



CITY OF HAYWARD

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

Agenda City Council

Tuesday, March 7, 2023

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.

PUBLIC PARTICIPATION

How to observe the Meeting:

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

How to submit written Public Comment:

1. Use eComment on the City's Meeting & Agenda Center webpage at: <https://hayward.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

2. Send an email to List-Mayor-Council@hayward-ca.gov 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/85125536468?pwd=azZUMm9UTm1LUUnNQZzhXWjUvcCtodz09>

Meeting ID: 851 2553 6468

Password: CCm3/7@7pm

or

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

Meeting ID: 851 2553 6468

Password: 8762538884

CALL TO ORDER: Mayor Salinas

Pledge of Allegiance: Council Member Márquez

AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATION

American Red Cross Month Proclamation

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, items will be taken under consideration and may be referred to staff.

CITY MANAGER'S COMMENTS

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

ACTION ITEMS

The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.

CONSENT

1. [MIN 23-028](#) Approve the City Council Minutes of the City Council Meeting on February 21, 2023

Attachments: [Attachment I Draft Minutes of 2/21/2023](#)

2. [CONS 23-131](#) Adopt an Ordinance 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

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

3. [CONS 23-124](#) Adopt a Resolution Approving Addendum No. 1, Awarding a Construction Contract to Bear Construction, Inc., for the FY23 Median Landscape Improvement - Phase 1, Project No. 05281 in the Amount of \$935,620, and Authorizing a Construction Contingency Change Order Budget of \$189,380, for a Not-to-Exceed Contract Amount of \$1,125,000

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

4. [CONS 23-134](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with First Shield Security and Patrol, Inc. to Provide Unarmed Security Services at Various City Locations For a Term of Three Years With Two One-Year Options to Extend in a Contract Amount of \$4,600,900 and a Contingency Amount of \$225,000, for a Total Not-to-Exceed Amount of \$4,825,900

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

5. [CONS 23-144](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Agreement with AEI Consultants for Environmental Investigation Services to Support the Stack Center Project by Increasing the Not-to-Exceed Amount of the Agreement from \$59,950 to \$200,000

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

PUBLIC HEARING

6. [PH 23-013](#) Alcoholic Beverage Regulations Update: Adopt a Resolution Amending Chapter 10, Article 1, Section 10-1.2750 (Alcoholic Beverage Outlets) of the Hayward Municipal Code to Make Updates to the Regulations Governing Alcoholic Beverage Outlets Throughout the City, and Finding that the Action is Exempt from CEQA Review and Introducing an Ordinance Codifying the Amendments (Report from Acting Development Services Director Buizer)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Draft Ordinance](#)
[Attachment IV Draft PC Minutes 2/9/23](#)

LEGISLATIVE BUSINESS

7. [LB 23-011](#) FY 2023 Mid-Year Budget: Adopt a Resolution Approving the FY 2023 Mid-Year Budget Update and Five-Year General Fund Update (Report from Finance Director Gonzalez)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution Amending Operating Budget](#)
[Attachment IIA Exhibit A and B FY23 Mid-Year Adjustments](#)
[Attachment III Resolution Amending FY23 CI Budget](#)
[Attachment IIIA Exhibit A and B FY23 CIP Adjustments](#)
[Attachment IV FY23 Mid-Year Budget Adjustments](#)
[Attachment V Measure C 20-Year Forecast Update](#)

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 21, 2023, 7:00 PM****PUBLIC COMMENT RULES**

Any member of the public desiring to address the Council shall limit their address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time.

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the City website, Cable Channel 15 - KHRT, and YouTube. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or cityclerk@hayward-ca.gov.

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.