



CITY OF HAYWARD

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

Agenda City Council

Tuesday, December 6, 2022

7:00 PM

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

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 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/89416478079?pwd=MWRlY1htckdHRFN4ZzZuNWoxZDI1Zz09>

Meeting ID: 894 1647 8079

Password: CC12/6@7pm

or

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

Meeting ID: 894 1647 8079

Password: 4640117730

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

CALL TO ORDER: Mayor Halliday**Pledge of Allegiance: Council Member Lamnin****ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PRESENTATION**

Certificate of Commendation Presented to Senator Bob Wieckowski

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. [MIN 22-129](#) Approve the City Council Minutes of the City Council Meeting on November 1, 2022

Attachments: [Attachment I Draft Minutes of 11/1/2022](#)

2. [MIN 22-140](#) Approve the City Council Minutes of the City Council Meeting on November 15, 2022

Attachments: [Attachment I Draft Minutes of 11/15/2022](#)

3. [CONS 22-659](#) Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Exhibit to Resolution](#)
4. [CONS 22-674](#) Adopt a Resolution Accepting the Resignation of Ms. Gordean Lum-Villiados from the Keep Hayward Clean and Green Task Force, Effective Immediately
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Resignation Letter](#)
5. [CONS 22-672](#) Adopt a Resolution Accepting the Resignation of Ms. Arti Garg from the Community Services Commission, Effective Immediately
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Resignation Letter](#)
6. [CONS 22-661](#) Adopt a Resolution Accepting the Resignation of Mr. Zachariah Oquenda from the Planning Commission, Effective Immediately
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Resignation Letter](#)
7. [CONS 22-662](#) Adopt a Resolution Appointing Ms. Arti Garg to the Planning Commission to Fill the Unexpired Term of Mr. Zachariah Oquenda
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)

8. [CONS 22-648](#) Adopt a Resolution Rescinding a Portion of the Previously Adopted Resolution 20-065, Regarding Approval of a Financing Model that Supports the Development of Middle-Income Affordable Housing and Authorization of the City Manager to Execute Purchase Option Agreements with the California Community Housing Agency

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

9. [CONS 22-663](#) Adopt a Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Brown and Caldwell to Increase the Contract Amount by \$4,800,000 to a Total Not-to-Exceed Amount of \$8,649,711 for Final Design Services for the Administration and Laboratory Building, and Primary Effluent Equalization Basin Relocation Projects, and Geotechnical Investigation Services for the Water Pollution Control Facility Improvements Phase II Project No. 07760

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

10. [CONS 22-665](#) Adopt a Resolution Supporting East Bay Municipal Utility District's (EBMUD) Grant Funding Application for the Implementation of Management Actions and Projects in the City/EBMUD Jointly Prepared East Bay Plain Subbasin Groundwater Sustainability Plan

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

11. [CONS 22-666](#) Adopt a Resolution Demonstrating Compliance with State Housing Laws per the Metropolitan Transportation Commission and One Bay Area Grant Funding Requirements

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

12. [CONS 22-676](#) Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Agreement with Workforce Integrity and Training Solutions, LLC for Labor Compliance Coordination Services in the Amount of \$200,000 for a Total Not-To-Exceed Amount of \$372,000 and for Extension of the Agreement to December 31, 2023

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

13. [CONS 22-678](#) Adopt a Resolution Amending Resolution 22-087 to Apply as Joint Applicant with EAH, Inc for the California State Department of Housing and Community Development California Housing Accelerator Limited Accelerator Project Gap Funding Program

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Resolution 22-087](#)
 [Attachment IV Income and Rent Limits](#)

14. [CONS 22-679](#) Adopt a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2023 Pursuant to California Government Code Section 22892 of the Public Employees' Medical and Hospital Care Act

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

15. [CONS 22-680](#) Adopt a Resolution Authorizing the City Manager to Accept \$8,558,902 in State Library Grant Funds for Construction of the Stack Center and to Execute Associated Grant Agreements

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

16. [CONS 22-681](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Lease Agreement with the Alameda County Deputy Sheriffs' Activities League to Expand the Commercial Kitchen at the Matt Jimenez Community Center and Operate the Commercial Kitchen Incubator Program

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

17. [CONS 22-682](#) Adopt Resolutions Authorizing the City Manager to: (1) Accept and Appropriate Funds Awarded by the California State Legislature under Assembly Bill 179 in an Amount up to \$5.4 Million for the City's Scattered Site Housing Program, and Negotiate and Execute Documents and Any Subsequent Amendments, Modifications, or Documents Thereto with the California State Department of Housing and Community Development; and (2) Negotiate and Execute Loan Documents between the City of Hayward and Bay Area Community Services in an Amount Not-to-Exceed \$5.4 Million to Acquire and Rehabilitate a Minimum of Three Single-Family Homes for the City's Scattered Site Housing Program, for which the California Environmental Quality Act Does Not Apply

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution to Accept and Appropriate Funds](#)
 [Attachment III Resolution to Negotiate and Execute Loan](#)

18. [CONS 22-684](#) Adopt a Resolution Authorizing the City Manager to 1) Negotiate and Execute an Agreement with Eden Health District (EHD) for the Award of \$250,000 to the City for the Acquisition of the St. Regis Retirement Center; (2) Accept and Appropriate the Funds Awarded by EHD; and (3) Negotiate and Execute an Agreement for Transfer of the \$250,000 in Funds from the City to Bay Area Community Services for Down Payment Assistance to Acquire the St. Regis Retirement Center

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

19. [CONS 22-686](#) Adopt a Resolution Accepting the Fiscal Year 2023 Statement of Investment Policy and Delegation of Authority
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Statement of Investment Policy Review Memo](#)
 [Attachment IV FY 2023 Statement of Investment Policy](#)
20. [CONS 22-687](#) Adopt a Resolution Accepting Transmittal of the Annual Mitigation Fee Act Report (AB1600)
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Annual Report of Development Fees](#)
21. [CONS 22-698](#) Adopt a Resolution Authorizing the City Manager to Execute a Letter of Intent with the Alameda County Fire Department to Negotiate the Terms of a Proposal for Ambulance Services and/or Emergency Medical Services in Alameda County
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Letter of Intent](#)

PUBLIC HEARING

22. [PH 22-065](#) Density Bonus Ordinance: Introduce an Ordinance Related to Text Amendments to Chapter 10 (Planning, Zoning, and Subdivisions) of the Hayward Municipal Code for the Adoption and Updates to the City's Density Bonus Ordinance and Adopt a Resolution Supporting the Proposed Zoning Text Amendments and Approving an Addendum to the Hayward 2040 General Plan Environmental Impact Report for the Administration of a New Density Bonus Program in the City of Hayward (Report from Assistant City Manager/Development Services Director Ott)

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Draft Ordinance](#)
 [Attachment IV CEQA EIR Addendum](#)
 [Attachment V Recommendations Not Supported By Staff](#)
 [Attachment VI Stakeholder Interview Comments](#)
 [Attachment VII Draft Planning Commission Minutes 11/10/22](#)

INFORMATIONAL ITEM

Information items are presented as general information for Council and the public, and are not presented for discussion. Should Council wish to discuss or take action on any of the "information" items, they will direct the City Manager to bring them back at the next Council agenda as an Action Item.

23. [RPT 22-111](#) Smoke-Free Multi-Family Housing: Proposed Timeline for Updated Regulations

Attachments: [Attachment I Staff Report](#)

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.

24. [RPT 22-113](#) City Council Referral: Hayward Family Resource Center (Report from Council Members Andrews and Wahab)

Attachments: [Attachment I Council Referral Memo](#)

ADJOURNMENT

NEXT SPECIAL MEETING, December 13, 2022, 6:00 PM

INSTALLATION OF MAYOR-ELECT SALINAS AND

COUNCIL MEMBERS-ELECT JULIE ROCHE AND GEORGE SYROP

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.

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.