

CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, August 9, 2022

5:30 PM

Virtual: Zoom Participation

City Council

SPECIAL CITY COUNCIL MEETING

NOTICE: The City Council will hold a virtual meeting via the Zoom platform.

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:

Click link below to join the meeting:

<https://hayward.zoom.us/j/86750790396?pwd=RTJCSGdMTjAyMFd1ZjhZUmFycnhjZz09>

Meeting ID: 867 5079 0396

Password: CCMtg@8922

or

Dial: + 1 669 444 9171 or +1 669 900 6833 or 833 548 0276 (Toll Free)

Meeting ID: 867 5079 0396

Password: 9924995281

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 Andrews

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 22-470](#) Adopt a Resolution Authorizing the City Manager to: (1) Execute a Standard Agreement or Other Executing Documents and Any Subsequent Amendments, Modifications, or Documents Thereto with the California State Department of Housing and Community Development or Other State Agency; (2) Accept and Appropriate Funds Awarded by the California State Legislature Under Assembly Bill 178 in an Amount Up to \$5.7 Million for Mission Paradise; and (3) Allocate Funds Totaling Up to \$5.7 Million to EAH's Mission Paradise Project to Develop 76 Units of Affordable Senior Housing as Included in Assembly Bill 178

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

2. [CONS 22-471](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Gray-Bowen-Scott for Consulting Services to Support SR-92/Whitesell Interchange - Project Initiation Document, Project No. 05334, in an Amount Not-To-Exceed \$171,300

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

3. [CONS 22-473](#) 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 A to Resolution](#)

4. [CONS 22-474](#) Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 with St. Francis Electric, Inc., for Traffic Signal and Streetlight Maintenance Project Nos. 05187 and 05189 Whereby Increasing the Professional Services Agreement by \$300,000 for a Total Not-To-Exceed Amount of \$1,164,000

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

5. [CONS 22-475](#) Adopt a Resolution Awarding a Contract to The Garland Company for the Hayward Police Department Roof Replacement - 300 W. Winton Ave CIP Project No. 07203, in an Amount Not-to-Exceed \$1,160,865

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

6. [CONS 22-476](#) Adopt a Resolution Authorizing the Mayor to Sign Letters of Support for Assembly Bill 256 (Kalra), Also Known as the California Racial Justice for All Act

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Letter of Support](#)

7. [CONS 22-477](#) Adopt Resolutions 1) Appropriating a \$627,554 Community Development Block Grant Award to Bay Area Community Services (BACS) to Acquire the St. Regis Retirement Center; and 2) Authorizing the City Manager to Negotiate and Approve a \$2 Million Loan to BACS for Down Payment Assistance to Acquire the St. Regis Retirement Center and Authorizing an Amendment to the FY 2023 Operating Budget by \$2 Million in the General Fund

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution to Appropriate CDBG Funds](#)
 [Attachment III Resolution to Authorize Loan Agreement](#)
 [Attachment IV Eligible Services](#)

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, September 6, 2022

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.



CITY OF HAYWARD

Hayward City Hall
777 B Street
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File #: CONS 22-470

DATE: August 9, 2022

TO: Mayor and City Council

FROM: Acting Assistant City Manager

SUBJECT

Adopt a Resolution Authorizing the City Manager to: (1) Execute a Standard Agreement or Other Executing Documents and Any Subsequent Amendments, Modifications, or Documents Thereto with the California State Department of Housing and Community Development or Other State Agency; (2) Accept and Appropriate Funds Awarded by the California State Legislature Under Assembly Bill 178 in an Amount Up to \$5.7 Million for Mission Paradise; and (3) Allocate Funds Totaling Up to \$5.7 Million to EAH's Mission Paradise Project to Develop 76 Units of Affordable Senior Housing as Included in Assembly Bill 178

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to: (1) execute an standard agreement or other executing documents and any subsequent amendments, modifications, or documents thereto with the California State Department of Housing and Community Development (HCD) or other State agency; (2) accept and appropriate funds awarded by the California State Legislature under Assembly Bill (AB) 178 in an amount up to \$5.7 million for Mission Paradise; and (3) allocate funds up to \$5.7 million to EAH's Mission Paradise project to develop 76 units of affordable senior housing as included in AB 178.

SUMMARY

On June 30, 2022, the Governor approved AB 178, the Budget Act of 2022. The bill included an award to the City of Hayward in the amount of \$5.7 million for the Mission Paradise Project. Since the award was made to the City to fund Mission Paradise, the City must enter into an agreement with HCD or other State agency in order to receive the funds and allocate them to the project. Following these actions, the project will be fully funded and anticipates starting construction in the fall of 2022. Staff recommends that City Council adopt the resolution authorizing the City Manager to enter into an agreement with HCD or other State agency for up to \$5.7M in funds awarded through AB 178 for Mission Paradise; accept and appropriate the funds; and allocate up to \$5.7 million in funds included in AB 178 for the Mission Paradise project.

File #: CONS 22-470

ATTACHMENTS

Attachment I Staff Report

Attachment II Resolution



DATE: August 9, 2022

TO: Mayor and City Council

FROM: Acting Assistant City Manager

SUBJECT: Adopt a Resolution Authorizing the City Manager to: (1) Execute a Standard Agreement or Other Executing Documents and Any Subsequent Amendments, Modifications, or Documents Thereto with the California State Department of Housing and Community Development or Other State Agency; (2) Accept and Appropriate Funds Awarded by the California State Legislature under Assembly Bill 178 in an Amount up to \$5.7 Million for Mission Paradise; and (3) Allocate Funds Totaling up to \$5.7 Million to EAH's Mission Paradise Project to Develop 76 Units of Affordable Senior Housing as Included in Assembly Bill 178

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SUMMARY

On June 30, 2022, the Governor approved AB 178, the Budget Act of 2022. The bill included an award to the City of Hayward in the amount of \$5.7 million for the Mission Paradise Project. Since the award was made to the City to fund Mission Paradise, the City must enter into an agreement with HCD or other State agency in order to receive the funds and allocate them to the project. Following these actions, the project will be fully funded and anticipates starting construction in the fall of 2022. Staff recommends that City Council adopt the resolution authorizing the City Manager to enter into an agreement with HCD or other State agency for up to \$5.7M in funds awarded through AB 178 for Mission Paradise; accept and appropriate the funds; and allocate up to \$5.7 million in funds included in AB 178 for the Mission Paradise project.

BACKGROUND

On October 2, 2018, Council approved a \$2.5 million loan to EAH to build Mission Paradise, which will provide 76 units of affordable senior housing located at Mission Boulevard and Webster and Hancock Streets. Subsequently, on May 4, 2021, the Council authorized the City Manager to award additional funding of up to \$4.9 million from the City's Inclusionary Housing Trust Fund to four existing affordable housing projects, of which the City allocated \$2.48 million to Mission Paradise to in order to address existing financing gaps and improve competitiveness for state funding. The City leveraged these funds to apply for and be awarded \$1.15 million for the project under the State's Local Housing Trust Fund Program.

On June 30, 2022, the Governor approved AB 178, the Budget Act of 2022. The bill included an award to the City of Hayward in the amount of \$5.7 million for Mission Paradise. AB 178 includes a "Budget Bill Junior," which lists all member priority projects, award amounts, and state agencies responsible for administering the funds. This component of AB 178 is currently pending the Governor's approval and staff anticipate approval by the end of August. Since the award will be made to the City, the City must agree to accept the funds and then allocate the funds to the EAH.

DISCUSSION

Acceptance of the \$5.7 million approved under AB 178 and allocation of the funds to Mission Paradise fills the project's financing gap, which will allow the project to start construction in the fall of 2022. In addition to the funds provided by the City discussed above, Mission Paradise has been awarded almost \$4.6 million from Alameda County under the Measure A1 Bond Regional Pool, awarded \$13.5 million from state and federal programs, received a commitment for 25 project-based vouchers from the Housing Authority of the County of Alameda (HACA), and awarded \$35.5 million from HCD's Housing Accelerator program.

Staff recommends that City Council adopt the attached resolution doing the following:

- Authorizing the City Manager to enter into a standard agreement or other executing documents with HCD or other State agency for up to \$5.7 million awarded through AB 178 for Mission Paradise,
- Accepting and appropriating up to \$5.7 million awarded through AB 178, and
- Allocating up to \$5.7 million to the Mission Paradise project so that the project can close the funding gap.

Contingent on the Governor adopting the Budget Junior Bill for AB 178, the City will enter into a standard agreement with the designated state agency and will then pass the funds through to EAH for Mission Paradise. Following receipt of funds, EAH anticipates starting construction in the fall of 2022.

ECONOMIC IMPACT

The proposed 76 affordable units support housing stability and will reduce the housing cost burden for very low- and low-income Hayward residents.

FISCAL IMPACT

The anticipated \$5.7 million in AB 178 funds does not require a matching contribution. Acceptance and appropriation of the funds will contribute to financing the development of the Mission Paradise Project. There is no fiscal impact to the Affordable Housing Fund.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Preserve, Protect & Produce Housing. Specifically, this item supports the implementation of the following project(s):

Project 8, Part 8b: Apply for state housing funding to support strategic partnerships and Council Priorities.

PUBLIC CONTACT

Staff engaged different community stakeholders through both the displacement study and the Let's House Hayward! Strategic Plan process. Feedback demonstrated that community members broadly favored efforts to prevent displacement and to increase affordable housing development for the City's most vulnerable residents.

Additionally, staff received extensive feedback from current tenants and property owners during the 2018 Residential Rent Stabilization and Tenant Protection Ordinance outreach process. Tenant feedback focused on housing affordability and safety, while landlords and realtors discussed the needs to increase supply of affordable and market rate housing in Hayward.

In accordance with entitlement requirements, notices for Mission Paradise were sent out to all property owners within a 300-foot radius of the project site. Additionally, as a requirement of the 2018 NOFA, EAH held public outreach meetings to introduce the organization and the proposed project to the community, and to solicit input from the community.

NEXT STEPS

If authorized, the City will enter into a standard agreement and other necessary documents with HCD.

Prepared by: Christina Morales, Housing Manager
Jane Kim, Housing Development Specialist

Recommended by: Dustin Claussen, Acting Assistant City Manager

Approved by:

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

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. ____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO: 1) EXECUTE A STANDARD AGREEMENT OR OTHER EXECUTING DOCUMENTS AND ANY SUBSEQUENT AMENDMENTS, MODIFICATIONS, OR DOCUMENTS THERETO WITH THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT OR OTHER STATE AGENCY; AND 2) ACCEPT AND APPROPRIATE FUNDS AWARDED BY THE CALIFORNIA STATE LEGISLATURE UNDER ASSEMBLY BILL 178 IN THE AMOUNT UP TO \$5.7 MILLION FOR MISSION PARADISE ; AND 3) ALLOCATE UP TO \$5.7 MILLION TO EAH'S MISSION PARADISE PROJECT TO DEVELOP 76 UNITS OF AFFORDABLE SENIOR HOUSING AS INCLUDED IN ASSEMBLY BILL 178

WHEREAS, the City of Hayward, a municipal corporation, (the "City") is authorized to do business in the State of California; and

WHEREAS, on June 30, 2022, the Governor of California approved Assembly Bill 178 ("AB 178") under the State Budget Act of 2022 which authorizes the State of California to allocate up to \$5.7 million to the City as included in AB 178 for the development of Mission Paradise (the "Project"); and,

WHEREAS, AB 178 includes a "Budget Bill Junior," which lists all member priority projects, award amounts, and state agencies responsible for administering the funds; and,

WHEREAS, the Budget Bill Junior is currently pending the Governor's approval, with approval anticipated by the end of August; and

WHEREAS, the City in partnership with EAH Inc., a California nonprofit corporation wishes to accept AB 178 funds to support the development of the Project; and,

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to execute a standard agreement or other executing documents contingent upon and after receipt of funds awarded to the City under AB 178 and any subsequent amendments, modifications, or documents thereto with the Department, on behalf of the City in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to accept and appropriate up to \$5.7 million and allocate funds to the Project pursuant to AB 178 and the City's certification in this resolution.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

File #: CONS 22-471

DATE: August 9, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Gray-Bowen-Scott for Consulting Services to Support SR-92/Whitesell Interchange - Project Initiation Document, Project No. 05334, in an Amount Not-To-Exceed \$171,300

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a professional services agreement (PSA) with Gray-Bowen-Scott (GBS) for consulting services to support SR-92/Whitesell Interchange - Project Initiation Document, Project No. 05334 in an amount not-to-exceed \$171,300.

SUMMARY

On July 26, 2018, the Alameda County Transportation Commission (ACTC) approved \$440,000 in Measure BB funding to advance the Planning and Scoping Phase of the SR-92 Clawiter-Whitesell Interchange Upgrade Project. The Project proposes to extend Whitesell Street over SR-92 to create a new SR-92/Whitesell diamond interchange that would terminate and intersect at Clawiter Road. Due to various staff vacancies in the Transportation Division, staff recommends entering into a PSA with GBS to assist with managing the project. GBS has extensive experience in providing professional services for transportation engineering services in the Bay Area and will provide immediate project management assistance.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution
Attachment III Project Location Map



DATE: August 9, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Gray-Bowen-Scott for Consulting Services to Support SR-92/Whitesell Interchange – Project Initiation Document, Project No. 05334, in an Amount Not-To-Exceed \$171,300

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BACKGROUND

On July 26, 2018, the Alameda CTC approved \$440,000 in Measure BB funding to advance the Planning and Scoping Phase of the SR-92 Clawiter-Whitesell Interchange Upgrade Project. In order to receive this funding and to define the roles and responsibilities of the ACTC and the City of Hayward, a Project Funding Agreement (PFA) was required. Because the proposed project location is on State Route SR-92, a Cooperative Agreement with the California Department of Transportation (Caltrans) was also needed. On April 26, 2022¹,

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5565350&GUID=2701F340-1377-43AB-8EAB-54D6C885C929&Options=&Search=>

Council authorized the City Manager to execute the PFA with ACTC and the Cooperative Agreement with Caltrans.

Due to the specialized nature of this project, the City needs assistance in preparing projects and funding documents to obtain funds and manage the project. In particular, the City requires assistance for this Project due to the complexity of the project and coordination with different agencies.

The estimated cost of the Planning and Scoping Phase of the Project is \$640,000. The City will contribute \$200,000 to the Project as a local match. On July 5, 2022², Council Resolution No. 22-192 appropriated a total of \$640,000 to the Project. A portion of this budget is provided through ACTC's Measure BB funds. The project budget has funds to support the PSA.

DISCUSSION

This project would provide a local reliever route between SR-92 and I-880, and significantly improve access to and from industrial complexes, manufacturing sites, and office parks north and south of SR-92 and west of I-880. It would also relieve congestion on SR-92, I-880 and major arterials in the area. The proposed SR-92/Clawiter diamond interchange project will improve access and traffic operations with a new four-lane Whitesell overcrossing structure and new diagonal on and off ramps that provide adequate left-turn storage at the intersection. Also, the Whitesell overcrossing and extension will provide Class II bike lanes and sidewalk for bicyclists and pedestrians travelling along this local road. The modified SR-92/Clawiter interchange, which would eliminate the eastbound on and off ramps yet maintain westbound on and off ramp access to and from SR-92, will improve the on/off ramp intersection to implement the City and Caltrans Complete Streets. The project would also realign Baywater Avenue to accommodate the new westbound on and off ramps. These interchange improvements and new local road connections support the economic development of the industrial complexes and office parks in the area and improves truck access and circulation to and from SR-92 and I-880.

Staff is recommending that the City enter into an agreement with GBS to provide direct management services for the Project, including managing contracts, developing and monitoring the project schedule and cost estimates, reporting expenditures, coordinating with external entities and consultants, and requesting reimbursements. Staff was unable to prepare a request-for-proposals (RFP) and complete the necessary interview and selection process to allow the City to meet the deadline of March 2023 for the work associated with this contract.

GBS has familiarity with the City's transportation issues, having served as a consultant for various transportation-related issues since early 2022. The firm maintains strong working relationships with entities such as Caltrans, ACTC, Metropolitan Transportation Commission (MTC) and Federal Highway Administration (FHA). In fact, the GBS team tracked and alerted the City to the availability of funds to undertake preparation of the Project Initiation Document. Thus, this team can provide immediate assistance to this critical project. Staff

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=5714853&GUID=A4E8E14A-1565-46B0-9C77-D234B8E6546D&Options=&Search=>

has carefully reviewed the proposed scope of work and considers the cost to be fair and commensurate with the services to be provided. Staff plans to implement future phases of the design by selecting an engineering consultant through a conventional RFP process.

The Department of Public Works & Utilities' Transportation Division is currently experiencing staff vacancies and significant transportation engineering workload. GBS' advanced knowledge and experience in transportation engineering and familiarity with entities like Caltrans, ACTC, MTC, and FHA will provide immediate assistance to the Project. GBS will provide direct management services to the Project, including managing contracts, developing and monitoring the project schedule and cost estimates, reporting expenditures, coordinating with external entities and consultants, requesting reimbursements, among other tasks.

ECONOMIC IMPACT

This item has no direct economic impact. However, the PSA supports the Project, which will provide interchange improvements and new local road connections. These improvements will significantly improve access to the City's industrial area and make the overall transportation system more efficient.

FISCAL IMPACT

This item will have no impact to the General Fund. The fees associated with this PSA are currently budgeted in the Project's budget, as outlined below. A portion of the Project's budget will be reimbursed through ACTC grant funding.

Measure BB – Local Transportation Fund (Fund 212)	\$440,000
ACTC Grant Funding	
<u>Street Systems Improvements Fund (Fund 450)(City)</u>	<u>\$200,000</u>
Total Project Budget	\$640,000

STRATEGIC ROADMAP

This item supports Council's strategic priority of Invest in Infrastructure by providing professional services to complete the Project.

SUSTAINABILITY FEATURES

There are no sustainability features associated with this item.

PUBLIC CONTACT

No public contact has been made related to this item.

NEXT STEPS

If Council approves this request, the City Manager will negotiate and execute a PSA with Gray-Bowen-Scott to support SR-92/Whitesell Interchange – Project Initiation Document, Project No. 05334 in an amount not-to-exceed \$171,300.

Prepared by: Manny Grewal, Management Analyst
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 stroke extending to the right.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH GRAY-BOWEN-SCOTT FOR CONSULTING SERVICES TO SUPPORT SR-92/WHITESSELL INTERCHANGE – PROJECT INITIATION DOCUMENT, PROJECT NO. 05334 IN AN AMOUNT NOT-TO-EXCEED \$171,300

WHEREAS, project management assistance is needed to support the SR-92/Whitesell Interchange – Project Initiation Document, Project No. 05334, and

WHEREAS, Gray-Bowen-Scott is experienced with transportation engineering and has familiarity with external entities, like Caltrans, Alameda County Transportation Commission (ACTC), Metropolitan Transportation Commission, and Federal Highway Association, and

WHEREAS, on July 5, 2022, City Council appropriated \$640,000 to the Project through Resolution No. 22-191, including \$440,000 in grant funding from ACTC and \$200,000 in City contributions which will fund the professional services agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to negotiate and execute a professional services agreement with Gray-Bowen-Scott for consulting services in an amount not-to-exceed \$171,300 to support SR-92/Whitesell Interchange – Project Initiation Document, Project No. 05334, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

Conceptual Sketch: R: SR-92 Clawiter Rd. and Whitesell St. Interchange Modification



Figure 2



CITY OF HAYWARD

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

File #: CONS 22-473

DATE: August 9, 2022

TO: Mayor and City Council

FROM: City Manager

SUBJECT

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

RECOMMENDATION

That the Council adopts a resolution (Attachment II) pursuant to AB 361 making specific findings to allow the Council and appointed commissions/task forces and Council committees (Exhibit A to Attachment II) to continue holding teleconferenced public meetings during the COVID 19 state of emergency.

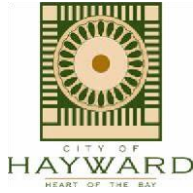
SUMMARY

On September 16, 2021, the Governor signed AB 361 that amended provisions of the Brown Act to allow local governments to conduct virtual meetings during a state of emergency proclaimed by the Governor, subject to complying with specific requirements, including providing public access and participation via call-in or internet-based platforms. While AB 361 does not require legislative bodies to take any specific actions to hold an initial teleconferenced meeting during a state of emergency, a legislative body must act in order to continue holding subsequent teleconferenced meetings while the state of emergency remains in effect. Specifically, no later than 30 days after the initial AB 361 teleconferenced meeting, and every 30 days thereafter, a legislative body must make findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist: the state of emergency continues to directly impact the ability of the members to meet safely in person; or, state or local officials continue to impose or recommend measures to promote social distancing.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Exhibit to Resolution

File #: CONS 22-473



DATE: August 9, 2022

TO: Mayor and City Council

FROM: City Manager
City Clerk

SUBJECT: 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

RECOMMENDATION

That the Council adopts a resolution (Attachment II) pursuant to AB 361 making specific findings to allow the Council and appointed commissions/task forces and Council committees (Exhibit A to Attachment II) to continue holding teleconferenced public meetings during the COVID 19 state of emergency.

SUMMARY

On September 16, 2021, the Governor signed AB 361 that amended provisions of the Brown Act to allow local governments to conduct virtual meetings during a state of emergency proclaimed by the Governor, subject to complying with specific requirements, including providing public access and participation via call-in or internet-based platforms. While AB 361 does not require legislative bodies to take any specific actions to hold an initial teleconferenced meeting during a state of emergency, a legislative body must act in order to continue holding subsequent teleconferenced meetings while the state of emergency remains in effect. Specifically, no later than 30 days after the initial AB 361 teleconferenced meeting, and every 30 days thereafter, a legislative body must make findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist: the state of emergency continues to directly impact the ability of the members to meet safely in person; or, state or local officials continue to impose or recommend measures to promote social distancing.

BACKGROUND

In general, the Brown Act allows legislative bodies to use teleconferencing during a public meeting as long as certain requirements are met, such as:

- Identification of any remote location from which a member of the legislative body is participating via teleconference;
- Posting of agendas at all remote locations from which members of the legislative body are participating;
- Public accessibility to the remote location and the technological means for allowing the public to participate in the meeting from the location; and
- A quorum of the members must be participating from a location within the jurisdiction of the legislative body.

In response to the COVID 19 state of emergency, the Governor temporarily suspended the rules described above when he issued Executive Order N-29-20 on March 17, 2020 and authorized local legislative bodies to hold virtual public meetings subject to specific public accessibility and noticing requirements.

With the expiration of Executive Order N-29-20, AB 361 amends the Brown Act to allow virtual public meetings during a state of emergency proclaimed by the Governor. A local agency may hold a teleconferenced meeting during a state of emergency without complying with the normal teleconferencing requirements described above if it meets requirements related to providing notice of the meeting, public access and participation via call-in or internet-based service options, real-time public comments, and conduct of the meeting in a manner that protects statutory and constitutional rights of any parties and the public appearing before the legislative body.

AB 361 does not require legislative bodies to take any specific action prior to holding an initial teleconferenced meeting during a state of emergency. However, to hold a subsequent teleconferenced meeting a legislative body must act no later than 30 days after the initial teleconferenced meeting, and every 30 days thereafter, by making findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist:

- The state of emergency continues to directly impact the ability of the members to meet safely in person; or
- State or local officials continue to impose or recommend measures to promote social distancing.

DISCUSSION

On February 25, 2022, the Governor issued Executive Order N-04-22 repealing many of his prior Executive Orders imposing various mandates intended to address the impact of COVID 19. However, the Governor did not lift the State of Emergency related to COVID 19 that he initially proclaimed on March 4, 2020. As of the date of this report, the State of Emergency proclaimed by the Governor remains in effect.

Current guidance and orders of the Alameda County Health Official satisfy both conditions necessary for the AB 361 findings described above:

- Order No. 20-05g, originally issued April 3, 2020 and most recently amended on January 10, 2022, imposes a mandate that all individuals diagnosed or likely to have COVID 19 must isolate themselves and follow requirements further specified in the Order.
- Order No. 20-06q, originally issued April 3, 2020 and most recently updated on May 9, 2022, requires individuals to comply with California Department of Public Health Guidance on Isolation and Quarantine of the General Public except in the specific circumstances described in the order, including, persons who are not fully vaccinated must quarantine for at least 5 days after close contact with an individual infected with COVID-19.
- On June 24, 2022, the Alameda County Health Officer issued Order No. 22-03 rescinding the general mask mandate imposed by Order No. 22-02. Current Alameda County Health Officer guidelines require all individuals in Alameda County, regardless of vaccination status or prior history of COVID illness, to wear face coverings in the following situations:
 - Indoors when required by businesses, government offices, youth-serving facilities, and workplace settings.
 - When required by trains, buses, ferries, taxis, and rideshare operators..
 - In transportation hubs like bus terminals, train stations, marines, seaports or other ports, subway stations, or any other area that provides transportation, when required by transit systems.
 - Healthcare settings.
 - State and local correctional facilities and detention centers.
 - Shelters and cooling centers.
- The Alameda County Public Health Department recommends everyone to wear a mask in outdoor crowded settings, and in non-public indoor settings, like a private residence, when they are around people who may be unvaccinated, elderly, or immunocompromised.
- Workplaces must comply with Cal/OSHA safety standards.

The following current guidance from the California Department of Public Health satisfies the AB 361 findings:

- The Department strongly recommends that all persons, regardless of vaccination status, continue to mask while in indoor public settings and businesses, on public transit, and in transportation hubs.
- Face coverings are required for all individuals in the following indoor settings, regardless of vaccination status: homeless shelters, emergency shelters, cooling and heating centers, healthcare settings, state and local correctional facilities and detention centers, long term care settings and adult and senior care facilities.

- Fully vaccinated individuals are recommended to continue indoor masking when the risk may be high.
- Persons with COVID-19 symptoms or who test positive for COVID-19 are required to isolate.
- Persons working or housed in specified high-risk settings are required to isolate and quarantine in the event of an exposure to someone infected with COVID-19.
- Members of the general public, regardless of vaccination status, are not required to isolate if they are asymptomatic after exposure to a person infected with COVID-19. Testing and masking are recommended and vaccination/boosting is strongly encouraged.

Alameda County Health Order No. 21- 04 (effective November 1, 2021), which allows a stable group of fully vaccinated individuals to remove masks in certain indoor situations, is not applicable to the City's public meetings because they do not necessarily involve a stable group of vaccinated individuals.

Currently, the Council is holding hybrid Council meetings that allow for virtual participation via the Zoom platform as well as in-person participation. This format also allows for real-time public comments, in compliance with AB 361. All City commissions, task forces, and Council committees continue meeting entirely virtually over the Zoom platform.

Based on the above, staff recommends that the Council adopts the attached resolution making the necessary findings to allow the Council and the appointed boards and commissions identified in Exhibit A to the resolution to continue holding teleconferenced meetings pursuant to AB 361.

FISCAL IMPACT

There is no fiscal impact associated with this action.

STRATEGIC ROADMAP

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

NEXT STEPS

Adoption of the resolution will allow the Council and specified appointed boards and commissions to hold a subsequent teleconferenced meeting pursuant to the provisions of AB 361. Additional resolutions must be adopted every thirty days during the existence of the state of emergency in order to continue holding teleconferenced meetings.

Prepared by: Miriam Lens, City Clerk

Approved by:

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

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO AB 361 TO
CONTINUE TO HOLD TELECONFERENCED PUBLIC MEETINGS DURING THE
COVID 19 STATE OF EMERGENCY

WHEREAS, the Brown Act (Government Code section 54950 et seq.) allows for public meetings of a legislative body to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction; and

WHEREAS, in response to the COVID-19 state of emergency, the Governor temporarily suspended the rules described above when he issued Executive Order N-29-20 on March 17, 2020 and authorized local legislative bodies to hold virtual public meetings subject to specific public accessibility and noticing requirements; and

WHEREAS, the Governor signed AB 361 prior to the expiration of Order N-29-20; and

WHEREAS, AB 361 amends the Brown Act to the legislative body of a local agency to hold a teleconferenced meeting during a state of emergency without complying with the normal teleconferencing requirements described above if it meets requirements related to providing notice of the meeting, public access and participation via call-in or internet-based service options, real-time public comments, and conduct of the meeting in a manner that protects statutory and constitutional rights of any parties and the public appearing before the legislative body; and

WHEREAS, AB 361 does not require legislative bodies to take any specific action prior to holding an initial teleconferenced meeting during a state of emergency, however, to hold a subsequent teleconferenced meeting a legislative body must act no later than 30 days after the initial teleconferenced meeting, and every 30 days thereafter, by making findings specified in the statute justifying the continued use of teleconferenced public meetings; and

WHEREAS, it shall be the policy of the City that the appointed boards and commissions of the City will hold teleconferenced public meetings in compliance with the provisions of AB 361 during the COVID-19 state of emergency; and

WHEREAS, the COVID-19 state of emergency declared by the Governor remains active; and

WHEREAS, public meetings involve many people in shared indoors spaces for hours, when the number of people present does not always allow for a minimum six foot distance between persons, and close contacts raise the risk of the spread of COVID-19; and

WHEREAS, the California Department of Public Health has mandated that everyone in California wear a mask in indoor public spaces and workplaces through February 15, 2022; and

WHEREAS, the Alameda County Health Officer has issued Order No. 20-05g (originally issued April 3, 2020 and most recently amended on January 10, 2022) imposing a mandate that all individuals diagnosed or likely to have COVID-19 must isolate themselves and follow requirements further specified in the Order; and

WHEREAS, the Alameda County Health Officer has issued Order No. 20-06q (originally issued April 3, 2020 and most recently amended on May 9, 2022) requires individuals to comply with California Department of Public Health Guidance on Isolation and Quarantine of the General Public except in the specific circumstances described in the order, including, persons who are not fully vaccinated must quarantine for at least 5 days after close contact with an individual infected with COVID-19. ; and

WHEREAS, the Alameda County Health Officer has issued Order No. 22-03 (effective on June 25, 2022), rescinding the general mask mandate imposed by Order No. 22-02.; and

WHEREAS, the Alameda County Public Health Department currently requires face coverings in the following situations:

- Indoors when required by businesses, government offices, youth-serving facilities, and workplace settings.
- When required by trains, buses, ferries, taxis and rideshare operators.
- In transportation hubs like bus terminals, train stations, marines, seaports or other ports, subway stations, or any other area that provides transportation, when required by transit systems.
- Healthcare settings.
- State and local correctional facilities and detention centers.
- Shelters and cooling centers; and

WHEREAS, the Alameda County Public Health Department recommends everyone wear a mask in outdoor crowded settings, and in non-public indoor settings, like a private residence, when they are around people who may be unvaccinated, elderly, or immunocompromised; and

WHEREAS, workplaces must comply with Cal/OSHA safety standards; and

WHEREAS, the California Department of Public Health has issued the following current guidance:

- The Department strongly recommends that all persons, regardless of vaccination status, continue to mask while in indoor public settings and businesses, on public transit, and in transportation hubs.
- Face coverings are required for all individuals in the following indoor settings, regardless of vaccination status: homeless shelters, emergency shelters, cooling and heating centers, healthcare settings, state and local correctional facilities and detention centers, long term care settings and adult and senior care facilities.
- Fully vaccinated individuals are recommended to continue indoor masking when the risk may be high.
- Persons with COVID-19 symptoms or who test positive for COVID-19 are required to isolate.
- Persons working or housed in specified high-risk settings are required to isolate and quarantine in the event of an exposure to someone infected with COVID-19.
- Members of the general public, regardless of vaccination status, are not required to isolate if they are asymptomatic after exposure to a person infected with COVID-19. Testing and masking are recommended and vaccination/boosting is strongly encouraged; and

WHEREAS, Alameda County Health Order No. 21- 04 (effective November 1, 2021), which allows a stable group of fully vaccinated individuals to remove masks in certain indoor situations, is not applicable to the City's public meetings because they do not necessarily involve a stable group of vaccinated individuals.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward makes the following findings pursuant to AB 361 to continue holding teleconferenced public meetings during the COVID-19 state of emergency:

- The City Council has reconsidered the circumstances of the state of emergency.
- The COVID 19 state of emergency declared by the Governor remains active and continues to directly impact the ability of Councilmembers to meet safely in-person.
- State and local officials continue to recommend or impose measures to promote social distancing.
- The Alameda County Health Officer has issued orders imposing measures to promote social distancing via isolation and quarantine of individuals infected or likely infected with COVID-19 and individuals with close contact to persons infected with COVID-19.
- The Alameda County Health Officer recommends that everyone wear a mask in outdoor crowded settings, and in non-public indoor settings, like a private residence, when they are around people who may be unvaccinated, elderly, or immunocompromised.

- The Alameda County Health Officer requires face coverings to be worn in the following settings:
 - Indoors when required by businesses, government offices, youth-serving facilities, and workplace settings.
 - When required by trains, buses, ferries, taxis and rideshare operators.
 - In transportation hubs like bus terminals, train stations, marines, seaports or other ports, subway stations, or any other area that provides transportation, when required by transit systems.
 - Healthcare settings.
 - State and local correctional facilities and detention centers.
 - Shelters and cooling centers.
- The California Department of Public Health strongly recommends that all persons, regardless of vaccination status, continue to mask while in indoor public settings and businesses, on public transit and in transportation hubs.
- Workplaces must comply with Cal/OSHA safety standards.

BE IT FURTHER RESOLVED that in the interest of public health and safety, based on the findings contained herein, the City Council of the City of Hayward and the appointed boards and commissions identified in Exhibit A of this Resolution shall continue to hold teleconferenced public meetings pursuant to AB 361.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

EXHIBIT A

- Community Services Commission
- Keep Hayward Clean and Green Task Force
- Library Commission
- Personnel Commission
- Planning Commission
- Council Airport Committee
- Council Budget and Finance Committee
- Council Economic Development Committee
- Council Infrastructure Committee
- Council Homelessness-Housing Task Force
- Council Sustainability Committee
- Hayward Youth Commission
- Hayward Police Department Community Advisory Panel



CITY OF HAYWARD

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

File #: CONS 22-474

DATE: August 9, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 with St. Francis Electric, Inc., for Traffic Signal and Streetlight Maintenance Project Nos. 05187 and 05189 Whereby Increasing the Professional Services Agreement by \$300,000 for a Total Not-To-Exceed Amount of \$1,164,000

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 3 to the Professional Services Agreement (PSA) with St. Francis Electric, Inc. (St. Francis), by \$300,000 for a total not-to-exceed amount of \$1,164,000.

SUMMARY

In September 2019, the City entered into a three-year agreement with St. Francis for on-call streetlight and traffic signal maintenance services throughout the City for \$525,000. The agreement was amended on May 4, 2021 to increase the total not-to-exceed amount to \$864,000 due to the high volume of pole knockdowns. Staff is requesting a \$300,000 increase to a total not-to-exceed amount of \$1,164,000 to cover the increasing costs of labor, materials, and frequency of knockdowns.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: August 9, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 with St. Francis Electric, Inc., for Traffic Signal and Streetlight Maintenance Project Nos. 05187 and 05189 Whereby Increasing the Professional Services Agreement by \$300,000 for a Total Not-To-Exceed Amount of \$1,164,000

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 3 to the Professional Services Agreement (PSA) with St. Francis Electric, Inc. (St. Francis), by \$300,000 for a total not-to-exceed amount of \$1,164,000.

SUMMARY

In September 2019, the City entered into a three-year agreement with St. Francis for on-call streetlight and traffic signal maintenance services throughout the City for \$525,000. The agreement was amended on May 4, 2021¹ to increase the total not-to-exceed amount to \$864,000 due to the high volume of pole knockdowns. Staff is requesting a \$300,000 increase to a total not-to-exceed amount of \$1,164,000 to cover the increasing costs of labor, materials, and frequency of knockdowns.

BACKGROUND

The Department of Public Works & Utilities is responsible for maintaining 146 traffic signals and approximately 8,300 streetlights. Prior to 2013, the City relied exclusively on outside contractors to maintain and repair streetlights and traffic signal equipment. In February 2013, the City hired its first in-house traffic signal technician. The position performs day-to-day quick-response services such as replacing signal detection, streetlight fixture repair, and overall inspection. However, outside contracted assistance is still necessary due to the sheer volume of time-sensitive service needs.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4930436&GUID=820681DC-33B5-4927-BFCD-98BCC0339B10&Options=&Search=>

The City first entered into an agreement with St. Francis for on-call streetlight and traffic signal maintenance in September 2016, which expired in July 2019. Following a competitive RFP process, the City entered into a second agreement with St. Francis for the same services in September 2019, which expired in June 2022. The agreement was extended through June 2023.

DISCUSSION

Costs associated with signal and streetlight maintenance have increased due to labor, materials, and frequency of knockdowns. The City currently has a backlog of 46 damaged or knock-downed poles and averages 15 knockdowns annually due to automobile accidents. Responding to and repairing these knockdowns typically costs between \$5,000 and \$20,000 per incident.

The services provided by St. Francis include complex problem solving, large labor-intensive projects, and after-hours and weekend emergency services. The services include, but are not limited to, installation of streetlights and traffic signal infrastructure, fiber optic cable installation, and repairing the recurring damage to the City's signal and street light infrastructure. Staff recommends increasing the current contract through the expiration date due to St. Francis' timely responses, knowledge and expertise, and familiarity with the City. Staff will evaluate the required services and release a request for proposals (RFP) before the expiration of the current contract.

ECONOMIC IMPACT

This item provides for safer streets for all City residents, businesses, and patrons by efficiently replacing damaged street lighting and traffic signals.

FISCAL IMPACT

This item will be funded through the Adopted FY23 CIP Budget in Gas Tax Fund 210, Project Nos. 05187 and 05189 for Traffic Signal Maintenance and Street Light Maintenance, respectively. The projects have sufficient funds to support the proposed contract increase and requires no additional appropriation at this time. There will be no impact to the General Fund.

STRATEGIC ROADMAP

This item supports the "Invest in Infrastructure" Priority by ensuring the City's traffic signals and streetlights remain in working conditions.

SUSTAINABILITY FEATURES

Maintaining a reliable and robust infrastructure will help minimize the City's environmental footprint. It allows the City to meet environmental goals by replacing high energy lights with more energy efficient lights and reduce greenhouse gas emissions by optimizing traffic flows.

The effort to replace all High-Pressure Sodium bulbs in the City's streetlights with LED bulbs has resulted in a longer useable life and lower yearly energy costs.

PUBLIC CONTACT

No public contact is required or conducted for this item.

NEXT STEPS

If Council approves this item, the City Manager will negotiate and execute Amendment No. 3 to the PSA with St. Francis to increase the agreement by \$300,000 to a total not-to-exceed amount of \$1,164,000.

Prepared by: Manny Grewal, Management Analyst

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 3 AGREEMENT WITH ST. FRANCIS ELECTRIC, INC., FOR TRAFFIC SIGNAL AND STREETLIGHT MAINTENANCE PROJECT NOS. 05187 AND 05189 WHEREBY INCREASING THE PROFESSIONAL SERVICES BY \$300,000 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$1,164,000

WHEREAS, the City entered into an Agreement with St. Francis Electric, Inc., ("St. Francis"), on September 13, 2019 for on-call traffic signal and streetlight maintenance services; and

WHEREAS, the Agreement expires on June 30, 2023, and

WHEREAS, the City and St. Francis desire to amend the agreement to expand the capacity to perform necessary work to maintain the City's streetlight and traffic signals; and

WHEREAS, the Adopted FY23 budgets for Project Nos. 05187 and 05189, Traffic Signal Maintenance and Streetlight Maintenance, respectively, are sufficient to fund the proposed increase.

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Hayward that the City Manager is hereby authorized to negotiate and execute an amendment to the professional services agreement with St. Francis in the amount of \$300,000 for a total not-to-exceed amount of \$1,164,000 over the term of the contract, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

File #: CONS 22-475

DATE: August 9, 2022

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT

Adopt a Resolution Awarding a Contract to The Garland Company for the Hayward Police Department Roof Replacement - 300 W. Winton Ave CIP Project No. 07203, in an Amount Not-to-Exceed \$1,160,865

RECOMMENDATION

That the Council adopts resolutions (Attachments II and III): 1) Authorizing the City Manager to negotiate and execute a contract, in a form approved by the City Attorney, with The Garland Company, in an amount not-to-exceed \$1,160,865 for a complete roof replacement to Hayward Police Department Headquarters at 300 W. Winton Ave; 2) Authorizing the transfer and appropriation of \$1,160,865 from the Workers' Compensation Fund to the General Fund Capital Fund; and 3) Authorizing the transfer of \$5,902,372 from the Workers' Compensation Fund to the General Fund to reimburse for over-allocations from prior fiscal years.

SUMMARY

The Hayward Police Department Headquarters (HPD) building at 300 W. Winton Ave. was built in 1975. The Maintenance Services Facilities Division is tasked with all preventative maintenance and component replacement within this facility. Timely preventative maintenance and capital replacement schedules are vital to maximizing the useful life of a facility's overall infrastructure, building systems, and components. Since the facility originally opened, a combination of periodic repairs and a timely preventative maintenance schedule have allowed the original roof from 1975 to remain serviceable well beyond its expected 30-40-year life cycle. However, based on the current condition, the roof is now in need of replacement. Over the past 5 years, occurrences of rainwater leaking into staff work areas has become all too frequent. This roofing replacement project is part of Facilities' commitment to provide facilities for employees and the public that are serviceable and in a good state of repair.

To expedite the bidding process and obtain the best pricing on the required work, staff was able to utilize a publicly bid, pre-negotiated agreement through its membership with OMNIA Partners, which specializes in public sector cooperative purchasing opportunities. To take advantage of the City's partnership with OMNIA Partners, staff is requesting that Council grant approval to authorize the City Manager to execute a contract with The Garland Company in an amount not-to-exceed \$1,160,865.

File #: CONS 22-475

There is insufficient budget appropriation in the CIP to cover the cost of the \$1,160,865 contract with Garland Company for the replacement of the roof at the Hayward Police Department Headquarters. Several years ago, the Workers' Compensation Fund was severely underfunded. In an effort to improve funding levels, an additional percentage was applied on top of the standard rate. This additional percent should have been adjusted in a previous fiscal year, but had not been adjusted. This resulted in the City achieving a funding level above the recommended 80 percent in the Workers Compensation Fun. The City's Workers' Compensation Fund has a fund balance greater than necessary, and staff recommends transferring fund balance from the Workers' Compensation Fund to the General Fund Capital Fund to cover the costs of the contract with Garland Company and then transferring the remaining excess balance to the General Fund. Attachment III recommends the transfer of \$5,902,372 to the General Fund as reimbursement from prior year over-funding to the City's Workers' Compensation Fund.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Workers Compensation Resolution



DATE: August 9, 2022

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT: Adopt a Resolution Awarding a Contract to The Garland Company for the Hayward Police Department Roof Replacement - 300 W. Winton Ave CIP Project No. 07203, in an Amount Not-to-Exceed \$1,160,865

RECOMMENDATION

That the Council adopts resolutions (Attachments II and III): 1) Authorizing the City Manager to negotiate and execute a contract, in a form approved by the City Attorney, with The Garland Company, in an amount not-to-exceed \$1,160,865 for a complete roof replacement to Hayward Police Department Headquarters at 300 W. Winton Ave; 2) Authorizing the transfer and appropriation of \$1,160,865 from the Workers' Compensation Fund to the General Fund Capital Fund; and 3) Authorizing the transfer of \$5,902,372 from the Workers' Compensation Fund to the General Fund to reimburse for over-allocations from prior fiscal years.

SUMMARY

The Hayward Police Department Headquarters (HPD) building at 300 W. Winton Ave. was built in 1975. The Maintenance Services Facilities Division is tasked with all preventative maintenance and component replacement within this facility. Timely preventative maintenance and capital replacement schedules are vital to maximizing the useful life of a facility's overall infrastructure, building systems, and components. Since the facility originally opened, a combination of periodic repairs and a timely preventative maintenance schedule have allowed the original roof from 1975 to remain serviceable well beyond its expected 30-40-year life cycle. However, based on the current condition, the roof is now in need of replacement. Over the past 5 years, occurrences of rainwater leaking into staff work areas has become all too frequent. This roofing replacement project is part of Facilities' commitment to provide facilities for employees and the public that are serviceable and in a good state of repair.

To expedite the bidding process and obtain the best pricing on the required work, staff was able to utilize a publicly bid, pre-negotiated agreement through its membership with OMNIA Partners, which specializes in public sector cooperative purchasing opportunities. To take advantage of the City's partnership with OMNIA Partners, staff is requesting that Council grant approval to authorize the City Manager to execute a contract with The Garland Company in an

amount not-to-exceed \$1,160,865.

There is insufficient budget appropriation in the CIP to cover the cost of the \$1,160,865 contract with Garland Company for the replacement of the roof at the Hayward Police Department Headquarters. Several years ago, the Workers' Compensation Fund was severely underfunded. In an effort to improve funding levels, an additional percentage was applied on top of the standard rate. This additional percent should have been adjusted in a previous fiscal year, but had not been adjusted. This resulted in the City achieving a funding level above the recommended 80 percent in the Workers Compensation Fun. The City's Workers' Compensation Fund has a fund balance greater than necessary, and staff recommends transferring fund balance from the Workers' Compensation Fund to the General Fund Capital Fund to cover the costs of the contract with Garland Company and then transferring the remaining excess balance to the General Fund. Attachment III recommends the transfer of \$5,902,372 to the General Fund as reimbursement from prior year over-funding to the City's Workers' Compensation Fund.

BACKGROUND

In order to best understand current conditions and plan for the timely replacement of existing facility infrastructure components, in May 2018, with the assistance of a structural engineer, the Facilities Division completed a citywide facility condition assessment of all city-maintained buildings. The Facility Condition Assessment (FCA) noted that the roof at HPD had reached the end of its useful life, showing signs of excessive wear and aging, urgent repairs or a complete replacement was recommended. Based on the current age (47 years) since it was installed, and the roofs current condition, it's recommended that a total roofing replacement be completed. This roofing replacement project is part of the Facilities CIP replacement plan that supports our commitment to provide facilities for our employees and the public that are serviceable and in a good state of repair.

DISCUSSION

The vendor selected for the roof repair is The Garland Company, which specializes in turnkey roofing and waterproofing solutions. Vendor selection and pricing is provided under the terms of OMNIA Partners (formerly known as US Communities), which was a publicly bid, pre-negotiated agreement that was awarded to The Garland Company by Racine County, Wisconsin. This procurement method is commonly known as cooperative purchasing or "piggy-back" purchasing. It is a method utilized by public agencies at the local, state, and federal levels to leverage beneficially priced contracts for services. This competitive process satisfies Municipal Code Section 2-8.09, which requires contracts for maintenance services in excess of \$10,000 to be informally bid and authorized by purchase order or agreement for services. This process has been utilized by the City for numerous cooperative contracts, including CDW-G, Fastenal, Knoll, GOJO Industries, W.W. Grainger, and Georgia Pacific.

The Garland Company has completed numerous projects for cities throughout the Bay Area. In the East Bay Area, other cities utilizing the OMNIA contract include City of Oakland, City of San Leandro, and the City of Alameda.

The work performed for these cities by The Garland Company consists of roof repairs, sealing of

exterior walls, liquid applied roof restorations, and roof replacements.

The new roof being installed at Hayward PD is a low slope, 2 ply modified bitumen roof system that meets Title 24 requirements. This system was specifically chosen for its long-lasting high performance while also having minimal odor or noise disruption during installation. One of the key factors in the selection of the roofing type and vendor is that the roof system includes a 30-year No Dollar Limit warranty. Garland will cover the labor and material cost of any leak that occurs over the life of the 30-year warranty period.

The contract with Garland Company will be funded by a transfer from the Workers' Compensation Fund to the General Fund Capital Fund. The Workers' Compensation Fund has a fund balance greater than necessary, and above the recommended 80 percent funding ratio. Several years ago, the Workers' Compensation Fund was severely underfunded. In an effort to build adequate fund balance, an additional percentage was added to the standard rates. The additional percentage should have been removed from the standard rate in a prior fiscal year; however, the rates were not adjusted. This resulted in a fund balance that exceeded the recommended funding ratio. In addition to transferring funds from the Workers' Compensation Fund to the General Fund Capital Fund for the contract with Garland Company, staff recommends the transfer of \$5,902,372 to the General Fund fund balance as reimbursement for prior year over-funding to the City's Workers' Compensation Fund. The additional percentage will be removed from future Workers' Compensation rates.

ECONOMIC IMPACT

No economic impact is associated with this item.

FISCAL IMPACT

The Garland Company has provided the City with a roofing material and service proposal in an amount not-to-exceed \$1,160,865, including taxes, bonds, permits, and a 5% contingency.

CIP 7203 – Roofing	Project Cost
Roof Replacement	\$1,105,586
Contingency Cost 5%	\$55,279
Total Project Cost	\$1,160,865

The FY 2023 adopted budget has insufficient budget to cover the cost of the contract with Garland Company. An additional budget appropriation in the amount of \$1,160,865 is needed to fund the project. Staff recommends the transfer of \$1,160,865 from the Workers' Compensation Fund to the General Fund Capital Fund. The City currently has greater than necessary fund balance in the Workers' Compensation Fund to cover the cost of the Garland Company contract.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Infrastructure.

SUSTAINABILITY FEATURES

The Maintenance Services Facilities Division is committed to developing projects that are environmentally responsible. Therefore, staff will ensure than the work scope proposed by the contractor incorporates features that are in line with the City's sustainability guidelines.

NEXT STEPS

If the Council adopts the attached resolutions, staff will finalize the agreement with the awarded vendor and cause the agreement to be executed. It is expected that the project will be completed by end of calendar year 2022.

Prepared by: Liz Sanchez, Management Analyst II
Nicole Gonzales, Deputy Director of Finance
Dustin Claussen, Director of Finance

Recommended by: Todd Rullman, Director of Maintenance Services

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH THE GARLAND COMPANY FOR THE HAYWARD POLICE DEPARTMENT HEADQUARTERS ROOF REPLACEMENT, PROJECT 07203 IN AN AMOUNT NOT-TO-EXCEED \$1,160,865

WHEREAS, the City of Hayward ("City") owns and operates Hayward Police Department Headquarters; and

WHEREAS, a review of the structural condition of roof replacement was completed in May 2018; and

WHEREAS, the findings revealed that roof showed signs of wear and repair or replacement would be required; and

WHEREAS, the Maintenance Services Department/Facilities Division was able to procure a vendor through a publicly bid, pre-negotiated agreement through OMNIA Partners (formerly US Communities), which specializes in public sector cooperative purchasing opportunities, as part of a prior Request for Proposals with the County of Racine, Wisconsin; and

WHEREAS, the vendor selected through this process was The Garland Company; and

WHEREAS, the cost for the project is \$1,160,865;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to negotiate and execute a contract, in a form approved by the City Attorney, with The Garland Company, in an amount not-to-exceed \$1,160,865, for roof replacement to the Hayward Police Department Headquarters, in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby approves the amendment to the budget resolutions, Resolution 22-146 and Resolution 22-147, authorizing the transfer and appropriation of \$1,160,865 from the Workers' Compensation Fund to the General Fund Capital Fund for this Project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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. 22-

Introduced by Council Member

RESOLUTION AUTHORIZING THE TRANSFER OF \$5,902,372 FROM THE
WORKERS' COMPENSATION FUND TO THE GENERAL FUND

WHEREAS, several years ago the Workers' Compensation Fund was significantly underfunded; and

WHEREAS, in an effort to improve funding levels, an additional percentage was applied on top of the standard rate; and

WHEREAS, the additional percent should have been adjusted in a previous fiscal year, but had not been adjusted, resulting in the City achieving funding level above the recommended 80 percent; and

WHEREAS; the City's Workers' Compensation Fund has a fund balance greater than necessary; and

WHEREAS, the General Fund accounts for approximately 82 percent of the allocation of the Workers' Compensation rates; and

WHEREAS, the City recommends transferring \$5,902,372 from the Workers' Compensation Fund to the General Fund as reimbursement from prior year over-funding to the City's Workers' Compensation Fund.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward hereby approves the amendment to the budget resolution, Resolution 22-146, authorizing the transfer of \$5,902,372 from the Workers' Compensation Fund to the General Fund.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

File #: CONS 22-476

DATE: August 9, 2022

TO: Mayor and City Council

FROM: Acting Assistant City Manager

SUBJECT

Adopt a Resolution Authorizing the Mayor to Sign Letters of Support for Assembly Bill 256 (Kalra), Also Known as the California Racial Justice for All Act

RECOMMENDATION

That Council: 1) adopts a resolution (Attachment I) in support of AB 256, the California Racial Justice for All Act, and 2) provides feedback on the proposed letter of support (Attachment II) to be sent to the City's legislative representatives.

SUMMARY

On June 14, 2022, the Hayward City Council directed staff to provide an analysis of AB 256, also known as the California Racial Justice for All Act, and its predecessor, AB 2542 (Kalra, Ch. 317, Statutes of 2020), the California Racial Justice Act of 2020. Staff was instructed to include background and an explanation of both bills, as well as a recommendation for further action. Taken together, AB 2542 and AB 256 prohibit the state from seeking or obtaining criminal convictions or imposing sentences based upon race, ethnicity, or national origin. The bills are also intended to address limitations on criminal justice discrimination cases imposed by the US Supreme Court. Based on their analysis, staff determined that support for the bill is possible before the end of the current legislative session, and that letters of support to the City's state representatives would be the appropriate course of action. This report presents an overview of the history, current legislative status, and provisions of AB 256 and AB 2542.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Letter of Support for AB 256



DATE: August 9, 2022

TO: Mayor and City Council

FROM: Acting Assistant City Manager

SUBJECT: Adopt a Resolution Authorizing the Mayor to Sign Letters of Support for Assembly Bill 256 (Kalra), Also Known as the California Racial Justice for All Act

RECOMMENDATION

That Council: 1) adopts a resolution (Attachment I) in support of AB 256, the California Racial Justice for All Act, and 2) provides feedback on the proposed letter of support (Attachment II) to be sent to the City's legislative representatives.

SUMMARY

On June 14, 2022, the Hayward City Council directed staff to provide an analysis of AB 256, also known as the California Racial Justice for All Act, and its predecessor, AB 2542 (Kalra, Ch. 317, Statutes of 2020), the California Racial Justice Act of 2020. Staff was instructed to include background and an explanation of both bills, as well as a recommendation for further action. Taken together, AB 2542 and AB 256 prohibit the state from seeking or obtaining criminal convictions or imposing sentences based upon race, ethnicity, or national origin. The bills are also intended to address limitations on criminal justice discrimination cases imposed by the US Supreme Court. Based on their analysis, staff determined that support for the bill is possible before the end of the current legislative session, and that letters of support to the City's state representatives would be the appropriate course of action. This report presents an overview of the history, current legislative status, and provisions of AB 256 and AB 2542.

BACKGROUND

On April 22, 1987, the Supreme Court of the United States, in a 5-4 vote, ruled on the case of *McKleskey v. Kemp* (No. 84-6811).¹ The case involved the sentencing of Warren McCleskey, an African American man from Georgia convicted of killing a police officer during a robbery and sentenced to death. Mr. McCleskey's attorneys argued that the sentence violated his rights

¹ AB 2542 – Racial Justice Act Fact Sheet 08.01.20
<https://lwvc.org/sites/default/files/downloads/AB%202542%20-%20Racial%20Justice%20Act%20Fact%20Sheet%2008.01.20.pdf>

under the 8th Amendment's prohibition of cruel and unusual punishment and the 14th Amendment's equal protection clause.

Mr. McCleskey's attorneys argued that the pervasive racial disparity in judgements against African American defendants violated his civil rights. Mr. McCleskey's complaint was supported by strong statistical evidence of racial bias in the convictions and sentences imposed by the state of Georgia. The Court ruled against Mr. McCleskey, finding that statistical evidence demonstrating general bias in the criminal justice system was insufficient grounds to overturn an existing conviction or sentence. This precedent established that constitutional challenges to judgements on the basis of racial bias must present clear evidence of specific discriminatory intent from one or more decision-makers involved in the contested case.

The increased evidentiary requirement effectively prevented defendants from appealing their judgements in anything but the most blatant cases of individual discrimination. Following this action by the Supreme Court, both the US House and the US Senate introduced multiple versions of a federal Racial Justice Act between 1988 and 1994. These bills were repeatedly defeated and the effort was ultimately shelved due to changes in the political landscape and attitudes towards crime during the Clinton administration. In response to the lack of federal protections, states concerned about bias in the courts enacted prohibitions against using race or ethnicity as a factor in criminal cases, including Kentucky in 1998² and North Carolina in 2009³. The North Carolina law was later repealed.

In February of 2020, California State Assembly Members Ash Kalra, Sydney Kamlager, Robert Rivas, and Miguel Santiago introduced AB 2542, the California Racial Justice Act, to address racial bias in the justice system and the evidentiary barriers imposed by *McCleskey*⁴. AB 2542 prohibited California from basing the severity of criminal charges, convictions, or sentences on race, ethnicity, or national origin⁵. AB 2542 also significantly expanded the types of evidence defendants could use to show discrimination, making it possible for more defendants to challenge judicial decisions. AB 2452 would apply to judgements on a prospective basis, beginning on January 1, 2021.

² Race and Death Penalty After McCleskey: A Case Study of Kentucky's Racial Justice Act
<https://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1191&context=crsj>

³ In Landmark Decision, North Carolina Supreme Court Strikes Down Retroactive Application of Racial Justice Act Repeal
https://www.americanbar.org/groups/committees/death_penalty_representation/project_press/2020/summer/north-carolina-strikes-retro-application-of-rja-repeal/

⁴ Bill Information AB 2542, Criminal procedure: discrimination. (2019-2020)
https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201920200AB2542

⁵ AB 2542 – Racial Justice Act Fact Sheet 08.01.20
<https://lwvc.org/sites/default/files/downloads/AB%202542%20-%20Racial%20Justice%20Act%20Fact%20Sheet%2008.01.20.pdf>

On August 31, 2020, AB 2452 was passed by the California Legislature. The California Racial Justice Act was subsequently signed into law by Governor Gavin Newsom on September 30, 2020.⁶

In January of 2021, the authors of AB 2452, Assembly Members Kalra, Kamlager, Rivas, and Santiago, introduced AB 256, the California Racial Justice for All Act.⁷ AB 256 is intended to retroactively extend the protections of the California Racial Justice Act to those who were impacted by unfair convictions and sentences prior to 2021.⁸

In August of 2021, AB 256 was held in committee by the Senate Appropriations Committee. Typically, this would prevent a bill from moving forward for the rest of the legislative session. However, in the case of AB 256, the State Appropriations Committee Chairman took the unusual step of designating it a two-year bill. This allowed the bill to be shelved in 2021, but to return for consideration in 2022⁹. The Appropriations Committee is expected to vote on AB 256 on August 11th, 2022.

On June 14, 2022, Council Member Angela Andrews and Council Member Elisa Márquez brought forward a Referral Memorandum seeking Council support to direct staff to evaluate AB 256 and AB 2542. Staff was directed to return with an analysis to determine whether a resolution, a letter of support, or a petition would be the best approach for supporting the bill and its objectives. The motion was made by Council Member Márquez, seconded by Council Member Andrews, and carried by unanimous vote.¹⁰

DISCUSSION

In the majority opinion on *McCleskey*, Justice Lewis Powell wrote that questions of racial bias and discrimination in the criminal justice system are “best presented to the legislative bodies” given that “it is the legislatures, the elected representatives of the people, that are constituted to respond to the will and consequently the moral values of the people.”¹¹

Prior to the passing of the California Racial Justice Act, there was no provision in California law stating that racial discrimination was prohibited in seeking or obtaining criminal convictions or sentences, despite ample evidence of omnipresent bias in the state’s criminal

⁶ Bill Information AB 2542, Criminal procedure: discrimination. (2019-2020)

https://leginfo.ca.gov/faces/billHistoryClient.xhtml?bill_id=201920200AB2542

⁷ Bill Information AB-256 Criminal procedure: discrimination. (2021-2022)

https://leginfo.ca.gov/faces/billHistoryClient.xhtml?bill_id=202120220AB256

⁸ AB 256 - California Racial Justice Act for All_5-24-21 https://a27.asmdc.org/sites/a27.asmdc.org/files/2022-03/AB%20256%20-%20California%20Racial%20Justice%20Act%20for%20All_5-24-21.pdf

⁹ Assemblymember Ash Kalra Releases Statement on Racial Justice Act for All, AB 256, Becoming a Two-Year Bill <https://a27.asmdc.org/press-releases/20210827-assemblymember-ash-kalra-releases-statement-racial-justice-act-all-ab-256>

¹⁰ Minutes of the June 14, 2022 Special City Council meeting

<https://hayward.legistar.com/View.ashx?M=E3&ID=981127&GUID=3A570191-4C3D-4C12-9420-BFD49D4B18C5>

¹¹ *McCLESKEY v. KEMP*, 481 U.S. 279 (1987) <https://supreme.justia.com/cases/federal/us/481/279/>

justice system. Under then-existing law, state-level challenges to convictions or sentences were allowed only in cases of new, false, or suppressed exonerating evidence.¹²

In prohibiting racial discrimination in conviction or sentencing, AB 2542 established that a defendant may challenge their judgement if there is “a preponderance of evidence” that racial discrimination influenced the decision. However, these protections currently only apply to judgements on or after January 1, 2021. AB 256, the California Racial Justice for All Act, extends these protections to any person impacted by provable racial bias or discrimination in the justice system at any point in the past. Defendants may challenge their judgement if they are able to provide evidence of any of the following:¹³

- Any officials involved in the case, including judges, attorneys, law enforcement officials, expert witnesses, or jurors exhibited bias or animus toward the defendant due to race, ethnicity or national origin;
- Any officials involved in the case used racially discriminatory language or exhibited bias in relation to the defendant’s race, ethnicity, or national origin during trial;
- Race, ethnicity, or national origin was a factor in the exclusion or dismissal of any juror or jurors, also known as a “peremptory challenge”; or
- Evidentiary data demonstrates a disparity in seriousness of charges, rate of convictions, or length of sentence based on the race, ethnicity, or national origin of either the defendant or the victim. For example, if data shows that defendants of one race are disproportionately convicted of an offense relative to another race for the same offense, or if it shows longer or shorter sentences depending on the race or ethnicity of the victim.

In previously-resolved cases that meet any of these criteria, defendants may file a motion to vacate their conviction or sentence. This results in the removal of the conviction from the defendant’s record and a retrial, but does not expunge the criminal record unless the court finds in favor of the defendant in the subsequent trial. If a judgement has not yet been entered in the case and the court finds in favor of the defendant, the court may 1) reseal a dismissed juror; 2) declare a mistrial; 3) require selection of a new jury; or 4) reduce or eliminate charges.¹⁴

If AB 256 is passed in its current form, the ability to retroactively challenge judgements would be phased in, with courts accepting petitions from those sentenced to death or those facing deportation beginning on January 1, 2022. Felony convictions rendered after January 1, 2013 may be challenged beginning on January 1, 2023. Beginning on January 1, 2025, challenges under the California Racial Justice for All Act would be open to any felony convictions, regardless of date of judgement.¹⁵

¹² AB 2542 Senate Floor Analysis

https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB2542

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Bill Information AB-256 Criminal procedure: discrimination. (2021-2022)

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB256

As for the Senate Committee on Public Safety analysis on May 24, 2021, AB 256's expansion of the protections under the California Racial Justice Act was supported by nearly 120 state and national organizations, including Amnesty International, the California Public Defenders Association, SEIU California, and SURJ Bay Area. Organizations co-sponsoring the bill include ACLU California Action, the American Friends Service Committee, the Ella Baker Center for Human Rights, the California Coalition for Women Prisoners, Californians United for a Responsible Budget, the Coalition for Humane Immigrant Rights, Initiate Justice, the League of Women Voters of California, NextGen, and Silicon Valley De-Bug.¹⁶

Staff outreach to the City's Legislative Advocate and analysis of the bill's history found that the City has an opportunity to support AB 256 in the current legislative session. In light of this development, staff recommends approval of a resolution authorizing the Mayor to sign letters of support to be sent to the City's elected representatives, Assembly Member Bill Quirk and Senator Bob Wieckowski, as well as the bill's primary author, Assembly Member Kalra.

FISCAL IMPACT

AB 256 will not have a fiscal impact on the City of Hayward. The authors of the California Racial Justice for All Act estimate that the state may experience savings of \$154.7 million per year.¹⁷ The Senate Appropriations Committee estimated statewide costs up to \$1.4 million to state courts and up to \$41.25 million to the Department of Justice in order to meet increases in workload and personnel needs.¹⁸

STRATEGIC ROADMAP

This agenda item supports the City's overarching commitment to racial equity and the policies outlined in the City's Legislative Program, as well as the following specific strategic priority and objective:

Strategic Priority:	Enhance Community Safety and Quality of Life.
Objective:	Celebrate Hayward's Heritage & Confront Racial Inequities

NEXT STEPS

If Council approves the attached resolution, staff will transmit copies along with letters conveying the City of Hayward's support of AB 256 to the City's elected representatives in the California State Senate and California State Assembly, well as to other appropriate legislative representatives.

¹⁶ AB 256 Senate Committee on Public Safety Analysis
https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220AB256#

¹⁷ AB 2542 – Racial Justice Act Fact Sheet 08.01.20
<https://lwc.org/sites/default/files/downloads/AB%202542%20-%20Racial%20Justice%20Act%20Fact%20Sheet%2008.01.20.pdf>

¹⁸ AB 256 Senate Committee on Appropriations Analysis
https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220AB256#

Prepared by: Rick Rivera, Management Analyst

Recommended by: Dustin Claussen, Acting Assistant City Manager

Approved by:

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

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22 - _____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE MAYOR TO SIGN LETTERS OF SUPPORT
FOR ASSEMBLY BILL 256 (KALRA), ALSO KNOWN AS THE CALIFORNIA
RACIAL JUSTICE FOR ALL ACT

WHEREAS, racism and racial bias are pervasive and omnipresent in the United States criminal justice system, resulting in well-documented disparities in conviction and sentencing for People of Color, particularly African Americans;

WHEREAS, on April 22, 1987, the US Supreme Court in the case of *McClesky v. Kemp* (No.84-6811) ruled, on a 5-4 vote, that defendants must provide clear evidence of intent or purposeful discrimination in order to challenge a conviction on the basis of the Eighth or Fourteenth Amendments;

WHEREAS, in response to the profound and lasting negative impact of *McClesky v. Kemp*, the California Legislature passed AB 2542, known as the California Racial Justice Act of 2020, prohibiting racial discrimination in seeking or obtaining criminal convictions or sentences in California;

WHEREAS, on September 30, Governor Newsom signed the California Racial Justice Act of 2020 into law;

WHEREAS, the prohibitions on racial discrimination enacted in the California Racial Justice Act of 2020 applied only to judgements rendered on or after to January 1, 2021;

WHEREAS, AB 256 (Kalra), the California Racial Justice Act for All, would extend the protections provided by the California Racial Justice Act to those impacted by unfair convictions or sentences prior to January 1, 2021, and;

WHEREAS, AB 256 reflects and is consistent with the City's commitment to combating institutional racism and implicit bias.

NOW, THEREFORE, BE IT RESOLVED that the Hayward City Council hereby authorizes the Mayor to sign and transmit to legislators letters of support for AB 256, the California Racial Justice Act for All.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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



August 11, 2022

The Honorable Ash Kalra
California State Assembly
1021 O Street, Suite 5130
Sacramento, CA 94249

**RE: AB 256 (Kalra) California Racial Justice Act for All
Notice of SUPPORT – City of Hayward**

Dear Assembly Member Kalra,

On behalf of the City of Hayward, I want to express Hayward's strong support of AB 256. We believe that this bill is a logical and necessary expansion of the protections established by the California Racial Justice Act of 2020 (AB 2542, Ch. 317, Statutes of 2020). On Tuesday, August 9, 2022, the Hayward City Council passed Resolution 22-XXXX expressing support for AB 256, the California Racial Justice Act for All.

The explicit prohibitions of racial, ethnic, or national origin discrimination in convictions and sentencing enacted with AB 2542 was a significant step in fighting institutional bias in the criminal justice system. According to the Public Policy Institute of California, African Americans make up 6% of California's population, but represent 16% of the incarcerated population. Californians are aware of this disparity, with 62% viewing the criminal justice system as biased against African Americans. Spurred by concerns raised by members of the Hayward community, the Council determined that it was important to weigh in with the City's full support of AB 256 and its efforts to address these disparities.

AB 256 aligns strongly with the City of Hayward's express commitment to building a culture of equity that improves lives and addresses past injustices. This commitment requires that the City take every opportunity to combat institutionalized racism and implicit bias in all areas of government. This bill ensures that Californians have the ability to pursue justice, not just for current or future injustices, but against all unfair convictions and sentences.



For these reasons, the City of Hayward supports AB 256 and efforts to address racism and bias in the criminal justice system. If the City of Hayward can be helpful in any way to the passage of the California Racial Justice Act for All, please do not hesitate to reach out.

Sincerely,

Barbara Halliday
Mayor

cc: Senator Bob Wieckowski, 10th District
Assembly Member Bill Quirk, 20th District
Hayward City Council
Kelly McAdoo, City Manager



CITY OF HAYWARD

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

File #: CONS 22-477

DATE: August 9, 2022

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Adopt Resolutions 1) Appropriating a \$627,554 Community Development Block Grant Award to Bay Area Community Services (BACS) to Acquire the St. Regis Retirement Center; and 2) Authorizing the City Manager to Negotiate and Approve a \$2 Million Loan to BACS for Down Payment Assistance to Acquire the St. Regis Retirement Center and Authorizing an Amendment to the FY 2023 Operating Budget by \$2 Million in the General Fund

RECOMMENDATION

That the Council:

- 1) Adopts a resolution (Attachment II) appropriating a \$627,554 Community Development Block Grant (CDBG) award to BACS for the acquisition of the St. Regis retirement center; and
- 2) Adopts a resolution (Attachment III):
 - a. Authorizing the City Manager to negotiate and approve a \$2 Million loan to BACS for down payment assistance to acquire St. Regis Retirement Center; and
 - b. Authorizing an amendment to the FY 2023 Operating Budget by \$2 million in the General Fund.

SUMMARY

In January 2022, the California Department of Health Care Services (DHCS) and the California Department of Social Services (CDSS) announced a joint Request for Applications (RFA) to expand the State's behavioral health infrastructure and address historic gaps in the long-term care continuum serving seniors, people with disabilities, and people with behavioral health needs. Under this joint RFA, the State made available \$518.5 million for launch ready behavioral health infrastructure projects through the Behavioral Health Continuum Infrastructure Program (BHCIP) and \$570 million to preserve and expand adult and senior care facilities through the Community Care Expansion (CCE) program. Three Hayward serving nonprofits applied for funding through the joint RFA; the City submitted letters of support for each of these projects.

Bay Area Community Services (BACS) applied for BHCIP and CCE funding to acquire the St. Regis retirement center and develop a holistic campus of behavioral health treatment and crisis services and supportive housing. BACS was not awarded BHCIP funding for this program, leaving a \$7.9 million funding gap for the project. To fund this closing gap, the County of Alameda has committed to funding approximately \$7.1 million and Eden Township Healthcare District has verbally committed to \$250,000. Staff have identified \$627,000 in available Community Development Block Grant (CDBG) funds to contribute to the closing gap. Allocating these grant funds to the project aligns with the City's current and past Annual Action Plans under the "Acquisition" and "Housing" project categories, and Council has previously authorized the use of CDBG funds for acquisition activities to support community development and production of affordable housing. Staff recommends Council approve the appropriation of these grant funds to BACS for the acquisition of the property (Attachment II).

At the time of this staff report writing, CCE funding has not been formally announced. Through discussions with the County, BACS, and the State, staff anticipates that the project will meet the funding threshold requirements and receive CCE funding.

Due to State delays announcing funding, it was necessary for BACS to request a closing extension from the property owner, changing the closing date from July 18 to August 29, 2022. As part of the extended closing date, BACS agreed to pay a \$5 million down payment to the property owner. BACS has already paid \$500,000 to the property owner and will pay \$2.5 million at closing on August 29, 2022.

BACS has requested a \$2 million loan from the City of Hayward for the remainder of the down payment, which will be repaid to the City by December 31, 2022. Staff recommends City Council adopt a resolution authorizing the City Manager to negotiate and execute a \$2 million loan agreement with BACS for the acquisition of the St. Regis retirement center (Attachment III).

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution to Appropriate CDBG funds
Attachment III	Resolution to Authorize Loan Agreement
Attachment IV	Eligible Services



DATE: August 9, 2022

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Adopt Resolutions 1) Appropriating a \$627,554 Community Development Block Grant Award to Bay Area Community Services (BACS) to acquire the St. Regis Retirement Center; and 2) Authorizing the City Manager to Negotiate and Approve a \$2 Million Loan to BACS for Down Payment Assistance to Acquire the St. Regis Retirement Center and Authorizing an Amendment to the FY 2023 Operating Budget by \$2 Million in the General Fund

RECOMMENDATION

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SUMMARY

In January 2022, the California Department of Health Care Services (DHCS) and the California Department of Social Services (CDSS) announced a joint Request for Applications (RFA) to expand the State's behavioral health infrastructure and address historic gaps in the long-term care continuum serving seniors, people with disabilities, and people with behavioral health needs. Under this joint RFA, the State made available \$518.5 million for launch ready behavioral health infrastructure projects through the Behavioral Health Continuum Infrastructure Program (BHCIP) and \$570 million to preserve and expand adult and senior care facilities through the Community Care Expansion (CCE) program. Three Hayward serving nonprofits applied for funding through the joint RFA; the City submitted letters of support for each of these projects.

Bay Area Community Services (BACS) applied for BHCIP and CCE funding to acquire the St. Regis retirement center and develop a holistic campus of behavioral health treatment and crisis services and supportive housing. BACS was not awarded BHCIP funding for this program, leaving a \$7.9 million funding gap for the project. To fund this closing gap, the County of Alameda has committed to funding approximately \$7.1 million and Eden Township Healthcare District has verbally committed to \$250,000. Staff have identified \$627,000 in available Community Development Block Grant (CDBG) funds to contribute to the closing gap. Allocating these grant funds to the project aligns with the City's current and past Annual Action Plans under the "Acquisition" and "Housing" project categories, and Council has previously authorized the use of CDBG funds for acquisition activities to support community development and production of affordable housing. Staff recommends Council approve the appropriation of these grant funds to BACS for the acquisition of the property (Attachment II).

At the time of this staff report writing, CCE funding has not been formally announced. Through discussions with the County, BACS, and the State, staff anticipates that the project will meet the funding threshold requirements and receive CCE funding.

Due to State delays announcing funding, it was necessary for BACS to request a closing extension from the property owner, changing the closing date from July 18 to August 29, 2022. As part of the extended closing date, BACS agreed to pay a \$5 million down payment to the property owner. BACS has already paid \$500,000 to the property owner and will pay \$2.5 million at closing on August 29, 2022.

BACS has requested a \$2 million loan from the City of Hayward for the remainder of the down payment, which will be repaid to the City by December 31, 2022. Staff recommends City Council adopt a resolution authorizing the City Manager to negotiate and execute a \$2 million loan agreement with BACS for the acquisition of the St. Regis retirement center (Attachment III).

BACKGROUND

Joint Request for Applications

In January 2022, the California Department of Health Care Services (DHCS) and the California Department of Social Services (CDSS) announced a joint Request for Applications (RFA) to expand the State's behavioral health infrastructure and address historic gaps in the long-term care continuum serving seniors, people with disabilities, and people with behavioral health needs. Under this joint RFA, the State made available just over \$1 billion through the Behavioral Health Continuum Infrastructure Program and the Community Care Expansion Program.

Behavioral Health Continuum Infrastructure Program (BHCIP)

DHCS was authorized through 2021 legislation to establish BHCIP and award \$2.2 billion to construct, acquire, and expand properties and invest in mobile crisis infrastructure related to behavioral health. DHCS is releasing these funds through six grant rounds targeting various gaps in the state's behavioral health facility infrastructure. Through this joint RFA,

DHCS made available \$518.5 million for launch ready behavioral health infrastructure projects. This funding was announced January 31, 2022, and applications were due on April 8, 2022. In the published RFA, awards were supposed to be announced as early as May 2022; however, BHCIP awards were not announced until late June 2022.

Community Care Expansion (CCE)

The CCE program was established by Assembly Bill No. 172 (Chapter 20, Statutes of 2021) to provide \$805 million in funding for acquisition, construction, and rehabilitation to preserve and expand adult and senior care facilities that serve low-income individuals, including those who are experiencing homelessness or at risk of homelessness.

Through this joint RFA, CDSS made available \$570 million to preserve and expand adult and senior care facilities. This funding was announced January 31, 2022, and applications were due on a rolling basis starting February 15, 2022. In the published RFA, awards were supposed to be announced beginning March 2022; however, at the time of this staff report writing, formal awards were yet to be announced.

A complete list of eligible services under BHCIP and CCE can be found in Attachment IV.

Locally supported projects

Under the joint RFA, three Hayward serving nonprofits applied for funding. The City submitted letters of support for each of these projects.

St. Rose Hospital Crisis Stabilization Unit: Saint Rose Medical Building, Inc., a nonprofit subsidiary of St. Rose Hospital, applied for BHCIP funding to develop a Crisis Stabilization Unit adjacent to the St. Rose hospital campus. St. Rose Hospital was not awarded funding for this program.

La Familia Crisis Stabilization Unit and Crisis Rehabilitation Treatment: La Familia applied for BHCIP funding to develop a co-located crisis stabilization unit and crisis rehabilitation treatment program on Mocine Avenue. La Familia was awarded funding for this program.

BACS Behavioral Health Campus at St. Regis: BACS applied for BHCIP and CCE funding to acquire the St. Regis retirement center and develop a holistic campus of behavioral health treatment, crisis services, and supportive housing. BACS was not awarded BHCIP funding for this program. At the time of this staff report writing, CCE funding has not been formally announced.

Due to State delays announcing funding, it was necessary for BACS to request a closing extension from the property owner, changing the closing date from July 18 to August 29, 2022. As part of the extended closing date, BACS agreed to pay a \$5 million down payment to the property owner. BACS has already paid \$500,000 to the property owner and will pay an additional \$2.5 million at closing on August 29, 2022.

As BACS did not receive BHCIP funding for this project, there was a funding gap of \$7.9 million needed to acquire the St. Regis property. The County of Alameda has committed to funding the majority of the gap (approximately \$7.1 million), and Eden Township Healthcare District has verbally committed to allocating a \$250,000 towards the closing gap.

Staff have identified \$627,000 in available Community Development Block Grant (CDBG) funds to contribute to the closing gap. Allocating these grant funds to the project aligns with the City's current and past Annual Action Plans under the "Acquisition" and "Housing" project categories. Council has previously authorized the use of CDBG funds for acquisition activities to support community development and production of affordable housing. Staff recommend Council approve the appropriation of these grant funds to BACS for the acquisition of the property (Attachment II).

BACS has requested a \$2 million loan from the City of Hayward for the remainder of the down payment. Should BACS receive CCE funding, the loan will be repaid to the City by December 31, 2022. Staff will work with BACS to identify a reasonable repayment plan should there be a delay in CCE funding for the St. Regis project.

DISCUSSION

Staff recommends the City Council authorize the City Manager to negotiate and execute a \$2 million loan to BACS for the acquisition of the St. Regis retirement center (Attachment III). Outlined below are additional details on the property and existing residents, proposed service model, and benefits to Hayward and Alameda County.

Property details: The St. Regis retirement center is located at 23950 Mission Boulevard and currently serves as a 158 (194 bed) senior independent living, assisted living, and memory care facility. The current site is less than 50% occupied. BACS has budgeted \$500,000 for transitional financial support and will work with existing residents and neighboring Hayward facilities on transition planning for the current residents and has 6-8 months from close of escrow to transition all residents.

Proposed Service Model: Pending award of CCE funding, the St. Regis behavioral health campus will include 46-units of interim housing for individuals experiencing homelessness, ~70 units of permanent supportive housing for residents with high medical and clinical support needs, and a 40-bed Board and Care facility for individuals with acute needs.

BACS intends to reapply for the next round of BHCIP funding to additionally develop a Mental Health Rehabilitation Center, Adult Residential Transitional Housing, and potentially a crisis stabilization unit in a separate facility on the property. The anticipated CCE funding will allow for site control and likely make BACS more competitive for BHCIP funding for the St. Regis site.

Benefits to Hayward and Alameda County: This project aligns with and supports existing programs and infrastructure in Hayward. The St. Regis project will increase the Countywide inventory of behavioral health services, including potentially drop-off crisis services for the

Hayward Police Department and Hayward Fire Department. Additionally, the St. Regis project will increase the inventory of Permanent Supportive Housing (PSH) beds in Alameda County for medically fragile and aging individuals. According to the County's Home Together 2026 plan, Alameda County needs approximately 3,190 targeted PSH beds over the next five years to meet system needs, including 767 in Mid-County.

ECONOMIC IMPACT

There is a positive economic impact with providing services for low-income individuals with complex behavioral, medical, and social needs. Creating long-term housing options with targeted supportive services can reduce the prevalence of "high utilizers" of emergency services, ultimately reducing local crisis response costs. Furthermore, upgrading and expanding the use of the current facility will create additional job opportunities for individuals with a wide range of certifications and experience.

FISCAL IMPACT

This item has a short-term, \$2 million impact on the General Fund. There is insufficient budget appropriation in FY 2023 to cover the \$2 million short-term loan. Staff recommends that Council approve an additional appropriation in the General Fund in the amount of \$2 million. BACS intends to pay the City back by or before December 31, 2022, at which time the General Fund will be reimbursed for the issuance of the short-term loan. Staff will work with BACS to create an agreement and identify a reasonable repayment plan should there be a delay in CCE funding for the St. Regis project.

Staff identified \$627,000 in available CDBG funds for this project. Allocating these funds aligns with the City's current and past Annual Action Plans under the "Acquisition" and "Housing" project categories and will support the City in meeting HUD's timely expenditure requirements.

STRATEGIC ROADMAP

This item supports Strategic Roadmap item H2, to implement the Let's House Hayward! homelessness reduction strategic plan. Within the Let's House Hayward! plan, this item supports:

- **Strategy 2.4:** Increase Diversity and Availability of Holistic Supportive Services
- **Strategy 3.2:** Prioritize the Development of Housing Targeted to People Experiencing Homelessness

PUBLIC CONTACT

This item is related to the Let's House Hayward (LHH) Strategic Plan, under Strategy 2.1, to Expand Housing-Focused Shelter Capacity through continued oversight and management of the Hayward Navigation Center. Through the LHH process, Homepage, City staff, and partners throughout the Hayward community worked together to engage a diverse set of

stakeholders to inform the plan's goals, strategies, and specific activities for achieving its goals.¹

Prepared by: Jessica Lobedan, Management Analyst

Recommended by: Jennifer Ott, Assistant City Manager
Dustin Claussen, Director of Finance

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

¹ For more information on the Let's House Hayward! Strategic Plan process, please visit <https://www.haywardca.gov/lets-house-hayward>

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION APPROPRIATING A \$627,554 COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) AWARD TO BAY AREA COMMUNITY SERVICES
(BACS) TO ACQUIRE THE ST. REGIS RETIREMENT CENTER

WHEREAS, in January 2022, the California Department of Health Care Services (DHCS) and the California Department of Social Services (CDSS) announced a joint Request for Applications (RFA) to expand the State's behavioral health infrastructure and address historic gaps in the long-term care continuum serving seniors, people with disabilities, and people with behavioral health needs; and

WHEREAS, under this joint RFA, the State made available \$518.5 million for launch ready behavioral health infrastructure projects through the Behavioral Health Continuum Infrastructure Program (BHCIP); and

WHEREAS, under this joint RFA, the State made available \$570 million to preserve and expand adult and senior care facilities through the Community Care Expansion (CCE) program; and

WHEREAS, BACS applied for both BHCIP and CCE funding to acquire the St. Regis retirement center located at 23950 Mission Boulevard and develop a holistic campus of behavioral health treatment and crisis services and supportive housing; and

WHEREAS, BACS did not receive BHCIP funding which left a \$7.9 million closing gap; and

WHEREAS, the Housing and Community Development Act of 1974 makes Community Development Block Grant (CDBG) funds available to qualified cities for certain community development activities, and the City of Hayward is qualified to receive certain funds pursuant to said act; and

WHEREAS Council approved Resolutions 22-107, 21-057, and 19-095, authorizing the use of CDBG funds for acquisition activities to support community development and production of affordable housing; and

WHEREAS, staff have identified \$627,554 in available and eligible CDBG funds from FY 2019, FY 2021, and FY 2023 to contribute to this closing gap; and

WHEREAS, Eden Township Healthcare District has identified \$250,000 to grant towards this closing gap; and

WHEREAS, the County of Alameda has committed to fund the remainder of the closing gap;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward appropriates a \$627,554 CDBG award to BACS to acquire the St. Regis retirement center.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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. 22-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND APPROVE A \$2 MILLION LOAN TO BAY AREA COMMUNITY SERVICES (BACS) FOR DOWN PAYMENT ASSISTANCE TO ACQUIRE ST. REGIS RETIREMENT CENTER

WHEREAS, in January 2022, the California Department of Health Care Services (DHCS) and the California Department of Social Services (CDSS) announced a joint Request for Applications (RFA) to expand the State's behavioral health infrastructure and address historic gaps in the long-term care continuum serving seniors, people with disabilities, and people with behavioral health needs; and

WHEREAS, under this joint RFA, the State made available \$518.5 million for launch ready behavioral health infrastructure projects through the Behavioral Health Continuum Infrastructure Program (BHCIP); and

WHEREAS, under this joint RFA, the State made available \$570 million to preserve and expand adult and senior care facilities through the Community Care Expansion (CCE) program; and

WHEREAS, BACS applied for both BHCIP and CCE funding to acquire the St. Regis retirement center located at 23950 Mission Boulevard and develop a holistic campus of behavioral health treatment and crisis services and supportive housing; and

WHEREAS, BACS did not receive BHCIP funding which left a \$7.9 million closing gap; and

WHEREAS, staff have identified funding \$627,554 in available Community Development Block Grant (CDBG) funds from FY2019, FY2021, and FY2023 to contribute to this closing gap; and

WHEREAS, this is an allowable CDBG expenditure under CDBG "Acquisition" and "Housing" project categories in previous Annual Action Plans authorized by Council;

WHEREAS, Eden Township Healthcare District has identified \$250,000 to grant towards this closing gap; and

WHEREAS, the County of Alameda has committed to fund the remainder of the closing gap;

WHEREAS, due to State delays announcing funding, it was necessary for BACS to request a closing extension from the property owner, changing the closing date from July 18th, 2022 to August 29th, 2022; and

WHEREAS, as part of the extended closing date, BACS agreed to pay a \$5 million down payment to the property owner, of which BACS has already paid \$500,000 to the property owner and will pay an additional \$2.5 million at closing on August 29, 2022; and

WHEREAS, on July 28, 2022, the City of Hayward received a request from BACS for a \$2 million loan for the remainder of the down payment; and

WHEREAS, should BACS receive CCE funding, the \$2 million loan will be repaid to the City by December 31, 2022; and

WHEREAS, staff will work with BACS to identify a reasonable repayment plan should there be a delay in CCE funding for the St. Regis project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward authorizes the City Manager to negotiate and approve a \$2 million loan to BACS for down payment assistance to acquire St. Regis retirement center.

FURTHER IT BE RESOLVED, that the City Council for City of Hayward authorizes the amendment to the budget resolution, Resolution 22-146, for the FY 2023 Operating Budget, increasing the budget appropriation by \$2 million in the General Fund.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

Outpatient Services (includes a variety of settings delivering clinical support services, but not overnight residential services)		
	BCHIP	CCE
Community wellness centers (including those that are youth focused)	x	
Hospital-based outpatient treatment (outpatient detoxification/withdrawal management)	x	
Intensive outpatient treatment	x	
Narcotic Treatment Programs (NTPs)	x	
NTP medication units	x	
Office-based outpatient treatment	x	
Sobering centers (funded under DMC-ODS and/or Community Supports)	x	

Residential Clinical Programs (includes a variety of settings primarily focused on delivering clinical services; also provide shelter and support, from overnight to many days, weeks, and months)		
	BCHIP	CCE
Acute inpatient hospitals—medical detoxification/withdrawal management (medically managed inpatient detoxification/withdrawal management facility)	x	
Acute psychiatric inpatient facilities	x	
Adolescent residential treatment facilities for SUD	x	
Adult residential treatment facilities for SUD	x	
Chemical dependency recovery hospitals	x	
Children’s crisis residential programs (CCRPs)	x	
Community treatment facilities (CTFs)	x	
Crisis stabilization units (CSUs)	x	
General acute care hospitals (GACHs) and acute care hospitals (ACHs)	x	
Mental health rehabilitation centers (MHRCs)	x	
Psychiatric health facilities (PHFs)	x	
Short-term residential therapeutic programs (STRTPs)	x	
Skilled nursing facilities with special treatment programs (SNFs/STPs)	x	
Social rehabilitation facility (SRF)	x	

Residential Support Programs		
BHCIP-funded facilities listed here are primarily focused on shelter and support services, from overnight to many months; funded facilities are required to serve Medi-Cal recipients. CCE will fund adult and senior care settings that provide care and support to seniors and adults with disabilities.		
	BHCIP	CCE
Peer respite	x	x
Recovery residence/sober living homes	x	x
Adult residential facilities (ARFs)		x
Residential care facilities for the elderly (RCFE)		x
Permanent supportive housing (PSH) that serves the needs of seniors and adults with disabilities (including models that provide site-based care, such as Program for All Inclusive Care for the Elderly [PACE] and the Assisted Living Waiver programs)		x
Other residential care settings that serve the target population, including recuperative care sites		x