



CITY OF HAYWARD

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

Agenda City Council

Tuesday, December 1, 2020

7:00 PM

Remote Participation

CITY COUNCIL MEETING

COVID-19 Notice: Consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, the City Council will be participating in public meetings via phone/video conferencing.

How to watch the meeting from home:

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:

Click the link below to join the meeting:

<https://hayward.zoom.us/j/94611050633?pwd=cmhzSE9JSctNSGVzc2t6VnorMVQwZz09>

Passcode: CCb2yiw8#

or

Dial: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099
or +1 301 715 8592

Meeting ID: 946 1105 0633

Password: 002597855

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

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

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 20-125](#) Approve City Council Minutes of the Special City Council Meeting on November 10, 2020

Attachments: [Attachment I Draft Minutes 11/10/2020](#)

2. [CONS 20-039](#) Adopt a Resolution Authorizing the City Manager to Purchase an Unmanned Aerial System (UAS) and Adopt a UAS Program for the Hayward Police Department

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Surveillance and Data Retention Policy](#)
[Attachment IV HPD UAS Policy](#)

3. [CONS 20-589](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Axon Enterprise, Inc. for Renewal of the Body Worn Camera Program in an Amount Not to Exceed \$191,000 Per Year

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

4. [CONS 20-604](#) Adopt a Resolution Accepting the Resignation of Ms. Alison Divine 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 20-606](#) Adopt a Resolution Reappointing Council Member Márquez as the City of Hayward Representative to the Alameda County Mosquito Abatement District Board of Trustees for a Four-Year Term Ending December 31, 2024

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

6. [CONS 20-608](#) Adopt Three Resolutions: 1) Amending the FY 2021 CIP Budget to Transfer and Appropriate Funds to Project Number 07267, Online Permitting, in the Amount of \$347,138 to Increase the Total Project Budget Amount Not to Exceed \$1,161,870 for the Purchase of Energov Online Permitting Solution and Other Related Project Management Services; 2) Authorizing the City Manager to Negotiate and Execute an Amendment to the Agreement with Tyler Technologies, Inc.; and 3) Authorizing the City Manager to Negotiate and Execute an Amendment to the Agreement with SoftResources LLC

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution CIP Budget Amendment](#)
 [Attachment III Resolution Tyler Amendment](#)
 [Attachment IV Resolution SoftResources Amendment](#)

7. [CONS 20-612](#) Adopt a Resolution Designating Council Member Márquez as the City's Representative and Council Member Wahab as the Alternate to the Board of Directors for East Bay Community Energy

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

PUBLIC HEARING

8. [PH 20-087](#) Commercial Cannabis Retail Dispensary: Adopt a Resolution Approving a Conditional Use Permit for a Proposed Commercial Cannabis Retail Dispensary with Ancillary Retail Delivery within an Existing Commercial Building located at 22701 Foothill Boulevard and 1055 C Street (Assessor Parcel Nos. 428-0066-058-01 and 428-0066-056-00), Application No. 201906312. Rajiv Pottabathni, Jiva Life LLC (Applicant); Ryan Bridge LLC (Property Owner) (Report from Development Services Director Simpson) (Continued from November 17, 2020)

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Architectural Project Plans](#)
 [Attachment IV Business and Operations Plan](#)
 [Attachment V PC Minutes 10/08/2020](#)

LEGISLATIVE BUSINESS

9. [LB 20-058](#) City Attorney Employment Agreement: Adopt a Resolution Approving the Amendment to the Employment Agreement Between the City of Hayward and the City Attorney and Authorizing the Mayor to Execute the Agreement (Report from Assistant City Manager Hurtado)

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

10. [LB 20-059](#) City Clerk Employment Agreement: Adopt a Resolution Approving the Amendment to the Employment Agreement Between the City of Hayward and the City Clerk and Authorizing the Mayor to Execute the Agreement (Report from Assistant City Manager Hurtado)

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

11. [LB 20-057](#) FY 2021 Salary Plan Amendment: Adopt a Resolution Amending the City of Hayward Salary Plan for Fiscal Year 2021 (Report from Assistant City Manager Hurtado)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III FY 2021 Salary Plan](#)

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.

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 SPECIAL MEETING, December 8, 2020, 7:00 PM

PUBLIC COMMENT RULES

Any member of the public desiring to address the Council shall limit her/his 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. Speaker Cards are available from the City Clerk at the meeting.

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 website and on Cable Channel 15, KHRT. ****

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 TDD (510) 247-3340.

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.

CHILDCARE WILL NOT BE PROVIDED UNTIL FURTHER NOTICE DUE TO COUNTYWIDE SHELTER-IN PLACE ORDER.