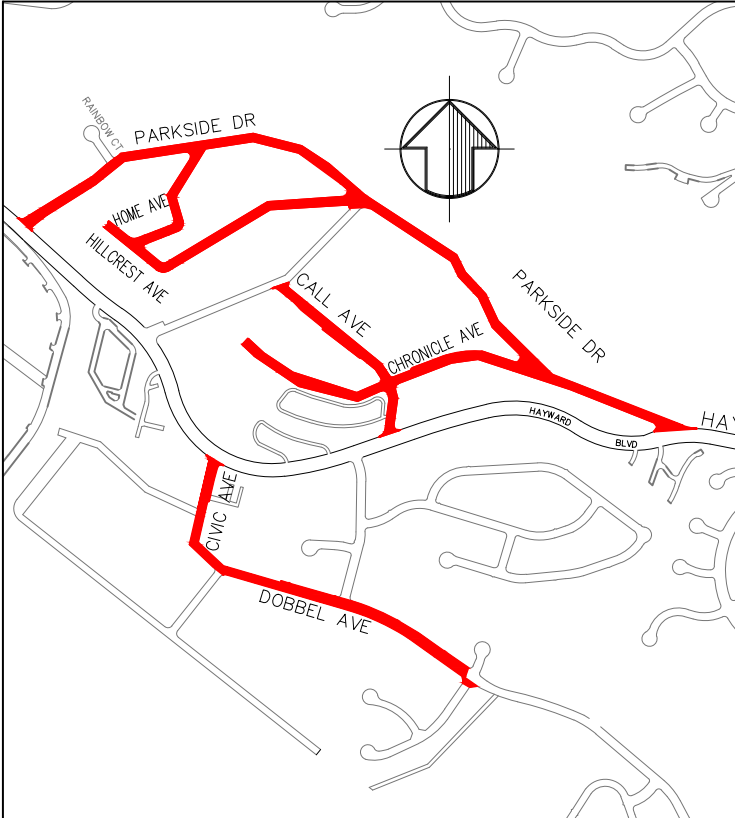
**FY23 PAVEMENT IMPROVEMENT PROJECT**  
**PROJECT NO. 05240**

**PAVEMENT REHABILITATION** █  
**PREVENTIVE MAINTENANCE** █



**FY23 PAVEMENT IMPROVEMENT PROJECT  
PROJECT NO. 05240**

**PAVEMENT REHABILITATION** █  
**PREVENTIVE MAINTENANCE** █



**FY23 PAVEMENT IMPROVEMENT PROJECT  
PROJECT NO. 05240**

**PAVEMENT REHABILITATION** █  
**PREVENTIVE MAINTENANCE** █



# CITY OF HAYWARD

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

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**File #:** CONS 23-114

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**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Approving Plans and Specifications and Call for Bids for the La Vista Park Project No. 06914

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) approving the plans and specifications, and call for bids to be received on March 28, 2023, for the La Vista Park Project No. 06914.

**SUMMARY**

Since 2017, the City of Hayward and the Hayward Area Recreation and Parks District (HARD) have worked towards a shared vision of constructing and operating La Vista Park, a new destination park in South Hayward, east of the intersection of Mission Boulevard and Tennyson Road. The addition of a destination park will create a much-needed amenity and attraction for the City and the entire region.

The La Vista Park Project will ultimately construct a fifty-acre regional facility that will include a number of park and recreational facilities, including a sport field/amphitheater, basketball courts, a yoga lawn, a dog park, hiking trails, a bike terrain park, among other amenities.

The adopted FY23 CIP budget includes a total project budget appropriation of \$23.27M (Fund 405) to design & construct La Vista Park. The engineer's estimated cost for construction of the La Vista Park without contingency is \$25M, which brings the total estimated project cost to over \$35M so the engineer's estimate is greater than the appropriated budget. To work around this and be able to proceed, staff has prepared alternate bids with this bid package, which allows the project to be phased into multiple phases depending on how the bids are received. It is intended that at least the first phase would be awarded this year to construct a majority of the park features and the subsequent phases will be constructed in the future when additional funding is obtained.

The California Environmental Quality Act (CEQA) addendum analysis for La Vista Park was completed and presented to Council on September 28, 2021, with no further action required per the adopted Resolution 21-195.

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**File #:** CONS 23-114

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On November 15, 2016, Council adopted a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. Because the construction cost estimate for the La Vista Park project is more than \$1,000,000, the CWA agreement applies to this project.

*Council Infrastructure Committee Review*

An update on the project was provided to the Council Infrastructure Committee (CIC) on September 29, 2021.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Approving Plans and Specifications and Call for Bids for the La Vista Park Project No. 06914

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) approving the plans and specifications, and call for bids to be received on March 28, 2023, for the La Vista Park Project No. 06914.

### **SUMMARY**

Since 2017, the City of Hayward and the Hayward Area Recreation and Parks District (HARD) have worked towards a shared vision of constructing and operating La Vista Park, a new destination park in South Hayward, east of the intersection of Mission Boulevard and Tennyson Road. The addition of a destination park will create a much-needed amenity and attraction for the City and the entire region.

The La Vista Park Project will ultimately construct a fifty-acre regional facility that will include a number of park and recreational facilities, including a sport field/amphitheater, basketball courts, a yoga lawn, a dog park, hiking trails, a bike terrain park, among other amenities.

The adopted FY23 CIP budget includes a total project budget appropriation of \$23.27M (Fund 405) to design & construct La Vista Park. The engineer's estimated cost for construction of the La Vista Park without contingency is \$25M, which brings the total estimated project cost to over \$35M so the engineer's estimate is greater than the appropriated budget. To work around this and be able to proceed, staff has prepared alternate bids with this bid package, which allows the project to be phased into multiple phases depending on how the bids are received. It is intended that at least the first phase would be awarded this year to construct a majority of the park features and the subsequent phases will be constructed in the future when additional funding is obtained.

The California Environmental Quality Act (CEQA) addendum analysis for La Vista Park was completed and presented to Council on September 28, 2021, with no further action required per the adopted Resolution 21-195.



On November 15, 2016<sup>[1]</sup>, Council adopted a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. Because the construction cost estimate for the La Vista Park project is more than \$1,000,000, the CWA agreement applies to this project.

#### Council Infrastructure Committee Review

An update on the project was provided to the Council Infrastructure Committee (CIC) on September 29, 2021.

### **BACKGROUND**

In 2005, the City approved the La Vista residential development that included 179 new single-family homes to be built at the South Hayward site east of (and up the hill from) the terminus of Tennyson Road and Mission Boulevard. The project also included construction of a new thirty-acre public park. The development aimed to provide new housing stock for the City and “officially” served as remediation for a former rock quarry site.

The original thirty-acre park site on land donated from the developer was expanded to almost fifty acres in size due to the City acquiring former Caltrans right-of-way from the now abandoned 238 freeway project. The additional twenty acres was added to the western side of the park.

The project site is on City-owned property. The HARD Board has allocated \$15.4M (\$6.7M to be reimbursed to HARD from City’s collection of park in-lieu fees) of the District’s Measure F1 Bond funds and \$4,230,000 of the District’s park in-lieu fees previously collected, for the design and construction of La Vista Park. Council previously approved the use of \$1.5M funds held for development of the South Hayward Community Center towards construction of La Vista Park. The La Vista Development has contributed \$2,140,000 in the form of park in-lieu fees collected by the City. In total, \$23,270,000 has been secured for the project.

#### Council Infrastructure Committee Review

An update on the project was provided to the Council Infrastructure Committee (CIC) on September 29, 2021.

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<sup>[1]</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=2882111&GUID=118B2EF9-1D2C-471F-999E-4BE0929706A0&Options=&Search=>

In May 2018, Council accepted the La Vista Park Master Plan prepared by Surface Design Inc. (SDI).

In March 2019, Council authorized a contract with Surface Design Inc. (SDI) for the design of the park and preparation of the construction bid documents. The 100% design of the project has been completed.

On April 26, 2022<sup>1</sup>, Council authorized the approval of the plans and specifications and call for bids for the Keyways Grading Project. This project was to remove and replace weak existing landslide areas with stronger backfill based on recommendations from the geotechnical report prepared for the La Vista Park Project, to provide a strong and stable foundation for the future construction of park improvements. However, due to high bids, Council later authorized the rejection all bids. The construction of the keyways is now included with the overall La Vista Park project.

## **DISCUSSION**

Currently, the engineer's estimate for the project is greater than the approved budget as described below in the Fiscal Impact section. Staff is working with HARD to explore ways to secure the remaining budget. Should additional funding not be available, the project will be constructed in phases with the majority of the park constructed with this construction contract. Bid alternates will be included with this project coinciding with the phasing. Should funding be available or should the lowest bid be within the current budget, the entire park will be constructed. The phasing strategy of the project will be structured as the following:

Phase 1: Install keyways, site infrastructure, site grading/hydroseeding, park road/foothill trail/access drive paving, bike park and central bowl.

Phase 2: Install remaining trees and irrigation system.

Phase 3: Install remaining paving, park elements, and site furnishings.

With this phasing strategy, utilization and public enjoyment of the park is assured with construction of the first phase.

The award of the construction of the project will be based on the lowest bid of the sum total of the Base bid plus any combination of the Alternate(s) that may fall below the City construction budget at the time of award.

On November 15, 2016<sup>2</sup>, Council adopted a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward

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<sup>1</sup> [CITY OF HAYWARD - File #: CONS 22-251 \(legistar.com\)](#)

<sup>2</sup> [CITY OF HAYWARD - File #: LB 16-106 \(legistar.com\)](#)

residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. Because the construction cost estimate for the La Vista Park project is more than \$1,000,000, the CWA agreement applies to this project.

Staff requests Council approval of the resolution approving plans and specifications and call for bids for the La Vista Park Project No. 06914.

### **ECONOMIC IMPACT**

The addition of a destination park to the South Hayward community will create a much-needed amenity and attraction for this part of the City. This will likely result in increased visitors to the area as well as more dollars spent at local businesses. In addition, there have been numerous studies that indicate that the addition of open space or parkland has a positive impact on home values in the surrounding areas.

### **FISCAL IMPACT**

The adopted FY22 CIP budget includes a total project budget appropriation of \$23.27M (Fund 405) to construct the La Vista Park improvements.

The estimate project costs are:

Design	\$2,835,386
Administration	\$1,417,693
Geotechnical Inspections, Testing & Report	\$2,835,386
Construction with 10% Contingency	<u>\$28,353,860</u>
Total Project Cost	\$35,442,325
<i>Funding Gap</i>	<i>(\$12,172,325)</i>

### **STRATEGIC ROADMAP**

This agenda item supports the Strategic Roadmap of Invest in Infrastructure. Specifically, this item relates to the implementation of the following project:

Project N14, Part N14b: Construct La Vista Park

### **SUSTAINABILITY FEATURES**

The La Vista Park will be designed to be the most environmentally sustainable park within the City. As part of the design, park areas will require less irrigation and native grasses and plants will be used throughout the park. Park structures will be constructed from natural materials versus traditional fabricated structures. Bio-retention filtration areas will collect and retain stormwater runoff prior to exiting the park into the storm drainage system.

## **PUBLIC CONTACT**

Listed below are previous public meetings or public outreach efforts performed by the City, HARD, and SDI related to the final draft La Vista Park plan:

- On October 20, 2017, City staff and the team from SDI met with representatives from Fairway Park to present and gain feedback regarding the current La Vista Park plans.
- On October 26, 2017, a public outreach meeting was conducted at Matt Jimenez Community Center, soliciting input from the Hayward community at large, regarding the most current La Vista Park design. City staff, HARD staff and the SDI team conducted a public presentation and received input from participants regarding draft Park plans.
- On October 30, 2017, the Hayward City Council hosted a joint work session with the HARD Board of Directors where City staff, HARD staff, and the SDI team presented the design for La Vista Park.
- On April 9, 2018, the HARD Board of Directors approved the final design for La Vista Park and the funding plan for the project. There was no public opposition to the project during the meeting.
- On May 15, 2018, the Hayward City Council approved a resolution accepted the La Vista Park Master Plan prepared by SDI.

Staff has also been in continuous communication with property owners adjacent to the park site and has successfully negotiated right-of-way easement access to the park site. Once construction work has been scheduled, signs will be posted seventy-two hours prior to commencement of work indicating the date and time of work on E. 16<sup>th</sup> Street. Residents will be advised to park their vehicles on side streets outside of the work area during the construction period.

## **NEXT STEPS**

Bid Opening	March 28, 2023
Award Construction Contract	April 25, 2023
Start of Construction	May 2023
End of Construction	March 2025**

\*\*Based on construction of the entire park. Should the construction contract be awarded for less than all phases, construction time may differ.

*Prepared by:* Kathy Garcia, Deputy Director of Public Works

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'Kelly McAdoo', with a long horizontal flourish extending to the right.

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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR  
BIDS FOR THE LA VISTA PARK PROJECT NO. 06914

WHEREAS, those certain plans and specifications for the La Vista Park Project No. 06914, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project; and

WHEREAS, the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law; and

WHEREAS, sealed bids therefor will be received by the City Clerk's office at City Hall, 777 B Street, First Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday March 28, 2023, and immediately thereafter publicly opened and declared by the City Clerk in the Rotunda, First Floor, at City Hall.

WHEREAS, the project has a Base bid and several Alternative bids; and

WHEREAS, the Base bid includes the construction of the majority of the project; and

WHEREAS, the award of the project will be, at the sole discretion of the City Council, the sum of the total of the Base bid plus any combination of the Alternative bid(s) that may fall below the available funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hayward will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

BE IT FURTHER RESOLVED the California Environmental Quality Act (CEQA) addendum analysis for La Vista Park was completed and presented to Council on September 28, 2021, with no further action required per the adopted Resolution 21-195.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2023

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



# CITY OF HAYWARD

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

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**File #:** CONS 23-090

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**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** Director of Library Services

**SUBJECT**

Adopt Resolutions Authorizing the City Manager to Execute MOUs and Accepting and Appropriating up to \$101,000 for the Operation of Family Education Program Services for Hayward Unified School District (HUSD) Schools

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute MOUs with Hayward Unified School District (HUSD) and California State University, East Bay (CSUEB) and adopts a resolution (Attachment III) authorizing the City Manager accept and appropriate up to \$101,000 in funding from HUSD and CSUEB for Family Education Program services (after-school Homework Support Center programming and adult English Conversation Circles) and Bookmobile Program Services to be provided at requested HUSD school sites during academic school year 2022-2023. The funding will be divided as follows:

- 1) \$80,000 from HUSD for services to be provided at four school sites during the 2022-2023 academic school year; and
- 2) \$21,000 from CSUEB for the training, supervision, and tutor/mentorship placements of CSUEB's College Corps students in Homework Support Centers during the 2022-2023 academic school year.

**SUMMARY**

The City provides robust educational support services to HUSD students and families through its Library Services department. Since 2011, the City has consistently received funding from HUSD to share costs for Family Education Program services. The total cost to operate said services is \$40,000 per school, with HUSD and the Library sharing the cost. The City leverages federal, state, and local special revenue funding to support the costs of programming.

Some of the tutoring services at the HSCs will be provided by California State University, East Bay (CSUEB) students participating in the College Corps program. CSUEB will be providing \$21,000 in funding over the 2022-2023 school year (in two payments of \$10,500) to support this program. Staff requests Council authorization to execute the MOUS and to accept and appropriate up to \$101,000 in the



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**File #:** CONS 23-090

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Local Grants Fund (240) from HUSD and CSUEB for FY 2023. With Council approval, staff will appropriate the funding into the Library Department's Education Services budget and provide services per the terms and conditions of the agreements with HUSD and CSUEB.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution - MOUs
Attachment III	Resolution - Appropriation
Attachment IV	COH/HUSD FEP MOU 2022-2023
Attachment V	CSUEB College Corp Partnership Agreement



**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** Director of Library Services

**SUBJECT:** Adopt Resolutions Authorizing the City Manager to Execute MOUs and Accepting and Appropriating up to \$101,000 for the Operation of Family Education Program Services for Hayward Unified School District (HUSD) Schools

### **RECOMMENDATION**

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### **SUMMARY**

The City provides robust educational support services to HUSD students and families through its Library Services department. Since 2011, the City has consistently received funding from HUSD to share costs for Family Education Program services. The total cost to operate said services is \$40,000 per school, with HUSD and the Library sharing the cost. The City leverages federal, state, and local special revenue funding to support the costs of programming.

Some of the tutoring services at the HSCs will be provided by California State University, East Bay (CSUEB) students participating in the College Corps program. CSUEB will be providing \$21,000 in funding over the 2022-2023 school year (in two payments of \$10,500) to support this program. Staff requests Council authorization to execute the MOUS and to accept and appropriate up to \$101,000 in the Local Grants Fund (240) from HUSD and CSUEB for FY 2023. With Council approval, staff will appropriate the funding into the Library Department's

Education Services budget and provide services per the terms and conditions of the agreements with HUSD and CSUEB.

## **BACKGROUND AND DISCUSSION**

The Library provides Family Education Program services, including school-based after-school Homework Support Centers at both libraries and at participating Hayward schools through a partnership with Hayward Unified School District (HUSD), and English Conversation Circle programming at strategic community locations, attracting parents from HSC school sites and at both library locations. Each HSC features laptop computers, chromebooks, hotspots, homework and project supplies, on-site trained tutors, and access to the Library's free real-time tutoring program, Tutor.com. Schools are also trained on how to utilize Library E-resources, and library cards.

Per the agreed upon MOU between the City and HUSD for Family Education Program services in 2022-2023 (Attachment IV), HUSD will provide a maximum of \$80,000 for program services rendered at four (4) school sites locations, determined by HUSD (\$20,000 per school). The City will leverage federal, state, and local special revenue funding to support the costs of programming. For the 2022-2023 year, Curbie, the library's Bookmobile will also be providing services at various school locations that can accommodate the vehicle at no additional charge to HUSD.

Some of the tutoring services at the HSCs will be provided by California State University, East Bay (CSUEB) students participating in the College Corps program. The Library serves as a "Partner Site" for this program providing training, supervision, and tutor/mentorship placements for the CSUEB College Corps students. CSUEB will be providing \$21,000 in funding over the 2022-2023 school year (in two payments of \$10,500) to support this program. The College Corp Partnership agreement is included as Attachment V.

## **STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate to a specific strategic roadmap item.

## **FISCAL IMPACT**

The grant funding from HUSD and CSUEB will be appropriated in the Local Grants Fund (Fund 240). This grant funding will provide supplemental funding to allow the Library's Education Services Division to continue providing Family Education Program services at local school site locations. There is no impact on the General Fund from accepting these supplemental funds.

## **NEXT STEPS**

Staff will use the appropriated funding to provide Family Education Program services at requested HUSD school sites during the academic school year.

*Prepared by:* Brad Olson, Management Analyst II  
Lindsey Vien, Education Services Manager

*Recommended by:* Jayanti Addleman, Director of Library Services

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', with a long horizontal stroke extending to the right.

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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE MOUS WITH HAYWARD UNIFIED SCHOOL DISTRICT (HUSD) AND CALIFORNIA STATE UNIVERSITY, EAST BAY (CSUEB), ALLOWING THE LIBRARY TO OFFER LIBRARY PROGRAMS AND MOBILE OUTREACH SERVICES AT FOUR (4) HUSD SCHOOLS DURING THE 2022-2023 SCHOOL YEAR

WHEREAS, The City recognizes the value of education and thus provides robust educational support services to HUSD students and families through its Library Department; and

WHEREAS, The Library provides Family Education Program (FEP) services, including school-based after-school Homework Support Centers (HSCs) at both libraries and at participating Hayward schools through a partnership with Hayward Unified School District (HUSD), and English Conversation Circle (ECC) programming at strategic community locations, attracting parents from HSC school sites and at both library locations; and

WHEREAS, HUSD has provided funding in past years to help cover the costs of the Homework Support Centers; and

WHEREAS, the MOU between the City and HUSD for academic year 2022-2023 (Attachment III) provides \$80,000 in match funding for Family Education Program and Bookmobile services at four (4) school site locations, determined by HUSD (\$20,000 per school); and

WHEREAS, The College Corps program at California State University, East Bay (CSUEB) has agreed to provide \$21,000 in funding to the City for the training, supervision, and tutor/mentorship placements of CSUEB College Corps students in the HSCs;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to execute MOUs with HUSD and CSUEB allowing the Library to offer library programs and mobile outreach services at four (4) HUSD schools during the 2022-2023 school year.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2023

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE UP TO \$101,000 FOR THE OPERATION OF FAMILY EDUCATION PROGRAM SERVICES FOR HAYWARD UNIFIED SCHOOL DISTRICT SCHOOLS

WHEREAS, The City recognizes the value of education and thus provides robust educational support services to HUSD students and families through its Library Department; and

WHEREAS, The Library provides Family Education Program (FEP) services, including school-based after-school Homework Support Centers (HSCs) at both libraries and at participating Hayward schools through a partnership with Hayward Unified School District (HUSD), and English Conversation Circle (ECC) programming at strategic community locations, attracting parents from HSC school sites and at both library locations; and

WHEREAS, HUSD has provided funding in past years to help cover the costs of the Homework Support Centers; and

WHEREAS, The agreed upon MOU between the City and HUSD for academic year 2022-2023 (Attachment IV) provides \$80,000 in match funding for Family Education Program and Bookmobile services at four (4) school site locations, determined by HUSD (\$20,000 per school); and

WHEREAS, The College Corps program at California State University, East Bay (CSUEB) has agreed to provide \$21,000 in funding to the City for the training, supervision, and tutor/mentorship placements of CSUEB College Corps students in the HSCs; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to accept and appropriate up to \$101,000 for FEP services at HUSD and both Library locations in FY 2023; and

FURTHER, BE IT RESOLVED, that the City Council of the City of Hayward authorizes the amendment of FY 2023 Budget Resolution for an increase in appropriation in the amount of \$101,000 in the Local Grants Fund (Fund 240).

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2023

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



## Memorandum of Understanding

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Between

HAYWARD PUBLIC LIBRARY  
(CITY OF HAYWARD)  
&  
HAYWARD UNIFIED SCHOOL DISTRICT  
(HUSD)

### RECOGNITION

On the 1st day of October 2022, authorized representatives of City of Hayward Public Library (“Library”) and authorized representatives of Hayward Unified School District (“HUSD”) made and entered into this Memorandum of Understanding.

### RECITALS

WHEREAS, Hayward Public Library offers a wide range of resources for youth and adults, as well as volunteer educational services for the benefit of Hayward residents, especially school-aged students and parents; and

WHEREAS, HUSD offers a comprehensive range of onsite educational services for Hayward youth after school and for families; and

WHEREAS, it is the desire of both parties that the current agreement be entered into for the purposes of providing Family Education Program (“Program”) services including after-school Homework Support Center services, online educational resources, online tutoring to students (via services like Tutor.com or Brainfuse), school supplies and books to build in-home libraries to students, Tech Lending Library services (e.g. Chromebooks, hotspots, tablets), and virtual and in-person English Conversation Circles to parents to students attending Southgate Elementary, M.L.K. Jr. Middle School, Ruus Elementary and Glassbrook Elementary, as well as two additional schools to be determined by HUSD leadership during the 2022-2023 school year, and it is the desire of both parties to enter into a partnership whereby Library will provide for the operation of the said Program; and

WHEREAS, it is also the desire of both parties that the current agreement also be entered into for the purposes of Library enhancing HUSD student, staff, and parent access to resources and books by providing mobile library (“Bookmobile”) services to HUSD school sites and preschools when there is need and route schedule availability; and

WHEREAS, a variety of programs and classes are available during Bookmobile visits (including but not limited to): staff-led storytimes, early childhood Learn & Play groups, book clubs, various crafts/activities, Dance & Movement programming, Seed Lending Library and gardening classes, Tech Lending Library services, Adult Literacy outreach services, and collaborative visits with 4Cs of Alameda County. All programs and visits are subject to staff and resource availability; and

WHEREAS, onboard the Bookmobile are print materials for all ages, in multiple languages, (including but not limited to): board books, picture books, early readers, fiction and nonfiction, graphic novels, cookbooks, magazines, audiobooks, music CDs, and movie DVDs.

NOW, THEREFORE, Library and HUSD agree as follows:

#### AGREEMENT

(1) Scope. It shall be the responsibility of the Library to offer Program at Southgate Elementary, M.L.K. Jr. Middle School, Ruus Elementary, Glassbrook Elementary, and two (2) additional school sites to be determined by HUSD leadership, in Hayward, Calif., during the 2022-2023 school year. Library shall provide all staff persons, volunteers, and supplies needed to operate the aforementioned Program.

HUSD shall coordinate school site participation to recruit classrooms to participate in Library Program and assist in the processing of enrollment forms collecting necessary demographic information for grant reporting; HUSD shall identify suitable parking/classroom space/classroom maintenance to operate Program including electrical outlets as needed and access to restrooms for Bookmobile staff. HUSD shall provide classroom space and janitorial services for said Program to operate at identified school sites.

Bookmobile: It shall be the responsibility of the Library to determine how suitable the site is for: parking, need of library materials, audience interest in library materials and programming. Schools interested in site visit shall submit a site visit application form; after close review of said form, and if the schedule permits a visit at a time that is convenient for both parties, Library shall schedule at least 1 (one) routine or preliminary visit. The Library shall maintain a current collection of print books, magazines, audiobooks, DVD's, and music in a variety of languages as appropriate; provide the contact person with informational materials to help publicize Bookmobile visits; notify the contact person as soon as possible when staffing shortages or mechanical or other difficulties necessitate cancellation of a site visit; and reschedule, if mutually convenient, stops that are cancelled because of legal holidays, staff shortages or mechanical or other difficulties. Library reserves the right to discontinue service because of low usage and/or abuse of borrowing/site visit privileges.

HUSD school sites applying for a visit shall designate a staff member to be responsible for all Bookmobile negotiations, site preparations, and communications; notify Library if contact person has changed; arrange for regularly reserved, legal parking which can easily accommodate the Bookmobile's 26 ft long x 8 ft-foot wide x 11 ft high size, with a minimum of 5 ft access aisle on each side of vehicle to provides safe entrance and exit; arrange for additional space as needed for library programming when requested or agreed upon, e.g. space for a storytime, movie, etc.; give Library advance notice at of any scheduling conflicts, e.g. parking problems, holiday events, classes; ensure uninterrupted service by returning and retrieving Library materials loaned to the facility and its clients/residents; coordinate on-going publicity of Bookmobile visits; post Bookmobile schedule on bulletin boards; include in

monthly calendar, newsletters, and program flyers; announce during mealtimes or other group activity times; and inform Library promptly of any challenges or problems regarding Bookmobile services.

(2) Compensation. HUSD hereby agrees to pay Library a maximum of \$80,000 for Program services rendered at Southgate Elementary, M.L.K Jr. Middle School, and at two (2) additional school sites determined by HUSD leadership. Glassbrook Elementary and Ruus Elementary will be paid for fully out of City Hayward Promise Neighborhood funding already committed for this project. The total cost for each program is \$40,000 per school with HUSD and the Library sharing the cost. HUSD will contribute a maximum of \$20,000 per school site, based on funding availability. Final payment will be determined by HUSD. Payment shall be made in two installments of up to \$40,000 each; the first installment shall be paid within thirty (30) days of the execution of this agreement, and the second installment shall be paid within thirty (30) days after successful completion of the services outlines herein. Library shall cover costs for Bookmobile at no additional charge to HUSD.

(3) Billings. Library shall submit invoices for payment of installments to HUSD. Library's bill shall include the following information: a brief description of services performed, the date the services were performed, and the signature of the Library's authorized representative.

(4) Duration. The Memorandum of Understanding shall be effective the 1<sup>st</sup> day of October 2022 and shall remain in effect up to and including the 30<sup>th</sup> day of June 2023. Either party may cancel agreement by providing the other written notice of such action by regular U.S. Mail. Given the nature of the services rendered, a notice period of thirty (30) days must be provided.

(5) Termination. This agreement may be terminated by either party upon thirty (30) days written notice. In the event of termination, Library shall be entitled to compensation for services performed to the effective date of termination.

(6) Notices. Notices required by this agreement shall be personally delivered or mailed, postage prepaid, as follows:

To Library: Jayanti Addleman  
Hayward Public Library  
888 C Street  
Hayward, CA 94541

To HUSD: Chien Wu-Fernandez  
Hayward Unified School District  
24411 Amador Street  
Hayward, CA 94544

(7) Compliance with Laws. In the performance of this agreement, Library and HUSD shall abide by and conform to any and all applicable laws of the United States and the State of California, and the City Charter and all ordinances of the City of Hayward.

(8) Accessibility. Program shall be accessible to all students, including students with special needs. Bookmobile is ADA accessible. Program and Bookmobile servicing school sites will only be available to HUSD school site staff, students, and families (not open to the general public when on a school site or preschool premise).

(9) Additional Services. It is acknowledged by HUSD and Library that additional services outside the scope of this MOU may be desired. For example, it may be desired to expand the scope of services at

the sites named herein through Library programs; or it may be desired to expand the services described herein to additional HUSD school sites in school year 2022-23. If additional services are desired, HUSD and Library shall amend this MOU accordingly.

(10) Indemnification. HUSD will indemnify, defend, protect and hold harmless the City of Hayward (CITY), including the Library—its officers, agents, and employees, from and against any and all liability, damage, expense, causes of action, suits, claims and judgments arising from injury to or death of persons or loss of or damage to personal property based on performance pursuant to this MOU, unless liabilities and obligations have arisen by reason of the negligence of willful misconduct of CITY, its officers, agents and employees.

(10) Whole Agreement. This agreement has four (4) pages excluding any exhibits described herein. This agreement constitutes the entire understanding and agreement of the parties. This agreement integrates all the terms and conditions mentioned herein or incidental hereto and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof.

*IN WITNESS HEREOF, the parties hereto have entered into this agreement to be executed the days and year herein above first written.*

HAYWARD PUBLIC LIBRARY  
City of Hayward

J. Addleman

Jayanti Addleman

Director of Library Services

Date: 10/17/2022

HAYWARD UNIFIED SCHOOL DISTRICT  
HUSD

[Signature]

Chien Wu-Fernandez

Superintendent

Date: 10/13/2022

# California State University East Bay Community Service/Volunteer Programs Partnership Agreement (College Corps)

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This agreement covers partnerships formed between the Center for Community Engagement (CCE) at California State University, East Bay and community-based organizations for the purposes of the #CaliforniansforAll College Corps Program and other volunteer related activities. This agreement does not cover community engagement and service learning experiences or programs related to courses.

This agreement ("Agreement") is between the Trustees of the California State University on behalf of California State University, East Bay ("University"), and the agency identified below as the "Partner Site." In consideration of the mutual promises set forth below, the University and Partner Site ("parties") as agreed for the following;

**Please enter the name of your organization, which is named as the "Partner Site" throughout this agreement.** Hayward Public Library

**Effective Date** Tue, 08/16/2022

**Termination Date:** Fri, 08/16/2024

## I. Partner Site's Responsibilities for Student Placements

1. Provide meaningful service activities for the students placed at the Partner Site with consistent work available during the academic year to enable the student to meet any program hours requirements.
2. Accommodate the academic calendar for holidays.
3. Identify the student's supervisor. The supervisor agrees to meet with the student regularly to facilitate the student's learning experience, provide support, review progress on assigned tasks, and give feedback.
4. Provide an orientation that includes a site tour; an introduction to staff; a description of the characteristics of and risks associated with the Partner Site's operations, services and/or clients; a discussion concerning safety policies and emergency procedures; and information detailing where students check-in and how they log their time.
5. Provide a written position description of the student's tasks and responsibilities.
6. Provide appropriate training, equipment, materials and work area for students prior to students performing assigned tasks or working with the Partner Site's clients.
7. Inform students of the need for a background check, fingerprinting and/or a tuberculosis test; obtain the student's fingerprints, background check and/or tuberculosis test; and maintain the confidentiality of any results as required by federal and state law.
8. Verify student hours using the tracking system provided.
9. Contact the CCE if the student fails to perform assigned tasks or engages in misconduct.
10. Notify the CCE as soon as is reasonably possible of any injury or illness to a student participating in a learning activity at the Partner Site.

## II. CCE's Responsibilities

A. The CCE will advise the student(s) of their responsibility to:

1. Participate in all training required by the Partner Site.
2. Exhibit professional, ethical and appropriate behavior when at the Partner Site.
3. Complete all assigned tasks and responsibilities in a timely and efficient manner.
4. Abide by the Partner Site's rules and standards of conduct.
5. Maintain the confidentiality of the Partner Site's proprietary information, records and information concerning its clients.

B. The CCE will provide:

1. Orientation for students and Partner Sites
2. Support for students throughout the academic year
3. Oversight of the student selection and placement process
4. Regular communications and updates with Partner Sites

C. The CCE will advise students that neither the University nor the Partner Site assumes any financial responsibility in the event he/she is injured or becomes ill as a result of his/her participation in an unpaid learning activity at the Partner Site.

D. The University will provide the student with general and Participant Accident Insurance (PAI) Coverage. This insurance only applies if both parties have signed this Agreement and where the student does not receive compensation, directly or indirectly, from the learning site.

## III. General Provisions

1. This Agreement will be effective as of the date first written above and continue for the length of the College Corps grant: August 1, 2022 through July 31, 2024 (a period of two years) unless terminated by either party after giving the other party 30 days written notice of the intent to terminate.
2. The Partner Site and the University agree to indemnify, defend and hold harmless each other from any and all liability for any personal injury, damages, wrongful death or other losses and costs, including but not limited to reasonable attorney fees and defense costs, arising out of the negligence or willful misconduct of their respective officers, employees, agents or volunteers in the performance of this Agreement. This paragraph will survive expiration or termination of this Agreement.
3. Each party agrees to maintain general liability coverage of at least \$1,000,000 per occurrence, \$2,000,000 aggregate and to provide evidence of coverage upon request. Insurance must be placed with insurers with a current A.M. Best rating of at least A: VII.
4. The Partner Site and the CCE will meet upon request or as necessary to resolve any potential conflicts and to facilitate a mutually beneficial experience for all involved.
5. The Partner Site may dismiss a student if the student violates its standards, mission or goals. The Partner Site will document its rationale for terminating a student and provide the CCE with a copy of the rationale upon request.
6. Students participating in service activities at the Partner Site are not officers, employees, agents or volunteers of the University and are not officers, employees, agents of the Partner Site, unless they receive compensation from or are otherwise employed by the learning site whereby they may be considered employees. Where these exceptions do not apply, students are not entitled to any employment related benefits provided by the Partner Site to its employees including but not limited to

wages, sick leave, vacation, and workers compensation. Students shall not impair any existing contract for service or collective bargaining agreement.

7. Nothing contained in this Agreement confers on either party the right to use the other party's name without prior written permission, or constitutes an endorsement of any commercial product or service by the University.
8. This Agreement may not be altered unless both parties agree in writing.
9. The parties agree to follow all applicable federal, state and local laws and regulations, including but not limited to the Title IX law prohibiting discrimination, harassment, and violence.
10. Partner Site and University shall maintain confidentiality of each participant's records and any related information except as otherwise required by law.
11. Partner Site is aware of and informed about the hazards currently known to be associated with the novel coronavirus referred to as "COVID-19". Partner Site is familiar with and informed about the Centers for Disease Control and Prevention (CDC) current guidelines regarding COVID-19 as well as applicable federal, state and local governmental directives regarding COVID-19. Partner Site, to the best of its knowledge and belief, is in compliance with those current CDC guidelines and applicable governmental directives. If the current CDC guidelines or applicable government directives are modified, changed or updated, Partner Site will take steps to comply with the modified, changed or updated guidelines or directives. If at any time Partner Site becomes aware that it is not in compliance with CDC guidelines or an applicable governmental directive, it will notify the CCE of that fact.

## IV. College Corps Grant Provisions

1. The Partner Site will have completed a College Corps Partnership Request form prior to signing this agreement. The CCE will have approved the Partnership Request prior to signing this agreement.
2. The partnership requires the Partner Site to have identified the following within the Partnership request: student position description (including student responsibilities, service activities, and requirements), description of the community need service activities will address, the planned for outputs for the student's activities (what can be measured and reported on), and the planned for outcomes for the outputs.
3. The Partner Site agrees to track and measure outputs and outcomes of student activities to report on to the CCE as requested.
4. The Partner Site agrees to host at least two students.
5. The Partner Site agrees to provide students with meaningful service activities 12-13 hours/week during the academic year September - May.
6. The Partner Site agrees to participate in the required orientation and remain in consistent communication with the CCE. The Partner Site will notify the CCE of any relevant staffing changes immediately and provide new contact information.
7. If approved by the CCE, the Partner site has the opportunity to receive funds to support capacity building at the Partner Site for student placements. One time funds may be available. Requesting these funds was part of the Partnership Request Process.

## Contact Information

Any notices required by this Agreement will be deemed to have been duly given if communicated to the following individuals:

## Contact Information of Approving Representative:

**Name** Jayanti Addleman  
**Title** Director of Library Services  
**Street Address** 888 C Street  
**City** Hayward  
**State** CA  
**Zip Code** 94541  
**Phone Number** 5108817956  
**Email** jayanti.addleman@hayward-ca.gov

### Contacts:

Mary D'Alleva  
Director, Center for Community Engagement  
510-885-4437, [Mary.dalleva@csueastbay.edu](mailto:Mary.dalleva@csueastbay.edu)  
25800 Carlos Bee Blvd, Hayward, CA 94542

Emily Chow  
Senior Coordinator, Center for Community Engagement  
510-885-7653, [Emily.chow@csueastbay.edu](mailto:Emily.chow@csueastbay.edu)  
25800 Carlos Bee Blvd, Hayward, CA 94542

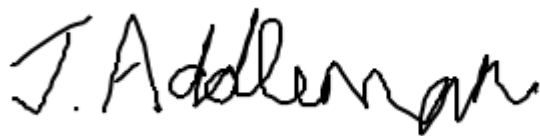
Tania Martinez  
College Corps Coordinator, Center for Community Engagement  
510-885-7264, [tania.martinez@csueastbay.edu](mailto:tania.martinez@csueastbay.edu)  
25800 Carlos Bee Blvd, Hayward, CA 94542

**By clicking this box I confirm I have read, approved, and signed the above form.** I confirm approval of this agreement.

## Partner Signature:

Any mark in this box indicates agreement by the authorized signer. Please sign as legibly as possible.

**Authorized Partner Signature**



**Printed Name and Title:** J Addleman, Director of Library Services

**Date** Tue, 08/16/2022

This agreement is not fully executed until signed by an authorized representative of CSU East Bay.

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## Authorized CSU Signature

Signer:

A handwritten signature in black ink that reads "Jon Medwin". The signature is written in a cursive style with a large, prominent initial "J" and "M".

**Name and Title:** Jon Medwin, Director, Procurement & Support Services

**Date:** Tue, 08/16/2022

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# CITY OF HAYWARD

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

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**File #:** CONS 23-095

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**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Professional Services Agreement with EKI Environment & Water, Inc., for As-Needed Technical Support Related to Implementation of the Groundwater Management Plan Increasing the Contract Amount by \$50,000 for a Total Not-to-Exceed Amount of \$145,000

**RECOMMENDATION**

That the Council adopts a resolution (Attachment II) authorizing the City Manager to amend the Professional Services Agreement (PSA) with EKI Environment & Water, Inc., (EKI) for as-needed technical support related to sustainable groundwater management at a cost of \$50,000, increasing the not-to-exceed (NTE) amount to \$145,000.

**SUMMARY**

The Sustainable Groundwater Management Act (SGMA) was enacted in 2014 by the State to provide a framework for comprehensive and sustainable groundwater management at the local level. Among other provisions, SGMA gives local agencies, including Hayward, authority to adopt and implement a Groundwater Sustainability Plan (GSP) to manage and protect groundwater basins and ensure long-term reliability of these water supplies. Hayward overlays a portion of the East Bay Plain Groundwater Subbasin. The remaining portion is within the East Bay Municipal Utility District (EBMUD) service area. Hayward and EBMUD worked collaboratively to prepare a GSP, which was adopted by the Hayward City Council in December 2021.

Continued independent groundwater technical support and expertise are needed to implement the adopted GSP and ensure the City's compliance with provisions of SGMA. The City entered into a PSA with EKI in January 2021 to provide needed technical services. The PSA was amended in July 2021 and July 2022 to allow for additional work activities and support for GSP implementation. A third amendment to increase the contract amount by \$50,000 is recommended to allow for additional support to continue GSP implementation. If approved, the additional funding would increase the total not-to-exceed amount to \$145,000.

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**File #:** CONS 23-095

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**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT** Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Professional Services Agreement with EKI Environment & Water, Inc., for As-Needed Technical Support Related to Implementation of the Groundwater Management Plan Increasing the Contract Amount by \$50,000 for a Total Not-to-Exceed Amount of \$145,000

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## **BACKGROUND**

SGMA was signed into law in 2014 to provide for comprehensive and sustainable management of groundwater resources within the State. The legislation provides a framework for groundwater management at the local level through formation of Groundwater Sustainability Agencies (GSAs). As part of SGMA, local agencies in High- and Medium-Priority groundwater basins are required to form GSAs that have authority and responsibility to develop, adopt and implement a GSP. Hayward and EBMUD each formed GSAs for the portions of the East Bay Plain Groundwater Subbasin which underlay their respective boundaries.

The City and EBMUD, with technical consulting assistance, jointly completed a single GSP for the East Bay Plain Subbasin. In accordance with SGMA guidelines, the governing bodies of each agency conducted public hearings and adopted the GSP in December 2021. The GSP was submitted to DWR by the January 31, 2022 deadline. Annual GSP reports are required to be submitted by April 30 of each year. The first report was submitted in March 2022 and the next is due by April 30, 2023.

Working collaboratively with EBMUD to prepare and implement a single GSP for the entire Subbasin, under the terms and conditions of a Cooperating Agreement, has reduced duplication of technical work and thus the cost to both agencies. The Cooperating Agreement anticipated the use of consulting services. The City and EBMUD jointly selected Lohdorff & Scalmanini Consulting Engineers (LSCE) to provide technical consulting assistance.

Because the City does not currently have staff with extensive groundwater knowledge and experience, staff determined that retaining a consulting firm to provide independent review and technical assistance to the City would help ensure that Hayward's interests are protected. The City solely retained EKI in January 2021 for this purpose. The PSA has been amended twice, in July 2021 and May 2022<sup>1</sup>, to provide additional funds for continued technical support. The second amendment increased the NTE amount to \$95,000. Staff has identified upcoming additional tasks for which technical support will be needed.

## **DISCUSSION**

The Hayward City Council and the EBMUD Board of Directors adopted the East Bay Plain Subbasin GSP in December 2021 and are now in the implementation phase. Implementing the GSP will ensure that the groundwater beneath Hayward will be managed and protected in such a way that it will remain a long-term reliable source of water for the community, particularly in the event of a water supply emergency.

GPS implementation includes technical work, such as GSP-related groundwater monitoring and preparation of annual reports. Recent work completed by EKI includes participation in technical team meetings, technical support related to well consistency determination in accordance with the Governor's Executive Order, review of grant application materials, and monitoring data management.

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<sup>1</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5659881&GUID=DE3BCA65-9A66-4877-B667-B8AD0BD6493E&Options=&Search=>

Because GSP- and SGMA-related activities are continuing, and technical support is integral to Hayward's continued compliance with SGMA, staff recommends that the PSA with EKI be amended to include an additional \$50,000 in funding for a total NTE amount of \$145,000. Specifically, the scope of work that would be performed under the amended PSA includes:

- Conducting required groundwater monitoring
- Supporting expansion of the City's monitoring network
- Assisting with stakeholder outreach and communication
- Review and analysis of impact of any new SGMA-related legislation, executive orders, and regulations
- Review of GSP materials prepared for other basins that are relevant to the City, e.g., Niles Cone
- Preparing annual reports and other materials as needed

### **ECONOMIC IMPACT**

Costs for implementing the GSP and other SGMA-related activities are not expected to significantly impact customer water rates. The community could benefit from groundwater actions to achieve sustainability goals and greater diversity and reliability of water supplies, especially in the event of an emergency water supply shortage.

### **FISCAL IMPACT**

The Water Improvement Fund in the Capital Improvement Program (CIP) includes funds for groundwater-related activities such as sustainable groundwater management. The proposed amendment to the City's PSA with EKI will increase the NTE amount by \$50,000. There is sufficient funding in the CIP project to cover this cost. There is potential for additional costs as SGMA work progresses, and staff will return to Council if more funding is needed.

### **STRATEGIC ROADMAP**

This agenda item is a routine operational matter and does not relate to one of the Council's six Strategic Priorities.

### **SUSTAINABILITY FEATURES**

As a GSA, the City is responsible for the development and implementation of the GSP, including preparation of an annual update to ensure the groundwater under the City is protected and sustainably managed for the future. A long-term commitment to groundwater sustainability increases the City's overall water supply reliability, maximizes local sources, and diversifies the City's potential water supplies.

### **PUBLIC CONTACT**

This item does not require public contact.

### **NEXT STEPS**

If Council approves this item, the City Manager will execute the third amendment to the PSA with EKI, increasing the amount by \$50,000 for a not-to-exceed amount of \$145,000.

*Prepared by:* Cheryl Muñoz, Water Resources Manager

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'Kelly McAdoo', with a long horizontal stroke extending to the right.

---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 3 TO THE AGREEMENT WITH EKI ENVIRONMENT & WATER, INC. FOR AS-NEEDED TECHNICAL SUPPORT RELATED TO IMPLEMENTATION OF THE GROUNDWATER MANAGEMENT PLAN INCREASING THE CONTRACT AMOUNT BY \$50,000 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$145,000

WHEREAS, the City and EKI Water & Environment, Inc., (EKI) and the City of Hayward (City) entered into an Agreement dated the 22<sup>nd</sup> day of January 2021, titled “Agreement for Professional Services Between the City of Hayward and EKI Environment & Water for As-Needed Technical Support Related to Sustainable Groundwater Management” in the amount of \$25,000; and

WHEREAS, the Parties subsequently amended the contract on the 12<sup>th</sup> day of July, 2021, titled “Amendment No. 1 to the Agreement for Professional Services between the City of Hayward and EKI Environment & Water” in the amount of \$35,000; and

WHEREAS, the Parties subsequently further amended the contract on the 7<sup>th</sup> day of July, 2022, titled “Amendment No. 2 to the Agreement for Professional Services between the City of Hayward and EKI Environment & Water” in the amount of \$35,000; and

WHEREAS, the City and EKI desire to amend the Agreement to provide additional as-needed technical sustainable groundwater management support in the amount of \$50,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to execute Amendment No. 3 to the Agreement with EKI Environment & Water, in a form approved by the City Attorney, for additional as-needed sustainable groundwater management technical support at a cost of \$50,000, increasing the total not-to exceed contract amount to \$145,000.



IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:

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



# CITY OF HAYWARD

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

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**File #:** CONS 23-103

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**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** Director of Maintenance Services

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for the Hayward Medians with Brightview Landscape in an Annual Amount of \$122,406 for a Total Not-to-Exceed Amount of \$489,624, and Appropriate \$30,000 from the General Fund to Fund the Annual Contingency

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a landscape maintenance contract for the Hayward medians with Brightview Landscape in an annual amount of \$122,406 for a total not-to-exceed amount of \$489,624 and appropriate \$30,000 from the General Fund to fund the annual contingency.

**SUMMARY**

The Landscape Maintenance Division maintains landscape in street medians, along the side of streets, downtown, around public buildings, and streets originally designed as State highways, like Jackson Street, Mission Blvd, and Foothill Blvd. To support staff workload, the Division routinely uses external contractors. Staff released a request for quotes (RFQ) in October 2022 to seek an experienced and qualified landscape contractor who is specifically trained, experienced and competent to perform median landscape maintenance in accordance with the terms, conditions, and specifications contained in the RFQ. Staff recommends awarding the contract to Brightview Landscape in an annual amount of \$122,406, which includes \$92,406 and an additional \$30,000 annually for contingencies, such as annual CPI increases and assistance related to unforeseen events, such as significant storm events. To fund the contingency, staff is also recommending appropriating funds from the General Fund.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** Director of Maintenance Services

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for the Hayward Medians with Brightview Landscape in an Annual Amount of \$122,406 for a Total Not-to-Exceed Amount of \$489,624, and Appropriate \$30,000 from the General Fund to Fund the Annual Contingency

## **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a landscape maintenance contract for the Hayward medians with Brightview Landscape in an annual amount of \$122,406 for a total not-to-exceed amount of \$489,624 and appropriate \$30,000 from the General Fund to fund the annual contingency.

## **SUMMARY**

The Landscape Maintenance Division maintains landscape in street medians, along the side of streets, downtown, around public buildings, and streets originally designed as State highways, like Jackson Street, Mission Blvd, and Foothill Blvd. To support staff workload, the Division routinely uses external contractors. Staff released a request for quotes (RFQ) in October 2022 to seek an experienced and qualified landscape contractor who is specifically trained, experienced and competent to perform median landscape maintenance in accordance with the terms, conditions, and specifications contained in the RFQ. Staff recommends awarding the contract to Brightview Landscape in an annual amount of \$122,406, which includes \$92,406 and an additional \$30,000 annually for contingencies, such as annual CPI increases and assistance related to unforeseen events, such as significant storm events. To fund the contingency, staff is also recommending appropriating funds from the General Fund.

## **BACKGROUND AND DISCUSSION**

On October 26, 2022, staff released RFQ #2315-102522 to seek a qualified landscape contractor to support landscape maintenance of Hayward medians. The awarded contract will be for one year with an option of three (3) one-year extensions. Per the City's Municipal Code, this type of maintenance contract is not required to be awarded to the lowest bidder but a mix of price, qualifications, experience with similar projects, availability to complete required

work in a timely manner, and other project-specific factors. Staff received and reviewed three (3) proposals and recommends awarding the contract to Brightview Landscape. A quick summary of the proposals is provided below:

<b>VENDOR</b>	<b>WEEKLY HOURS</b>	<b>MONTHLY AMOUNT</b>	<b>YEARLY AMOUNT</b>
BRIGHTVIEW LANDSCAPE	40	\$7,700.50	\$92,406
LOS LOZA INC.	93	\$24,200	\$290,400
NEW IMAGE LANDSCAPE	120	\$21,675	\$156,000

**FISCAL AND ECONOMIC IMPACT**

The FY 2023 Adopted Operating Budget appropriated sufficient budget for the contract. However, staff is requesting a General Fund appropriation of \$30,000 to fund the annual contingency amount.

This item will provide a positive economic impact to the City by sustaining an overall environmentally friendly aesthetic that helps reduce the effects of greenhouse gasses. Quality median landscaping maintenance also enhances safety by reducing vehicle speeds, providing space for possible roadway lighting and signage, and allowing pedestrians and bicyclists to stop at a safe place while crossing traffic.

**STRATEGIC ROADMAP**

This item supports Council’s Strategic Priorities of Confront Climate Crisis and Enhance Quality of Life.

**SUSTAINABILITY FEATURES**

Median landscape improvements help conserve water through the use of weather-based irrigation controllers that operate based on weather and the amount of rainfall.

**PUBLIC CONTACT**

The RFQ was publicized on the City’s website from October – November 2022.

**NEXT STEPS**

If Council approves this request, the City Manager will execute the agreement with Brightview Landscape in a total annual not-to-exceed amount of \$122,406 for a total not-to-exceed amount of \$489,624 over four years. Staff will appropriate \$30,000 from the General Fund to the Landscape Maintenance Division to support contingency costs.

*Prepared by:* Manny Grewal, Management Analyst II

*Recommended by:* Richard Nield, Landscape Maintenance Manager  
Todd Rullman, Director of Maintenance Services

Approved by:

A handwritten signature in black ink, appearing to read 'McAdoo', with a long horizontal stroke extending to the right.

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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR HAYWARD MEDIAN MAINTENANCE WITH BRIGHTVIEW LANDSCAPE IN AN ANNUAL AMOUNT OF \$122,406 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$489,624 AND APPROPRIATING \$30,000 FROM THE GENERAL FUND TO FUND THE ANNUAL CONTINGENCY

WHEREAS, Hayward Municipal Code sections 2-8.09 through 2-8.14 allow maintenance contracts to be informally bid and awarded on the basis of price, qualifications to perform work, experience with similar projects, availability to complete work in timely manner, and any other factors that the City deems relevant; and

WHEREAS, RFQ 2315-102522 was published by the City of Hayward Finance Department to solicit quotes for the City's median maintenance services for; and

WHEREAS, on November 30, 2022, three (3) bids were received and reviewed; and

WHEREAS, Brightview Landscape submitted a bid in the amount of \$92,406; and

WHEREAS, an annual contingency of \$30,000 is necessary to cover CPI increases and additional services that may be required during the term of the agreement; and

WHEREAS, the term of the agreement shall be through Fiscal Year 2024; and

WHEREAS, the City will have the option to extend the contract for up to three one-year extensions through June 2027; and

WHEREAS, if the City chooses to exercise the option to extend the agreement, the annual base amount of \$92,406 would be subject to a CPI increase for each extension; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute a contract with Brightview Landscape for median landscape maintenance, for a term through fiscal year 2024, in an annual amount of \$122,406, with an option of up to three one-year extensions through fiscal year 2027 subject to CPI increases in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the included \$30,000 annual contingency is approved for additional services that may be required during the term of the agreement.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward authorizes the amendment to the FY 2023 Budget Resolution for the increase in appropriation in the amount of \$30,000 in the General Fund.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2023

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



# CITY OF HAYWARD

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

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**File #:** CONS 23-109

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**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** Acting Chief of Police

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Galls to Purchase Point-Blank (Origin) Ballistic Body Armor for Hayward Police Department Special Response Unit Members, in an Amount Not to Exceed \$130,000

**RECOMMENDATION**

That the City Council adopts a resolution (Attachment II) authorizing the City Manager to enter into an agreement with Galls to purchase Point-Blank (Origin) ballistic body armor for Hayward Police Department Special Response Unit members, in an amount not to exceed \$130,000.

**SUMMARY**

The Special Response Unit's (SRU) tactical ballistic vests have reached the end of their operational lifespan. The Special Response Unit needs to replace 30 ballistic vests to meet the safety standards and ballistic capabilities set forth by the manufacturer.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution





**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** Acting Chief of Police

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Galls to Purchase Point-Blank (Origin) Ballistic Body Armor for Hayward Police Department Special Response Unit Members, in an Amount Not to Exceed \$130,000

### **RECOMMENDATION**

That the City Council adopts a resolution (Attachment II) authorizing the City Manager to enter into an agreement with Galls to purchase Point-Blank (Origin) ballistic body armor for Hayward Police Department Special Response Unit members, in an amount not to exceed \$130,000.

### **SUMMARY**

The Special Response Unit's (SRU) tactical ballistic vests have reached the end of their operational lifespan. The Special Response Unit needs to replace 30 ballistic vests to meet the safety standards and ballistic capabilities set forth by the manufacturer.

### **BACKGROUND**

Ballistic vests have a lifespan of 5 years and need to be replaced on the 5<sup>th</sup> year prior to their expiration. Members of the SRU team attended a vendor conference in 2022 and were instructed to find new tactical vests that are modular, durable, lightweight, and are manufactured by a reputable company. The team tested several vests and there was only one vest that met the standard established by the department. The Point Blank (Origin) vest met the specific needs the department was looking for in a modular system. The need for a modular system is so the vest can be configured based on the mission, the terrain, and/or the structure in which the team is working in. The Point Blank (Origin) vest meets these specifications.

### **DISCUSSION**

The Hayward Police Department received three estimates from different vendors who sell the Point Blank (Origin) vest:

<i>Vendor</i>	<i>Amount</i>	<i>Delivery Time</i>
<b>1. Galls</b>	<b>\$122,906.25 plus S&amp;H</b>	<b>6 months</b>
<b>2. The Tactical Advantage</b>	<b>\$124,215.98 plus S&amp;H</b>	<b>6 months</b>
<b>3. Point Blank</b>	<b>\$146,137.50 plus S&amp;H</b>	<b>6 months</b>

Staff recommends purchasing the Point Blank (Origin) vest through Galls. The department has an open purchase order through Galls and works with them regularly. They are an industry leader in law enforcement equipment and the current concealable and outer vest carriers are currently purchased through Galls.

It should be noted there is an anticipated manufacturer price increase in April 2023. Staff recommends expediting the purchasing of new ballistic vest prior to April of 2023. Purchasing the vests prior to April 2023 will ensure the department is in compliance with ballistic safety recommendations set by the manufacturer, and it will potentially save thousands of dollars by avoiding the price increase.

**FISCAL IMPACT**

There is sufficient funding in the FY 2023 capital budget to cover the costs related to the agreement with Galls to purchase Point-Blank (Origin) Ballistic Body Armor. An increase in budget appropriation is not required.

**STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate to any of the priorities outlined in the Council’s Strategic Roadmap.

**NEXT STEPS**

If the Council authorizes this action, staff will enter into an agreement to purchase Point Blank (Origin) ballistic vests from Galls in an amount not to exceed \$130,000.

*Prepared by:* Cory Linteo, Special Response Unit Commander

*Recommended by:* Bryan Matthews, Acting Chief of Police

Approved by:




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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH GALLS FOR THE PURCHASE OF POINT-BLANK (ORIGIN) BALLISTIC BODY ARMOR FOR HAYWARD POLICE DEPARTMENT SPECIAL RESPONSE UNIT MEMBERS, IN AN AMOUNT NOT TO EXCEED \$130,000

WHEREAS, the City of Hayward has researched the need to replace expired ballistic body armor for the Special Response Unit.

WHEREAS, the Hayward Police Department's Special Response Unit's tactical ballistic vests have reached the end of their operational lifespan.

WHEREAS, the City of Hayward intends to purchase new Point Blank (Origin) ballistic body armor from Galls in an amount not to exceed \$130,000.

WHEREAS, the purchase does not require an increased appropriation and is funded with the Hayward Police Department's current capital fund appropriation,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute an agreement with Galls for the purchase of Point-Blank (Origin) ballistic body armor.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2023

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



# CITY OF HAYWARD

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

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**File #:** CONS 23-112

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**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT** Adopt a Resolution Authorizing the City Manager to Accept Up to 1.5 Million Dollars in Revenue from Bay Area Rapid Transit as the Fiscal Agent for the South Hayward Bay Area Rapid Transit Station Access Authority

## RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate up to 1.5 million dollars from Bay Area Rapid Transit to Fund 295 in revenue as the Fiscal Agent for the South Hayward Bay Area Rapid Transit Station Access Authority.

## SUMMARY

On November 15, 2022, Council adopted a resolution to dissolve the South Hayward Bay Area Rapid Transit Station Access Authority. As part of finalizing the dissolution, staff has been working with BART staff to reconcile past revenues and costs associated with the South Hayward BART Station Access Authority's fund balance (Fund 295). Staff is seeking Council authorization to accept revenues to settle the Authority's accounts and finalize its dissolution.

## ATTACHMENTS

Attachment I Staff Report

Attachment II Resolution



**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT** Adopt a Resolution Authorizing the City Manager to Accept Up to 1.5 Million Dollars in Revenue from Bay Area Rapid Transit as the Fiscal Agent for the South Hayward Bay Area Rapid Transit Station Access Authority

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate up to 1.5 million dollars from Bay Area Rapid Transit (BART) to Fund 295 in revenue as the Fiscal Agent for the South Hayward Bay Area Rapid Transit Station Access Authority.

### **SUMMARY**

On November 15, 2022, Council adopted a resolution to dissolve the South Hayward Bay Area Rapid Transit Station Access Authority. As part of finalizing the dissolution, staff has been working with BART staff to reconcile past revenues and costs associated with the South Hayward BART Station Access Authority's fund balance (Fund 295). Staff is seeking Council authorization to accept revenues to settle the Authority's accounts and finalize its dissolution.

### **BACKGROUND AND DISCUSSION**

The South Hayward BART Station Access Authority, also known as the South Hayward Joint Powers Authority (JPA), or Authority, composed of two City of Hayward Councilmembers and two BART Board Directors, was formed on September 1, 2011, in anticipation of transit-oriented development (TOD), to address parking and access issues at the South Hayward BART station (Station), support equitable access to the station, further TOD, and protect the City's neighborhoods from the effects of overflow parking. Due to the development of BART's East Lot with housing, the City allowed on-street parking spaces near the station to be used exclusively for BART riders during parking enforcement hours and the JPA created a paid parking program, where revenues would be dedicated to station area improvements.

Since its formation, the Authority has managed these on-street spaces, overseen parking revenues, and constructed access improvements for the station with the City of Hayward

acting as the Authority's fiscal agent and City staff working with BART staff to manage the Authority's fund accounts.

On June 29, 2021, the Authority directed staff to hire a consultant to study the future of the JPA, including how to ensure financial stability and meet its original goals of balancing resident and BART rider parking.<sup>1</sup> The study found that BART rider parking demand would not exceed the existing supply until another transit-oriented development project breaks ground, which, at the earliest, would occur in the mid-term (2025-2030). The study also found that the JPA structure was administratively burdensome and financially unsustainable. For these reasons, the study recommended replacing the current Authority with a simplified intergovernmental agreement (IGA) that outlines roles and responsibilities for each government entity to retain policymaker oversight and public engagement pertaining to parking and access around the station.

On November 15 and December 1, 2022, both the City of Hayward's Council and the BART Board approved and authorized the dissolution of the Authority and execution of an IGA, respectively.<sup>2</sup> On December 7, 2022, the South Hayward BART Station Access Authority authorized the dissolution of the Authority and directed staff to execute the close-out affairs of the Authority in a manner consistent with the budget.<sup>3</sup>

To close out the Authority's fund balance and finalize its dissolution, staff needs to reconcile previous revenues and operations and maintenance (O&M) costs with BART for fiscal years 2019 through 2022. Revenues and costs have been verified, however, due to staff turnover, the disposition has remained unresolved. Staff is requesting authorization to accept up to 1.5 million to account for the final dollar figure reconciled by BART.

## **FISCAL IMPACT**

BART's parking revenues at the South Hayward station and the City's citation revenues within the South Hayward station area currently go into a separate Joint Powers Authority account (Fund 295) jointly managed by BART and the City. Moreover, accepting these revenues will have no impact on the City's funds. There will be no further revenues to Fund 295 from BART or the City as Council and the Authority voted to dissolve the South Hayward Bay Area Rapid Transit Station Access Authority.

## **NEXT STEPS**

If Council adopts the resolution, staff will accept the revenues and continue to settle accounts in the Authority's account (Fund 295). Once revenues and costs are reconciled, staff will move forward to distribute the remaining fund balance to both the City and BART in proportion to

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<sup>1</sup> <https://hayward.legistar.com/MeetingDetail.aspx?ID=965692&GUID=6946260E-6229-4E54-BCE6-E2233D1B8FB5&Options=info&Search=>

<sup>2</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5936059&GUID=BF4C4597-8C72-4EB2-87C4-4DE64AADD9B&Options=&Search=>

<sup>3</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5955024&GUID=5D0F9B46-6E49-4930-BDB8-E09063C9BC29&Options=&Search=>

the number of parking spaces within the Authority. Surplus funds must be spent on South Hayward BART station-related investments, including access improvements.

Following the fund distribution, City and BART staff will return to the Council Infrastructure Committee with a written and oral update on recommendations for utilization of the funds.

*Prepared by:* Emily Hwang, Management Fellow

*Recommended by:* Dustin Claussen, Assistant City Manager

Approved by:

A handwritten signature in black ink, appearing to read 'Kelly McAdoo', with a long horizontal stroke extending to the right.

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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE UP TO \$1.5 MILLION DOLLARS TO FUND 295 IN REVENUE FROM BAY AREA RAPID TRANSIT AS THE FISCAL AGENT FOR THE SOUTH HAYWARD BAY AREA RAPID TRANSIT STATION ACCESS AUTHORITY

WHEREAS, on April 2, 2013 the City of Hayward (the "City") and the San Francisco Bay Area Rapid Transit District ("BART") entered into the First Amended and Restated Joint Exercise of Powers Agreement for the South Hayward BART Station Access Authority (the "JPA Agreement"); and,

WHEREAS, BART has collected revenues from the Authority's paid parking program at the South Hayward BART Station for fiscal years 2019 through 2022; and,

WHEREAS, collected revenues associated with the Authority go into a separate Joint Powers Authority account in Fund 295, jointly managed by BART and the City.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to accept and appropriate up to \$1.5 million dollars to Fund 295 in revenue from the Bay Area Rapid Transit as the fiscal agent of the South Hayward Bay Area Rapid Transit Station Access Authority.

IN HAYWARD, CALIFORNIA, \_\_\_\_\_, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:  
MAYOR:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward





# CITY OF HAYWARD

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

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**File #:** LB 23-009

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**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** City Attorney

**SUBJECT**

Cannabis Regulations Revised Ordinance: Introduction of an Ordinance Amending Article 14, Chapter 6 of the Hayward Municipal Code Regarding Commercial Cannabis Businesses by Amending Section 6-14.13 Relating to Commercial Cannabis Permit Applications, Amending Section 6-14.14 Relating to Operating and Performance Standards and Adding Section 6-14.18 Relating to Enforcement; Finding that this Action is Subject to CEQA Common Sense Exemption

**RECOMMENDATION**

That the City Council introduces the attached Ordinance (Attachment II) amending Article 14, Chapter 6 of the Hayward Municipal Code regarding Commercial Cannabis Businesses by Amending Section 6-14.13 relating to Commercial Cannabis Permit Applications, Amending Section 6-14.14 relating to Operating and Performance Standards and adding section 6-14.18 related to enforcement.

**SUMMARY**

The purpose of the proposed amendments to Article 14, Chapter 6 of the Hayward Municipal Code relating to Commercial Cannabis Businesses is to:

- 1) Clarify that permit applications are to be accompanied by payment of a fee established by resolution of the City Council rather than a refundable deposit, consistent with prior amendments to the Master Fee Schedule relating to cannabis fees;
- 2) Clarify that violations of Hayward's commercial cannabis regulations are subject to the administrative enforcement processes contained in Chapter 1, Article 3 (Penalties) and Chapter 1, Article 7 (Administrative Citation Program) of the Municipal Code, as well as to the nuisance abatement processes contained in Chapter 4, Article 1 (Public Nuisances); Chapter 4, Article 15 (Social Nuisance); and Chapter 5, Article 7 (Community Preservation and Improvement); and
- 3) Authorize the City Attorney to institute civil actions to obtain injunctions and civil penalties against violators.

No new fees or penalties are proposed to be adopted through this action, however the cannabis program fees/penalties contained in the Fiscal Year 2024 Master Fee Schedule will be reorganized to be consistent with the proposed Municipal Code amendments.

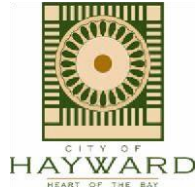
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**File #:** LB 23-009

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**ATTACHMENTS**

Attachment I            Staff Report  
Attachment II           Proposed Ordinance Amending Article 14, Chapter 6 of HMC



**DATE:** February 28, 2023

**TO:** Mayor and City Council

**FROM:** City Attorney

**SUBJECT:** Cannabis Regulations Revised Ordinance: Introduction of an Ordinance Amending Article 14, Chapter 6 of the Hayward Municipal Code Regarding Commercial Cannabis Businesses by Amending Section 6-14.13 Relating to Commercial Cannabis Permit Applications, Amending Section 6-14.14 Relating to Operating and Performance Standards and Adding Section 6-14.18 Relating to Enforcement; Finding that this Action is Subject to CEQA Common Sense Exemption

## **RECOMMENDATION**

That the City Council introduces the attached Ordinance (Attachment II) amending Article 14, Chapter 6 of the Hayward Municipal Code regarding Commercial Cannabis Businesses by Amending Section 6-14.13 relating to Commercial Cannabis Permit Applications, Amending Section 6-14.14 relating to Operating and Performance Standards and adding section 6-14.18 related to enforcement.

## **SUMMARY**

The purpose of the proposed amendments to Article 14, Chapter 6 of the Hayward Municipal Code relating to Commercial Cannabis Businesses is to:

- 1) Clarify that permit applications are to be accompanied by payment of a fee established by resolution of the City Council rather than a refundable deposit, consistent with prior amendments to the Master Fee Schedule relating to cannabis fees;
- 2) Clarify that violations of Hayward's commercial cannabis regulations are subject to the administrative enforcement processes contained in Chapter 1, Article 3 (Penalties) and Chapter 1, Article 7 (Administrative Citation Program) of the Municipal Code, as well as to the nuisance abatement processes contained in Chapter 4, Article 1 (Public Nuisances); Chapter 4, Article 15 (Social Nuisance); and Chapter 5, Article 7 (Community Preservation and Improvement); and
- 3) Authorize the City Attorney to institute civil actions to obtain injunctions and civil penalties against violators.

No new fees or penalties are proposed to be adopted through this action, however the cannabis program fees/penalties contained in the Fiscal Year 2024 Master Fee Schedule will be reorganized to be consistent with the proposed Municipal Code amendments.

## **BACKGROUND**

The City Council initially adopted ordinances establishing the City's commercial cannabis program in 2017. In 2021, the City Council adopted ordinances revising the previously adopted commercial cannabis regulations. In the interim, staff has identified a need for clarifying language related to application fees and strengthening the enforcement mechanisms for violations of the commercial cannabis regulations to address illegal operations, particularly illegal cannabis cultivation operations.

## **DISCUSSION**

The cannabis regulatory ordinance (HMC Article 14, Chapter 6) and the cannabis land use ordinance (HMC Section 10-1.3600, et seq.) do not currently contain any specific provisions regarding enforcement of violations other than general statements that it is unlawful to conduct a cannabis business without the required permits or in violation of applicable land use regulations.

The proposed amendments would clarify that existing administrative enforcement provisions of the Hayward Municipal Code are applicable to violations of the commercial cannabis regulations. Additionally, the proposed amendments would specifically authorize the City Attorney to institute civil actions for injunctive relief and imposition of specified amounts of civil penalties against violators. The proposed amendments are consistent with enforcement provisions adopted by other jurisdictions, including the City of Sacramento, which has a particularly robust administrative enforcement program.

On July 6, 2021, the City Council adopted Resolution 21-135 amending the Fiscal Year 2022 Master Fee Schedule to include specific program-related fees and penalties related to the commercial cannabis program. The Fiscal Year 2023 Master Fee Schedule continues to include those fees and penalties. Resolution 21-135 included the establishment of permit application fees to cover administrative costs of the commercial cannabis program. Previously, applicants paid a refundable deposit. However, the language of HMC section 6-14.13(d) was inadvertently not amended to reflect that change. This item includes corrective language to that section. The Fiscal Year 2024 Master Fee Schedule will include a minor re-organization of the fee provisions for the sake of clarity and conformity with the proposed Municipal Code amendments. No new fees or penalties are proposed for adoption.

This action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The general exemption applies in this instance because it can be

seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment, and thus are not subject to CEQA.

**FISCAL IMPACT**

No new fees or penalties are proposed as part of this item. Fiscal impact of existing cannabis program fees and penalties have previously been discussed with the City Council.

**STRATEGIC ROADMAP**

This a routine operational item.

**NEXT STEPS**

If the City Council introduces the ordinance, it will be brought back for adoption at a subsequent City Council meeting. The ordinance will take effect 30 days from the date of adoption by the City Council.

*Prepared by:* Michael G. Vigilia, Senior Assistant City Attorney

*Recommended by:* Michael S. Lawson, City Attorney

Approved by:



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Kelly McAdoo, City Manager

ORDINANCE No. 23-

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA AMENDING ARTICLE 14, CHAPTER 6 OF THE HAYWARD MUNICIPAL CODE REGARDING COMMERCIAL CANNABIS BUSINESSES BY AMENDING SECTION 6-14.13(d) RELATING TO COMMERCIAL CANNABIS PERMIT APPLICATION, AMENDING SECTION 6-14.14 RELATING TO OPERATING AND PERFORMANCE STANDARDS AND ADDING SECTION 6-14.18 RELATING TO ENFORCEMENT

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Section 6-14.13(d) of the Hayward Municipal Code is amended to read as follows:

SEC. 6.14.13 COMMERCIAL CANNABIS APPLICATION

(d) In addition to the information described in subsection (c) above, each application shall be accompanied by a ~~refundable deposit~~ *fee* in an amount established by resolution of the City Council.

Section 2. Section 6-14.14 of the Hayward Municipal Code is amended to read as follows:

SEC. 6-14.14 OPERATING AND PERFORMANCE STANDARDS.

Permittees shall operate in conformance with the ~~following~~ minimum standards *contained in Section 10-1.3600 et seq. of the Municipal Code (Zoning Ordinance).* ~~and s~~Such standards shall be incorporated into the conditions of approval for land use approval of the business pursuant to the *applicable provisions of Section 10-1.3600 et seq. of the Municipal Code (Zoning Ordinance).*

Section 3. Section 6.-14.18 is added to Article 14, Chapter 6 of the Hayward Municipal Code to read as follows:

SEC. 6-14.18 ENFORCEMENT.

(a) In addition to any other remedy provided by law, any violation of this Article is subject to enforcement pursuant to the provisions of Chapter 1, Article 3 and Chapter 1, Article 7 of this Code.

- (b) Any violation of this Article is declared to be a public nuisance and is subject to abatement and enforcement pursuant to Chapter 4, Article 1 of this Code relating to Public Nuisances, Chapter 4, Article 15 relating to Social Nuisance, Chapter 5, Article 7 relating to Community Preservation and Improvement, and any other applicable provisions of law relating to abatement of public nuisances.
- (c) Any person who violates any provision of this Article is liable for administrative penalties as specified in the Master Fee Schedule.
- (d) Any person who violates any provision of this Article is guilty of a misdemeanor.
- (e) The City Attorney may institute a civil action for injunctive relief and civil penalties against any person who violates any provision of this Article.
- (1) Except as provided in subdivision (e)(2) herein, the civil penalties imposed shall be no less than \$5000 or more than \$15,000 per day the violation continues.
- (2) Civil penalties for cultivation of cannabis in violation of this Article shall be as follows:
- (A) First violation. \$1,000 per plant.
- (B) Second violation within two (2) years. \$2,500 per plant.
- (C) Third violation within two (2) years. \$5,000 per plant.
- (f) Responsible parties. An enforcement officer may issue a notice of violation, correction notice, or administrative citation to the owner of a property where a violation of this Article exists. The property owner or tenant shall be liable for any administrative or civil penalties imposed pursuant to this Section.
- (1) In addition to any other official identified as enforcement officers by this Code, for the purpose of this Article, an enforcement officer includes but is not limited to, a code enforcement officer, building official, building inspector, fire inspector, fire marshal, and police officer.
- (g) All remedies described in this Section are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy available at law or equity to enforce this Article.

Section 4. California Environmental Quality Act (CEQA). The City Council independently finds and determines that this action is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines, as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment, and thus are not subject to CEQA. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

Section 5. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 6. This Ordinance shall become effective thirty (30) days after adoption by the City Council.

INTRODUCED at a special meeting of the City Council of the City of Hayward, held the \_\_\_ day of \_\_, 2023, by Council Member \_\_\_\_\_,

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_ day of \_\_\_\_\_, 2023, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward