

# **CITY OF HAYWARD**

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



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Tuesday, January 24, 2023**

**7:00 PM**

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

**City Council**

**CITY COUNCIL MEETING**

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

*How to observe the Meeting:*

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

*How to submit written Public Comment:*

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

2. Send an email to [List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov) by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 3:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

*How to provide live Public Comment during the City Council Meeting:*

Participate in the Council Chambers or click link below to join the meeting:  
<https://hayward.zoom.us/j/89131610467?pwd=UVd1VW5SWHJubjczOG90cmVRbHdLdz09>

Meeting ID: 891 3161 0467

Password: CC1/24@7pm

or

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

Meeting ID: 891 3161 0467

Password: 2768236011

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

**CALL TO ORDER: Mayor Salinas**

**Pledge of Allegiance: Council Member Syrop**

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**PRESENTATION**

Alameda County Mosquito Abatement District: Presentation by General Manager Clausnitzer

**PUBLIC COMMENTS**

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

**CITY MANAGER'S COMMENTS**

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

**ACTION ITEMS**

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

**CONSENT**

1.     [MIN 23-011](#)     Approve the City Council Minutes of the Special City Council Meeting on January 3, 2023  
  
      **Attachments:**   [Attachment I Draft Minutes of 1/3/2023](#)
2.     [MIN 23-012](#)     Approve the City Council Minutes of the Special City Council Meeting on January 9, 2023  
  
      **Attachments:**   [Attachment I Draft Minutes of 1/9/2023](#)
3.     [CONS 23-028](#)     Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Professional Services Agreement with Gray-Bowen-Scott for Transportation Engineering Services in the Amount of \$120,000, for a Total Not-To-Exceed Amount of \$270,000, and Extending the Termination Date to December 31, 2023  
  
      **Attachments:**   [Attachment I Staff Report](#)  
                              [Attachment II Resolution](#)

4.     [CONS 23-032](#)     Adopt a Resolution Approving Addendum No. 1, and Awarding a Construction Contract to Silicon Valley Paving, Inc., for the Municipal Parking Lot No. 8 Improvement, Project No. 05740 in the Amount of \$466,950.75, and Authorizing a Construction Contingency Change Order Budget of \$93,049.25

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

5.     [CONS 23-033](#)     Adopt a Resolution Approving the Plans and Specifications and Calling for Bids for the Safe Routes to School Project, Project No. 05319

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Location & Proposed Improvements](#)

6.     [CONS 23-035](#)     Adopt a Resolution Increasing the Construction Contract with GSW Construction, Inc, Contract No. 23054, by \$34,000 for a Total Not-To-Exceed Amount of \$241,500 for the Trash Capture Device Installation on Cotter Way Project No. 07675

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

7.     [CONS 23-047](#)     Adopt a Resolution Authorizing the City Manager to Award a Contract to Carbon Supply Inc. for Bio-Gas Conditioning System Media Replacement Project No. 07618 in an Amount Not-to-Exceed \$319,800

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Removal Vessel Photos](#)

8.     [CONS 23-043](#)     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](#)



9.        [CONS 23-046](#)      Adopt a Resolution Appointing Ms. Karla Goodbody to Fill the Unexpired Term of Former Planning Commissioner Julie Roche and Appointing Ms. Anika Patterson to Fill the Unexpired Term of Former Planning Commissioner Dan Goldstein, and Confirming the Selection of Ms. Shanta Franco-Clausen as the Alternate for a Term Ending July 2023

**Attachments:**    [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Notice of Vacancy](#)  
                          [Attachment IV News Release](#)  
                          [Attachment V List of Applicants](#)  
                          [Attachment VI Nomination Matrix](#)

## WORK SESSION

*Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.*

10.       [WS 23-002](#)        Hayward Residential Design Study: Parking Analysis for Hayward Residential Design Study (Report from Acting Development Services Director Buizer)

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

## COUNCIL REPORTS AND ANNOUNCEMENTS

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

**COUNCIL REFERRALS**

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

**ADJOURNMENT****NEXT MEETING, February 7, 2023, 7:00 PM****PUBLIC COMMENT RULES**

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

**PLEASE TAKE NOTICE**

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

**PLEASE TAKE FURTHER NOTICE**

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

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

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

*Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.*



# CITY OF HAYWARD

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**File #:** MIN 23-011

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**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Approve the City Council Minutes of the Special City Council Meeting on January 3, 2023

**RECOMMENDATION**

That the Council approves the special City Council meeting minutes of January 3, 2023.

**SUMMARY**

The City Council held a meeting on January 3, 2023.

**ATTACHMENTS**

Attachment I Draft Minutes of January 3, 2023



## **SPECIAL CITY COUNCIL MEETING**

**777 B Street, Hayward, CA 94541**

**Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/81713507763?pwd=NzVGZ0JGaGVjNWNieXVnN0MwV2gzZz09>

**Tuesday, January 3, 2023, 5:30 p.m.**

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The City Council meeting was called to order by Mayor Salinas at 5:30 p.m. The City Council held a virtual meeting via the Zoom platform.

**Pledge of Allegiance:** Council Member Andrews

Present: COUNCIL MEMBERS Andrews, Márquez, Roche, Syrop, Zermeno  
MAYOR Salinas

Absent: None

### **PUBLIC COMMENTS**

There were none.

### **CITY MANAGER'S COMMENTS**

City Manager McAdoo shared the City had issued an alert to the community about the upcoming storm, announced that A Street was partially closed due to the road collapse, shared that sandbags were available to Hayward residents and businesses at a sandbag location in front of the Hayward Animal Shelter at 16 Barnes Court, noted that individuals could contact the Hayward Streets and Landscape divisions for flooding or downed tree incidents and the Hayward Police Department for non-emergency incidents, and mentioned the City was prioritizing response to hazardous incidents.

In response to inquiries from members of the City Council, City Manager McAdoo noted City staff were working overtime to address community needs; City staff would coordinate with County staff to place signs advising motorists of roads being blocked off and re-routing options; the City would release shelter and resources information for the unhoused community; and the Alameda County Flood Control at 951 Turner Court was another place where sandbags were available.

### **CONSENT**

1. 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 **CONS 23-003**

Staff report submitted by City Clerk Lens and Sr. Assistant City Attorney Vigilia, dated January 3, 2023, was filed.

It was moved by Council Member Andrews, seconded by Council Member Márquez, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Márquez, Roche, Syrop, Zermeño  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 23-001, "Resolution Making the Required Findings  
Pursuant to AB 361 to Continue to Hold Teleconferenced Public  
Meetings During the COVID 19 State of Emergency"

## **LEGISLATIVE BUSINESS**

### **2. City Council Vacancy: Update on Appointment Process to Fill Two-Year City Council Vacancy LB 23-001**

Staff report submitted by City Clerk Lens, dated January 3, 2023,  
was filed.

City Clerk Lens provided a synopsis of the staff report.

Discussion ensued among members of the City Council and City staff regarding the pre-selection, nomination, and interview process. Members of the City Council commended staff on the staff report.

Council Member Zermeño recommended that the top three applicants to receive the most nominations from Council be invited to interview with Council.

In response to Council Member Syrop's request for the list of unqualified applicants, City Clerk Lens noted the information would be made available to the City Council.

Members of the Council agreed that interviews be conducted in-person unless applicants had extenuating circumstances or family emergencies requiring accommodations.

Mayor Salinas opened the public comment period at 6:11 p.m.

Mr. Marty Froomin commented that due to there being forty-five qualifying applicants and each of the six members of the City Council having the ability to make five nominations, there was the possibility of many applicants receiving a nomination.

Mayor Salinas closed the public comment period at 6:13 p.m.

Council Member Syrop suggested that language around the highest three nominees might address the potential for each member to choose five different individuals.



## SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform (Zoom)

<https://hayward.zoom.us/j/81713507763?pwd=NzVGZ0JGaGVjNWNieXVnN0MwV2gzZz09>

Tuesday, January 3, 2023, 5:30 p.m.

Council Member Márquez underscored the high volume of applications received in a short timeframe and expressed interest in having the ability to interview three to five candidates as this would give a good breadth of the individuals' experience, interest, and ability to serve at the City Council level.

Council Member Roche was amazed that forty-five applications had been received and agreed that at least five applicants be interviewed as suggested by staff to give an opportunity to more people from the applicants list.

Council Member Andrews was interested in ranking the top five applicants and acknowledged the work done by staff to compile the digital binder over the holidays.

Mayor Salinas supported nominating three to five candidates and commented that the digital binder contained applicants' experience across the board.

Council Member Syrop thanked staff for compiling the report and applications, favored interviewing five applicants, agreed with a ranking system to avoid having an overlap, suggested having weighted voting and establishing a threshold score.

Discussion ensued about setting a threshold score, having weighted ranking and interview questions.

Mayor Salinas reiterated that members of the City Council would not rank candidates but would nominate three to five applicants and submit the names to the City Clerk by noon on January 5, 2023, and the City Clerk would invite selected candidates for interviews.

In response to Council Member Zermeño's inquiry about the nomination matrix, City Clerk Lens responded that the information would be made public via the interview process.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried by the following roll call vote, to approve that each member of the City Council would select up to five applicants and individually notify their selection to the City Clerk by noon on January 5, 2023, and the City Clerk would invite applicants who receive three or more points to interview with the City Council.

AYES:	COUNCIL MEMBERS Andrews, Márquez, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

## **COUNCIL REPORTS AND ANNOUNCEMENTS**

Assistant City Manager Claussen stated that referrals for unhoused individuals, including rooms at the Vagabond Inn, were made available based on referrals received from partner agencies; and added that additional rooms would be available for individuals displaced by the storms via the City's Emergency Operations Center.

Council Member Syrop shared that the Bay Area Community Services and South Hayward Parish were accepting donations for unhoused individuals such as plastic shoe covers, pocket warmers, ponchos, umbrellas, and raincoats.

Mayor Salinas shared that the Kids' Breakfast Club had prepared and served breakfast at the Burbank Elementary School during the winter break; and also acknowledged the Mt. Eden High School Puente Project Club students who prepared breakfast during their winter break.

Council Member Márquez shared that Alameda County Sheriff Yesenia Sanchez was sworn into office as the twenty-third sheriff in Alameda County, recognized she was from the community and noted there were opportunities for the Alameda County Sheriff's Office and the Hayward Police Department to partner.

## **COUNCIL REFERRALS**

There were none.

## **ADJOURNMENT**

Mayor Salinas adjourned the special meeting at 6:31 p.m.

## **APPROVED**

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Mark Salinas  
Mayor, City of Hayward

## **ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward



# CITY OF HAYWARD

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**File #:** MIN 23-012

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**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Approve the City Council Minutes of the Special City Council Meeting on January 9, 2023

**RECOMMENDATION**

That the Council approves the City Council meeting minutes of January 9, 2023.

**SUMMARY**

The City Council held a meeting on January 9, 2023.

**ATTACHMENTS**

Attachment I Draft Minutes of January 9, 2023





## **SPECIAL CITY COUNCIL MEETING**

**777 B Street, Hayward, CA 94541**

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

<https://hayward.zoom.us/j/85689313527?pwd=NEc5NUFKNFJXT1UyZlpta2Nvb1huQT09>

**Monday, January 9, 2023, 5:30 p.m.**

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The special City Council meeting was called to order by Mayor Salinas at 5:30 p.m. The City Council held a hybrid meeting in Council Chambers and virtually via Zoom.

**Pledge of Allegiance:** Council Member Márquez

Present: COUNCIL MEMBERS Andrews, Márquez, Roche, Syrop, Zermeño  
MAYOR Salinas

Absent: None

### **PUBLIC COMMENTS**

The following individuals expressed support for appointing Mr. Dan Goldstein to Council Member noting he represented a broad section of the community; had served on the Planning Commission and other Council appointed groups; was a Council candidate on the November 2022 Municipal Election ballot and garnered enough votes to be in third place; was a member of the Hayward Education Foundation; wanted to enhance the quality of life in Hayward by placing time and effort into schools, businesses, and community safety; had a strong business background; and exhibited qualities of a leader including patience.

Dr. Bob Carlson, former Hayward Unified School District Board Trustee

Mr. Frank Ferral, Hayward Chamber of Commerce CEO

Mr. Lawrence Ratto, retired Hayward Council Member

Mr. Eddie Alvarez, Alameda County Building and Construction Trades Council representative

Mr. John Varga, International Federation of Professional and Technical Engineers Local 21 representative

Mr. Brian Werner, Sheet Metal Workers' Local 104 representative

Sgt. Faye Maloney, Hayward Police Officers Association representative

Mr. Sean Kyle, International Brotherhood of Electrical Workers Local 595 representative

Mr. Jason Lindsey, Ironworkers 378 representative

Mr. Robert Stevens, Planning Commissioner

Mr. Matthew Goldstein

Mr. Bill Espinola

Mr. Danny Vickers, Hayward Firefighters Local 1909 Executive Board Member

Mr. Ben Yee, Fremont Planning Commissioner

The following individuals expressed support for appointing Ms. Artavia Berry to Council Member noting she had served the community starting in ministry work and moving into non-profit work in education and homelessness; was instrumental in the organization of early literacy to scholars at Harder Elementary School; has demonstrated a deep commitment for advancing partnerships, resources and politics that protect the most vulnerable; serves on the Community Services Commission; and is community oriented with a strong focus towards equity.

Ms. Joy Mitchell

Ms. Janevett Cole, Hayward Promise Neighborhood representative and Alameda County Board of Education Trustee

Ms. RocQuel Johnson, Black Women Organized for Political Action - Hayward/South County Chapter  
Ms. Sharae Green

The following individuals expressed support for appointing Mr. Ray Bonilla Jr. to Council Member noting he has worked on high profile regional and national resilience initiatives; served as Kaiser's National Resilience Director and elevated the application of community resilience policy and equity in the Bay Area and in the nation; was an appointed member of the Resilient America Roundtable that advises the White House and Congress on resilience public policy and implementation in communities; was appointed by the Johns Hopkins University Center to the project advisory board where he guided the development of a health equity playbook for local government officials; was born and raised in Hayward; was involved with City initiatives for over twenty years serving on the Hayward Youth Commission, Citizens Advisory Commission, Community Services Commission and currently the Planning Commission; he understands the diverse experiences of working class families in Hayward; he will center equity in most marginalized communities; is a product of Hayward schools; and a proud member of the LGBTQ community.

Ms. Arrietta Chakos, former City of Berkeley official

Ms. Rachel Zargar, Community Services Commission Vice Chair

Mr. Chris Pangelina

Ms. Crystal Araujo former Community Services Commission member

Mr. Rambo Ramos expressed he was one of fifty-six candidates who applied to fill the vacancy and was disappointed that only five applicants were invited for an interview; spoke about his qualifications; noted he had worked for the Newark Police Department and Union City Police Department; and requested to review the questionnaire section of submitted applications.

Ms. TJ, Hayward Concerned Citizens member, stated that the interview process had narrowed down the choices to the usual people to ensure that City initiatives move along; and suggested that for future vacancy considerations, that the Council select an equal number of ordinary community members as persons holding a commission position to make the process more equitable.

Mr. Jesse Gunn supported appointing Mr. Austin Bruckner to Council Member noting he has experience in serving the community through the creation of Castro Valley Pride and the LGBTQ community might benefit by having representation on the Council.

## **CITY MANAGER'S COMMENTS**

City Manager McAdoo advised the community to be careful when traveling due to the storm; stated that sandbags were available for residents at the Hayward Animal Shelter, reported that the Weekes Branch library had been closed due to water damaging the roof and leaking into the building, and suggested that the community monitor the City's website for updates.



## SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

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

<https://hayward.zoom.us/j/85689313527?pwd=NEc5NUFKNFJXT1UyZlpta2Nvb1huQT09>

**Monday, January 9, 2023, 5:30 p.m.**

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### ACTION ITEMS

1. City Council Vacancy: Selection and Appointment Process for Two-Year Council Seat **APPT 23-001**

Staff report submitted by City Clerk Lens, dated January 9, 2023, was filed.

City Clerk Lens provided a synopsis of the staff report.

Mayor Salinas confirmed for Council Member Syrop that the City Council could take a brief break following the interviews.

Mayor Salinas thanked and commended all candidates for applying and their interest to serve the Hayward community; and stressed the appointment process was a public process and members of the Council had the responsibility to select and appoint a new Council Member.

Mayor Salinas and City Clerk Lens conducted a random draw of names in the Council Chambers to determine applicants' interview order and Mayor Salinas announced the order as follows: Artavia Berry, Austin Bruckner, Daniel Goldstein, Aiden Ali-Sullivan, and Ray Bonilla Jr.

All candidates, except for Ms. Artavia Berry, were escorted to a conference room to wait for their turn to be interviewed by Council. Each Council Member candidate was allocated three minutes to present their qualifications and discuss their candidacy, twenty-five minutes to answer questions, and two minutes to make closing remarks.

Interviews commenced in the Council Chambers at 6:36 p.m. and concluded at 8:15 p.m.

Mayor Salinas commended all applicants and underscored their competency in how the city operates; added that that unsuccessful candidates would make great candidates in the future; and appreciated the level of professionalism and collegiality exhibited by all five applicants.

Mayor Salinas opened the nomination period at 8:19 p.m.

It was moved by Council Member Márquez, seconded by Council Member Syrop, and carried by the following roll call vote, to open the nomination process.

AYES:	COUNCIL MEMBERS Andrews, Márquez, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Members of the City Council commended all applicants for their wiliness to serve the Hayward community and for outstanding interviews; and addressed each applicant invited for an interview.

Mayor Salinas, using the Mayor's prerogative, nominated Mr. Daniel Goldstein.

Council Member Roche nominated Mr. Bonilla Jr.

Council Member Syrop nominated Ms. Artavia Berry.

It was moved by Council Member Márquez, seconded by Council Member Roche, and carried by the following roll call vote, to close the nomination period.

AYES:	COUNCIL MEMBERS Andrews, Márquez, Roche, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	COUNCIL MEMBER Syrop

Mayor Salinas asked for a vote on Council Member Syrop's nomination of Ms. Artavia Berry.

AYES:	COUNCIL MEMBER Syrop
NOES:	COUNCIL MEMBERS Márquez, Zermeño
ABSENT:	None
ABSTAIN:	COUNCIL MEMBERS Andrews, Roche, MAYOR Salinas

Mayor Salinas announced that Council Member Syrop's nomination of Ms. Artavia Berry failed due to a lack of four votes.



## SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

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

<https://hayward.zoom.us/j/85689313527?pwd=NEc5NUFKNFJXT1UyZlpta2Nvb1huQT09>

**Monday, January 9, 2023, 5:30 p.m.**

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Mayor Salinas asked for a vote on Council Member Roche's nomination of Mr. Ray Bonilla Jr.

AYES:	COUNCIL MEMBER Roche, Syrop
NOES:	COUNCIL MEMBERS Márquez
ABSENT:	None
ABSTAIN:	COUNCIL MEMBERS Andrews, Zermeno MAYOR Salinas

Mayor Salinas announced that Council Member Roche's nomination of Mr. Ray Bonilla Jr. failed due to a lack of four votes.

Mayor Salinas asked for a vote on his nomination of Mr. Daniel Goldstein.

AYES:	COUNCIL MEMBER Andrews, Márquez, Roche, Zermeno MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	COUNCIL MEMBER Syrop

Mayor Salinas announced that the nomination of Mr. Daniel Goldstein passed due to five votes in support of the nomination. He congratulated Mr. Goldstein on his appointment to the City Council.

## LEGISLATIVE BUSINESS

### 2. Resolution Appointing a Council Member for the City of Hayward **LB 23-005**

Staff report submitted by City Clerk Lens, dated January 9, 2023, was filed.

There being no oral staff report nor public comment, Mayor Salinas proceeded to call for a vote on the resolution.

It was moved by Council Member Zermeno, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolution.

AYES:	COUNCIL MEMBERS Andrews, Márquez, Roche, Syrop, Zermeno MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 23-002, "Resolution Appointing Dan Goldstein as  
Council Member for the City of Hayward"

City Clerk Lens administered the oath of affirmation to Council Member Goldstein.

**COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Goldstein thanked those who supported, encouraged, provided their wisdom, knowledge and insights to him; thanked members of the City Council acknowledging that it was a tough decision and a rigorous process; thanked those who competed for the appointment; underscored the need for committed individuals such as the applicants in order for Hayward to continue to make progress; and specially recognized his daughter and son for their outstanding support during the process.

City Manager McAdoo stated that the swearing-in of Council Member Goldstein was not audible online as there was no microphone. City Clerk Lens re-administer the oath of office at the request of Council Member Goldstein and Mayor Salinas.

Mayor Salinas shared that there was a photographer in the Council Chambers who would be taking a group photograph of the City Council, thanked all for attending and participating in the meeting, congratulated Council Member Goldstein, and thanked his colleagues for participating in the appointment process.

**COUNCIL REFERRALS**

There were none.

**ADJOURNMENT**

Mayor Salinas adjourned the special meeting at 8:55 p.m.

**APPROVED**

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Mark Salinas  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward



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**File #:** CONS 23-028

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**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Professional Services Agreement with Gray-Bowen-Scott for Transportation Engineering Services in the Amount of \$120,000, for a Total Not-To-Exceed Amount of \$270,000, and Extending the Termination Date to December 31, 2023

**RECOMMENDATION**

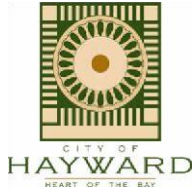
That Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 3 to the Professional Services Agreement (PSA) with Gray-Bowen-Scott (GBS) for transportation engineering services, increasing the amount by \$120,000, for a total not-to-exceed (NTE) contract amount of \$270,000, and extending the termination date to December 31, 2023.

**SUMMARY**

The City entered into a PSA with GBS on December 13, 2021 to assist with transportation engineering services. GBS has extensive experience in providing professional services for transportation engineering services in the Bay Area. Due to staff vacancies and continued significant transportation engineering workload, staff is requesting an amendment to continue receiving these services.

**ATTACHMENTS**

Attachment I Staff Report  
Attachment II Resolution



**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Professional Services Agreement with Gray-Bowen-Scott for Transportation Engineering Services in the Amount of \$120,000, for a Total Not-To-Exceed Amount of \$270,000, and Extending the Termination Date to December 31, 2023

## **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 3 to the Professional Services Agreement (PSA) with Gray-Bowen-Scott (GBS) for transportation engineering services, increasing the amount by \$120,000, for a total not-to-exceed (NTE) contract amount of \$270,000, and extending the termination date to December 31, 2023.

## **SUMMARY**

The City entered into a PSA with GBS on December 13, 2021 to assist with transportation engineering services. GBS has extensive experience in providing professional services for transportation engineering services in the Bay Area. Due to staff vacancies and continued significant transportation engineering workload, staff is requesting an amendment to continue receiving these services.

## **BACKGROUND**

The City is currently experiencing a staffing shortage in the Public Works & Utilities-Transportation Division, including vacant Deputy Director of Public Works-Transportation and Senior Transportation Engineer positions. Regional and state funding is key to implementing Council priorities related to traffic calming study measures, pedestrian traffic signal improvements, Safe Routes to Schools and Safe Routes for Seniors efforts. The City is eligible for funding assistance to implement some of these projects, which will improve safety, accessibility and walkability for the community, but it will be a challenge to secure funds without knowledgeable consultant support.



Due to current staffing shortages, the City needs assistance in preparing projects and funding documents to obtain available funds for needed transportation-related projects. GBS is well positioned to represent the City in negotiations with entities such as Caltrans, Alameda County Transportation Commission, Metropolitan Transportation Commission, and the Federal Highway Administration. This is a highly specialized field that requires knowledge of project development and funding sources and negotiations, in addition to technical transportation engineering. GBS has strong working relationships with regional and state transportation agencies and will provide the City with services needed to secure funding and move critical projects forward.

On December 13, 2021, the PSA with GBS was approved in the amount of \$70,000, which expired on March 31, 2022. On April 5, 2022, the PSA was amended to a not-to-exceed amount of \$150,000 and an expiration date of September 30, 2022 through Resolution No. 22-075. The PSA was later amended in July 2022 to extend the agreement to June 30, 2023. The authorized funds have been largely spent with about \$10,000 remaining.

## **DISCUSSION**

The current PSA with GBS for transportation engineering services expires on June 30, 2023. Due to staff vacancies in Public Works & Utility's Transportation Division, and significant transportation engineering workload, staff anticipates that these services will continue to be required. GBS's advanced knowledge and experience in transportation engineering along with their familiarity with entities such as Caltrans, Alameda County Transportation Commission, Metropolitan Transportation Commission, and the Federal Highway Administration have assisted City staff in projects with imminent funding and delivery deadlines.

As such, staff requests approval of Amendment No. 3 to increase the contract amount by \$120,000, for a NTE amount of \$270,000. Staff also recommends extending the agreement end date to December 31, 2023 to allow staffing flexibility.

## **ECONOMIC IMPACT**

This PSA facilitates timely transportation projects in the City, which impacts and improves the local economy.

## **FISCAL IMPACT**

This item will be funded through realized salary savings. This item has no additional impact to the General Fund.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority to Improve Infrastructure by providing professional services to the Public Works & Utilities Department – Transportation Division by assisting with projects with imminent funding and delivery deadlines.

By receiving professional services from GBS, the City is taking steps to improve infrastructure within the City. This is facilitated through communication with entities such as Caltrans, Alameda County Transportation Commission, Metropolitan Transportation Commission, and the Federal Highway Administration and by assisting City staff in projects with imminent funding and delivery deadlines.

## **PUBLIC CONTACT**

No public contact has been made related to this amendment.

## **NEXT STEPS**

If Council approves this request, the City Manager will execute an Amendment No. 3 to the PSA with GBS to increase the PSA amount to \$270,000 and extend the agreement through December 31, 2023.

*Prepared by:* Manny Grewal, Management Analyst  
Kathy Garcia, Deputy Director of Public Works

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

Approved by:



---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH GRAY-BOWEN-SCOTT FOR TRANSPORTATION ENGINEERING SERVICES IN THE AMOUNT OF \$120,000, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$270,000, AND EXTENDING THE TERMINATION DATE TO DECEMBER 31, 2023

WHEREAS, the aforesaid parties have entered into that certain Agreement dated the 13<sup>TH</sup> day of December 2021, entitled "Agreement for Professional Services between the City of Hayward and Gray-Bowen-Scott (GBS) for Transportation Engineering Services" and,

WHEREAS, on April 5, 2022, Council adopted Resolution 22-075 which authorized a \$70,000 increase for a contract not-to-exceed \$150,000 and extended the agreement to September 30, 2022; and

WHEREAS, in July 2022, the agreement was extended through June 30, 2023; and

WHEREAS, the proposed contract amendment would allow GBS to continue to provide much needed staff augmentation support due to three key vacancies in the Transportation Division.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows that the City Manager is hereby authorized to execute Amendment No. 3 with Gray-Bowen-Scott for services in an amount not-to-exceed \$120,000, thereby increasing the total contract amount to a not-to-exceed amount of \$270,000, and extending the agreement termination date to December 31, 2023 in a form approved by the City Attorney.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



# CITY OF HAYWARD

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

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**File #:** CONS 23-032

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**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Approving Addendum No. 1, and Awarding a Construction Contract to Silicon Valley Paving, Inc., for the Municipal Parking Lot No. 8 Improvement, Project No. 05740 in the Amount of \$466,950.75, and Authorizing a Construction Contingency Change Order Budget of \$93,049.25

**RECOMMENDATION**

That the Council adopts a resolution (Attachment II) approving Addendum No.1 providing clarification to bidder questions, and awarding the construction contract to Silicon Valley Paving, Inc. in the amount of \$466,950.75 and authorizing a contingency change order budget of \$93,049.25 for a total not-to-exceed contract amount of \$560,000 for the Municipal Parking Lot No. 8 Improvement, Project No. 05740.

**SUMMARY**

On November 29, 2022, five (5) bids were received for the Municipal Parking Lot No. 8 (Muni Lot 8) Improvement Project. Silicon Valley Paving, Inc., of San Jose, submitted the low bid in the amount of \$466,950.75, which is 20.9% lower than the Engineer's Estimate of \$590,000. Tri Valley Excavating Co, Inc., of Sunol, submitted the second lowest bid in the corrected amount of \$469,787.25, which is 20.4% lower than the Engineer's Estimate. Kerex Engineering, Inc., of Martinez, submitted the third bid in the amount of \$509,950, which is 13.6% lower than the Engineer's Estimate.

The project is categorically exempt from environmental review under Section 15301(c) of the California Environmental Quality Act (CEQA) Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

On November 15, 2016, Council passed a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. Because the construction cost estimate for this Project is less than \$1,000,000, the CWA agreement does not apply.

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**File #:** CONS 23-032

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**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Location Map



DATE: January 24, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Approving Addendum No. 1, and Awarding a Construction Contract to Silicon Valley Paving, Inc., for the Municipal Parking Lot No. 8 Improvement, Project No. 05740 in the Amount of \$466,950.75, and Authorizing a Construction Contingency Change Order Budget of \$93,049.25

## RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) approving Addendum No.1 providing clarification to bidder questions, and awarding the construction contract to Silicon Valley Paving, Inc. in the amount of \$466,950.75 and authorizing a contingency change order budget of \$93,049.25 for a total not-to-exceed contract amount of \$560,000 for the Municipal Parking Lot No. 8 Improvement, Project No. 05740.

## SUMMARY

On November 29, 2022, five (5) bids were received for the Municipal Parking Lot No. 8 (Muni Lot 8) Improvement Project. Silicon Valley Paving, Inc., of San Jose, submitted the low bid in the amount of \$466,950.75, which is 20.9% lower than the Engineer's Estimate of \$590,000. Tri Valley Excavating Co, Inc., of Sunol, submitted the second lowest bid in the corrected amount of \$469,787.25, which is 20.4% lower than the Engineer's Estimate. Kerex Engineering, Inc., of Martinez, submitted the third bid in the amount of \$509,950 which is 13.6% lower than the Engineer's Estimate.

The project is categorically exempt from environmental review under Section 15301(c) of the California Environmental Quality Act (CEQA) Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

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

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

union dues and other benefit trust fund contributions, etc. Because the construction cost estimate for this Project is less than \$1,000,000, the CWA agreement does not apply.

## **BACKGROUND**

This project is part of an annual pavement rehabilitation and preventive maintenance program for the City's nine municipal parking lots. To further improve the much-needed public parking requirements at the downtown area, improvements of Muni Lot Nos. 1 to 6 have been completed that brought about not only the pavement and its aesthetic condition of the parking lots, but also added additional parking stalls, including accessible parking spaces for American with Disabilities Act (ADA) compliance, sidewalk for safe passage of pedestrian using the parking lot and lighting upgrades.

## **DISCUSSION**

This project consists of improving the current condition of Muni Lot No. 8 by upgrading the parking configuration to City standards and ADA parking spaces requirements. Additional improvements include pavement rehabilitation, additional landscaping, additional LED parking lot lighting, parking stall striping, markings and signages.

Muni Lot No. 8 is in close proximity to the Downtown area servicing public parking needs for offices and retail establishments on Mission Boulevard, Main Street, C Street and D Street. Improvements to be performed with this project include the reconfiguration of the parking stalls to be in compliance with City standards and ADA requirements. On November 29, 2022, five (5) bids were received for the Municipal Parking Lot No. 8 (Muni Lot 8) Improvement Project. Silicon Valley Paving, Inc., of San Jose, submitted the low bid in the amount of \$466,950.75, which is 20.9% lower than the Engineer's Estimate of \$590,000. Tri Valley Excavating Co, Inc., of Sunol, submitted the second lowest bid in the corrected amount of \$469,787.25, which is 20.4% lower than the Engineer's Estimate. Kerex Engineering, Inc., of Martinez, submitted the third bid in the amount of \$509,950 which is 13.6% lower than the Engineer's Estimate.

The project is categorically exempt from environmental review under Section 15301(c) of the California Environmental Quality Act (CEQA) Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

On November 15, 2016<sup>2</sup>, Council passed a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. Because the construction cost estimate for this Project is less than \$1,000,000, the CWA agreement does not apply.

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<sup>2</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=2882111&GUID=118B2EF9-1D2C-471F-999E-4BE0929706A0&Options=&Search=>



## **ECONOMIC IMPACT**

The improvement of the parking amenities will provide convenience for visitors to the downtown area and may increase activity to nearby businesses.

The work has been scheduled to ensure that most parking stalls are available for use during the work in order to minimize impact on the downtown businesses.

## **FISCAL IMPACT**

The estimated project costs are as follows:

Construction Contract	\$466,950.75
Construction Contingency	93,049.25
Landscaping – City Staff	130,000.00
Design and Administration	30,000.00
Construction Survey, Inspection and Testing	30,000.00
<b>TOTAL</b>	<b>\$750,000</b>

The Adopted FY23 Capital Improvement Program (CIP) includes \$750,000 for the Municipal Parking Lot No. 8 Improvement Project No. 05740 in the Street System Improvements – Fund 450. This item has no impact on the General Fund.

## **STRATEGIC ROADMAP**

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

Invest in Multi-Modal Transportation  
Project N1: Improve access and mobility in downtown Hayward.

## **SUSTAINABILITY FEATURES**

This project upgrades the condition of the parking requirements particularly the availability of accessible parking spaces and safe pathways.

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

## **PUBLIC CONTACT**

Immediately after the construction contract is awarded, a preliminary notice explaining the project will be distributed to the businesses adjacent to the limit of work. After the construction work has been scheduled, businesses will be notified at least seven-two hours prior to actual commencement of work.

## **NEXT STEP**

Begin Construction  
Complete Construction

February 14, 2023  
April 19, 2023

*Prepared by:* Hector M. Leuterio, Assistant Civil Engineer  
Kathy Garcia, Deputy Director of Public Works

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

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

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

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

RESOLUTION APPROVING ADDENDUM NO. 1 FOR THE MUNICIPAL  
PARKING LOT NO. 8 IMPROVEMENT, PROJECT NO. 05740, AND  
AWARDING THE CONSTRUCTION CONTRACT TO SILICON VALLEY  
PAVING, INC.

WHEREAS, by Resolution No. 22-268 on November 1, 2022, the City Council approved the plans and specifications for the Municipal Parking Lot No. 8 Improvement, Project No. 05740, and called for bids to be received on November 29, 2022;

WHEREAS, Addendum No. 1 was issued to clarify bidder questions;

WHEREAS, Five (5) bids were received, ranging from \$466,950.75 to \$592,818; Silicon Valley Paving, Inc., of San Jose, California submitted the low bid in the amount of \$466,950.75, which is 20.9% lower than the Engineer's Estimate of \$590,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hayward that the City Manager is authorized to award Silicon Valley Paving, Inc., a construction contract for the Municipal Parking Lot No. 8 Improvement, Project No. 05740 in the amount of \$466,950.75 with a contract change order budget of \$93,049.25, for a total not-to-exceed contract amount of \$560,000, in accordance with the plans and specifications adopted therefore and on file in the office of the City Clerk of the City of Hayward at and for the price named and stated in the bid of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the contract with Silicon Valley Paving, Inc. in the name of and for and on behalf of the City of Hayward, in a form to be approved by the City Attorney.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

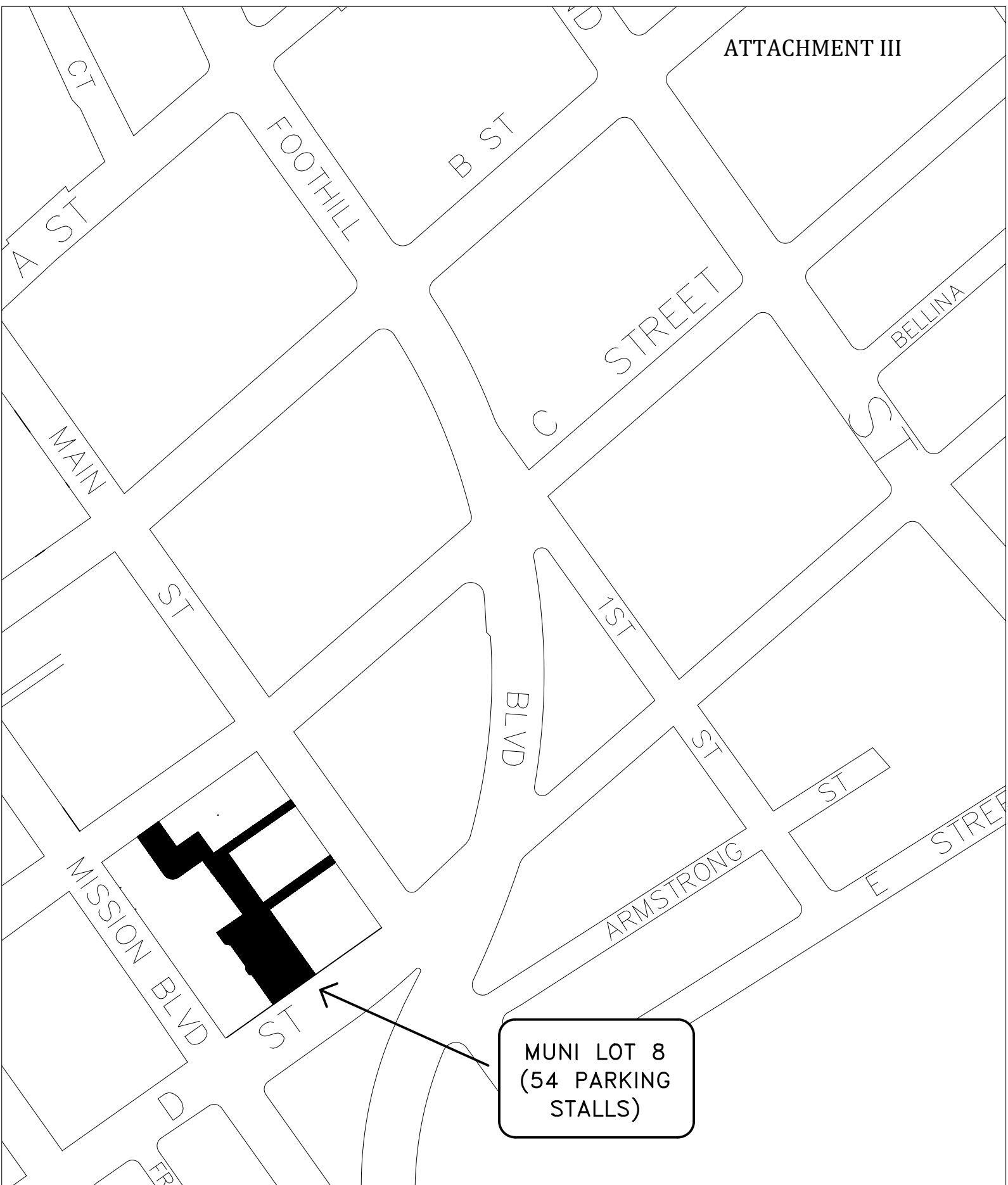
ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



LOCATION MAP  
MUNICIPAL PARKING LOT NO. 8  
IMPROVEMENT PROJECT  
PROJECT NO. 05740



# CITY OF HAYWARD

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

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**File #:** CONS 23-033

---

**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Approving the Plans and Specifications and Calling for Bids for the Safe Routes to School Project, Project No. 05319

**RECOMMENDATION**

That the Council adopts a resolution (Attachment II) approving the plans and specifications, and call for bids for the Safe Routes to School (SR2S) Project, Project No. 05319.

**SUMMARY**

The SR2S Program, funded by Alameda County Transportation Commission (ACTC), supports safe access and mobility to and from schools by funding sustainable transportation improvements for pedestrians, cyclists, and transit riders. In FY22, the City was successful in obtaining the SR2S Mini-Grant to fund improvements for Cesar Chavez Middle School (CCMS), including installation of paint and post curb extensions, and yellow high-visibility crosswalks and signage, among other enhancements. The project design has been completed and bid documents have been prepared. Staff is requesting Council's approval of the plans and specifications and call for bids to be received on February 21, 2023.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Location & Improvements Proposed



**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Approving the Plans and Specifications and Calling for Bids for the Safe Routes to School Project, Project No. 05319

## **RECOMMENDATION**

That the Council adopts a resolution (Attachment II) approving the plans and specifications, and call for bids for the Safe Routes to School (SR2S) Project, Project No. 05319.

## **SUMMARY**

The SR2S Program, funded by Alameda County Transportation Commission (ACTC), supports safe access and mobility to and from schools by funding sustainable transportation improvements for pedestrians, cyclists, and transit riders. In FY22, the City was successful in obtaining the SR2S Mini-Grant to fund improvements for Cesar Chavez Middle School (CCMS), including installation of paint and post curb extensions, and yellow high-visibility crosswalks and signage, among other enhancements. The project design has been completed and bid documents have been prepared. Staff is requesting Council's approval of the plans and specifications and call for bids to be received on February 21, 2023.

## **BACKGROUND**

In February 2021, ACTC announced a funding opportunity to all cities and unincorporated areas in Alameda County for the SR2S Mini-Grant Program. The Program provided \$1.7 million in Measure B – Local Transportation funds and Congestion Management Agency Transportation Improvement Program funds. In July 2021, ACTC awarded the City \$162,000 for improvements at CCMS. On September 28, 2021, Council adopted Resolution No. 21-188 authorizing the City Manager to accept the grant funds and appropriate a total budget of \$324,000 for the SR2S Project.

## **DISCUSSION**

CCMS is located near the South Hayward BART Station and borders an active railroad track. A six-foot tall chain-link fence separates the school from Tennyson Road and the railroad corridor. The only pedestrian and vehicle access to the school is located on Whitman Street.

CCMS has a high proportion of students walking to and from school. Since walking is one of the simplest, most effective, and affordable strategies for kids and adults to include physical activity daily, this project aims to make it safer for all pedestrians and bicycles to walk and bike to school. This project also provides equitable improvements to South Hayward, an area that has historically been underserved.

Safety improvement recommendations include installation of yellow high-visibility crosswalks, paint and post curb extensions, advanced stop and yield marketing, median extension, and signage. These recommended improvements were developed after the County of Alameda's SR2S Team completed a School Safety Assessment (SSA) at the school in February 2018. The Team was comprised of staff from the City, ACTC, Hayward Unified School District (HUSD), CCMS, and parents of students attending schools in HUSD.

Staff has completed the plan, specifications, and estimates for this project. The bid documents have also been prepared.

### **ECONOMIC IMPACT**

This item supports the mobility goals established in the City's 2040 General Plan, providing a balanced multi-modal system of transportation facilities and services throughout the City. The alternative modes of travel, namely walking and biking, will reduce congestion, greenhouse gas emissions, and costs related to single-lane occupancy vehicles. The overall transportation system will be more efficient and pedestrian and bicycle friendly, creating positive economic and health benefits.

### **FISCAL IMPACT**

The SR2S Project has a total appropriated budget of \$324,000 in the FY23 Adopted CIP Budget. The project is partially funded through an ACTC grant, which will reimburse up to fifty percent of the estimated construction cost (not-to-exceed \$162,000). The project budget is outlined below. This item has no impact on the General Fund.

Measure BB – Local Transportation (Fund 212)	\$324,000
<i>Includes ACTC SR2S \$162,000 Mini-Grant</i>	

### **STRATEGIC ROADMAP**

This item supports Council's strategic priority of Invest in Infrastructure. Specifically, this item relates to the implementation of the following project(s):

Project N8(d): Implement Safe Routes to School

### **SUSTAINABILITY FEATURES**

This item has no direct sustainability features.



## **PUBLIC CONTACT**

Staff has been in contact with ACTC and the public regarding this item. In February 2018, the SR2S Team completed the SSA. The City conducted a public survey in early 2022 to gather community input. In March 2022, staff presented the project and recommended improvements at a community meeting.

## **NEXT STEPS**

If Council approves this request, staff will publicize the project and collect bids on February 21, 2023. The estimated project schedule is outlined below:

Receive Bids	February 2023
Award Construction Contract	March 2023
Notice to Proceed	April 2023
Construction Completion	June 30, 2023
Project Closeout	December 31, 2023

*Prepared by:* Manny Grewal, Management Analyst II  
Saeed Saebi, Associate Civil Engineer

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

*Approved by:*



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

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

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND CALLING  
FOR BIDS FOR THE SAFE ROUTES TO SCHOOL PROJECT, PROJECT NO. 05319

WHEREAS, on September 28, 2021, City Council adopted Resolution No. 21-188 authorizing the acceptance of the ACTC SR2S Mini-Grant in an amount not-to-exceed \$162,000 and appropriating a total budget of \$324,000 to the Safe Routes to School (SR2S) Project, Project No. 05319, and

WHEREAS, the Project is categorically exempt from environmental review under Section 15301(c) of the California Environmental Quality Act (CEQA) for existing facilities, consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; and

WHEREAS, plans and specifications for the Project are on file in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED, that those certain plans and specifications for the SR2S Project, Project No. 05319, on file in the City of Hayward's City Clerk's Office, are hereby adopted as the plans and specifications for the Project, and

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law, and

BE IT RESOLVED, sealed bids will therefore be received by the City Clerk's Office at City Hall, 777 B Street, 1<sup>st</sup> Floor, Hayward, CA 94541, up to the hour of 2 PM on February 21, 2023, and immediately thereafter publicly opened and declared by the City Clerk in the Hayward City Hall Rotunda, located on the 1<sup>st</sup> Floor of City Hall, Hayward, CA

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

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

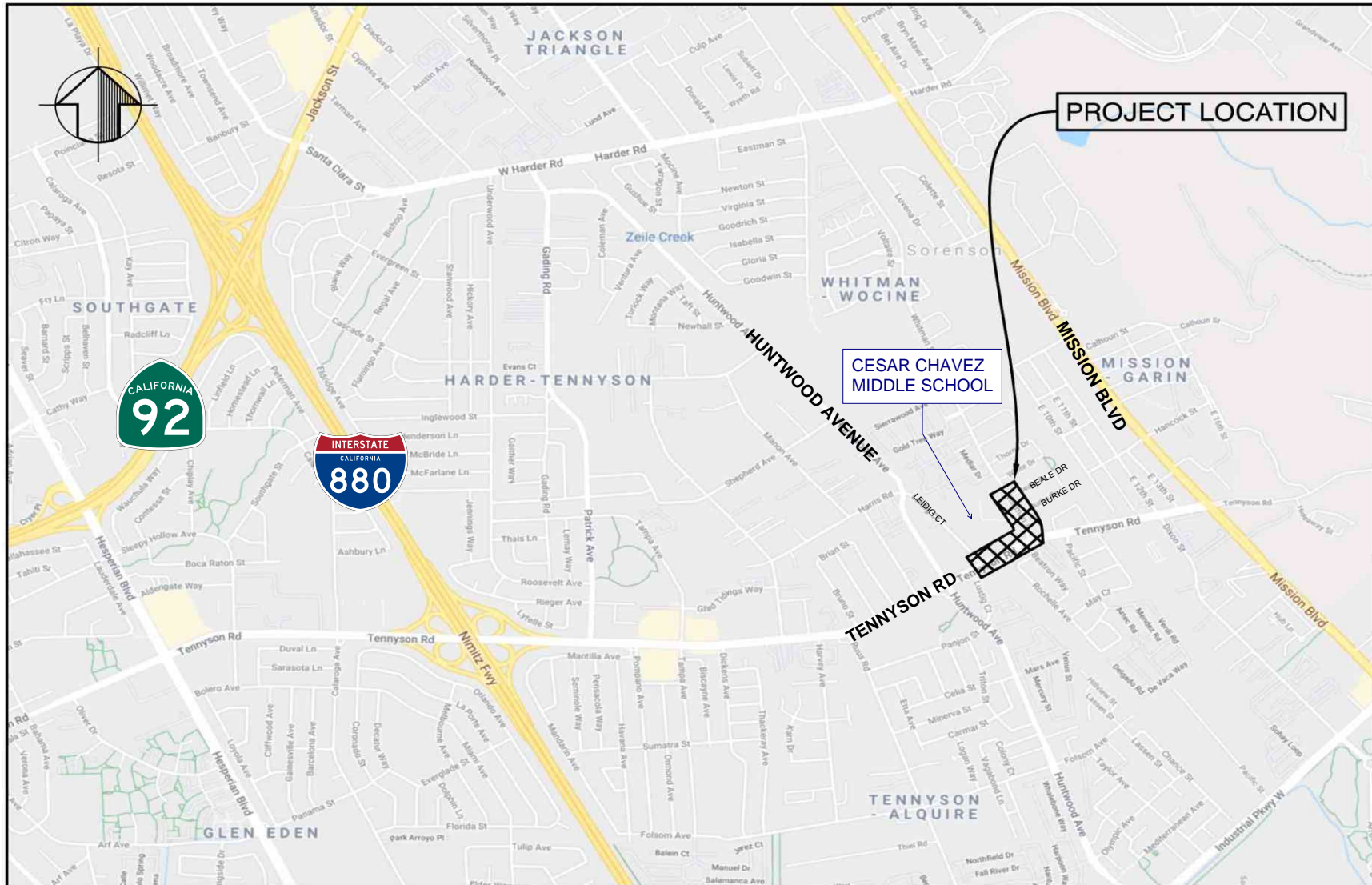
ABSENT:        COUNCIL MEMBERS:

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

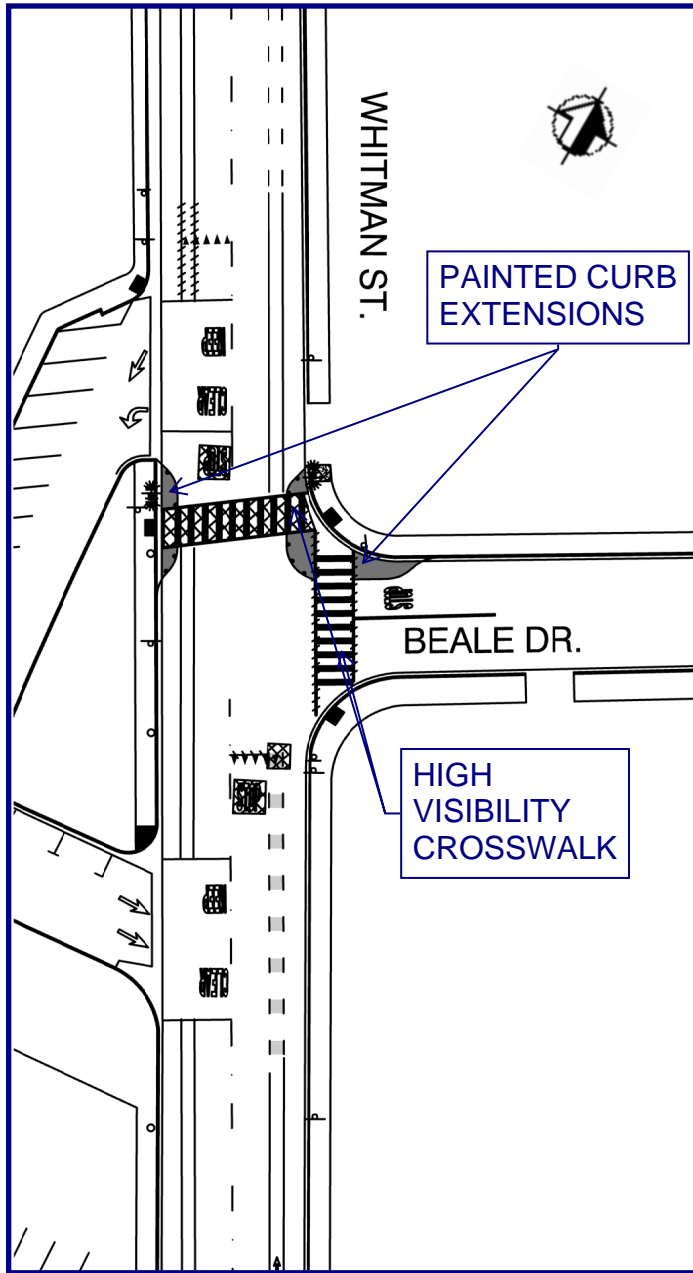
APPROVED AS TO FORM:

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

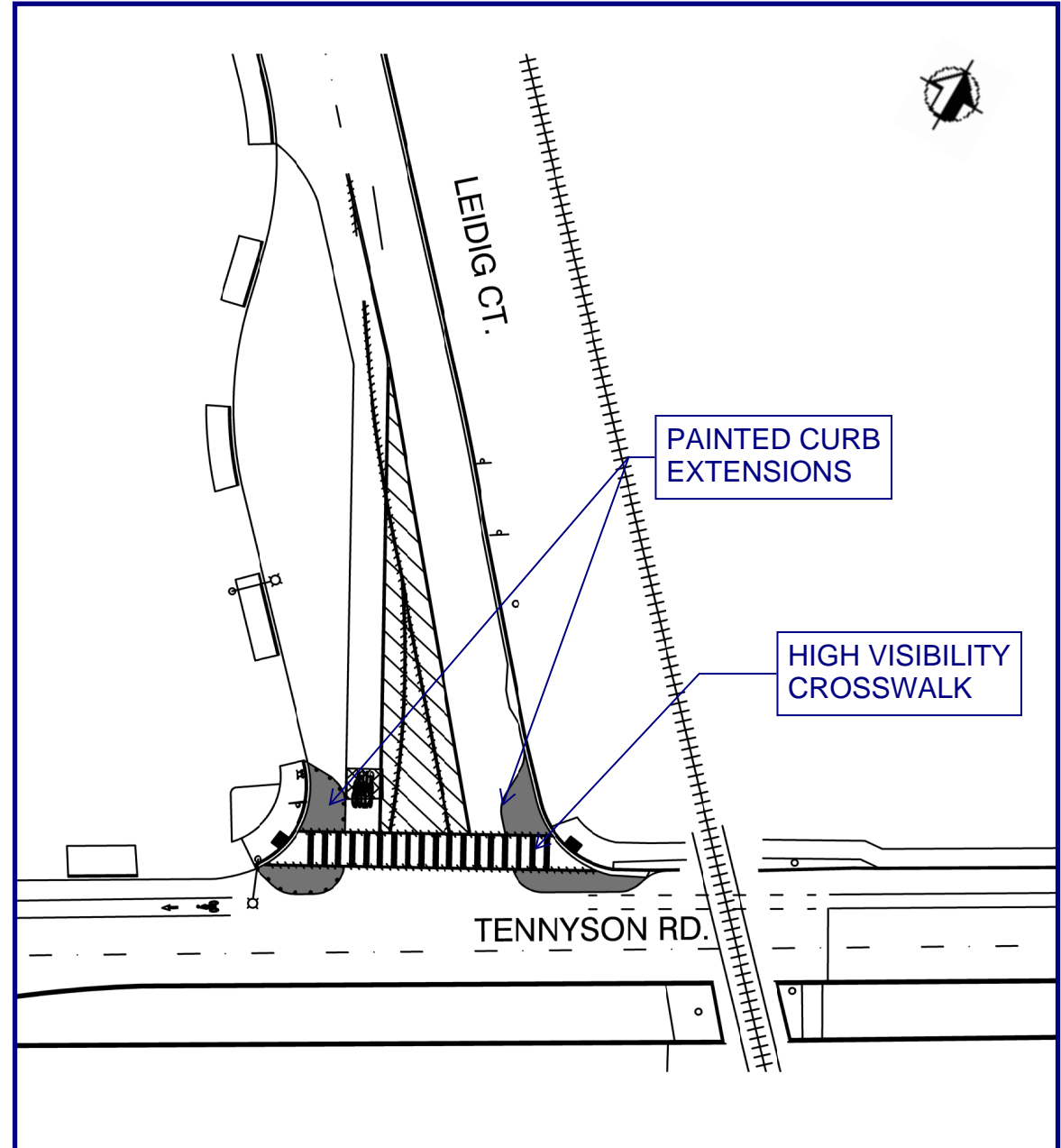
## LOCATION MAP FOR CESAR CHAVEZ SAFE ROUTES TO SCHOOL PROJECT

**LOCATION MAP**

# CESAR CHAVEZ SAFE ROUTES TO SCHOOL PROJECT - PROPOSED IMPROVEMENTS

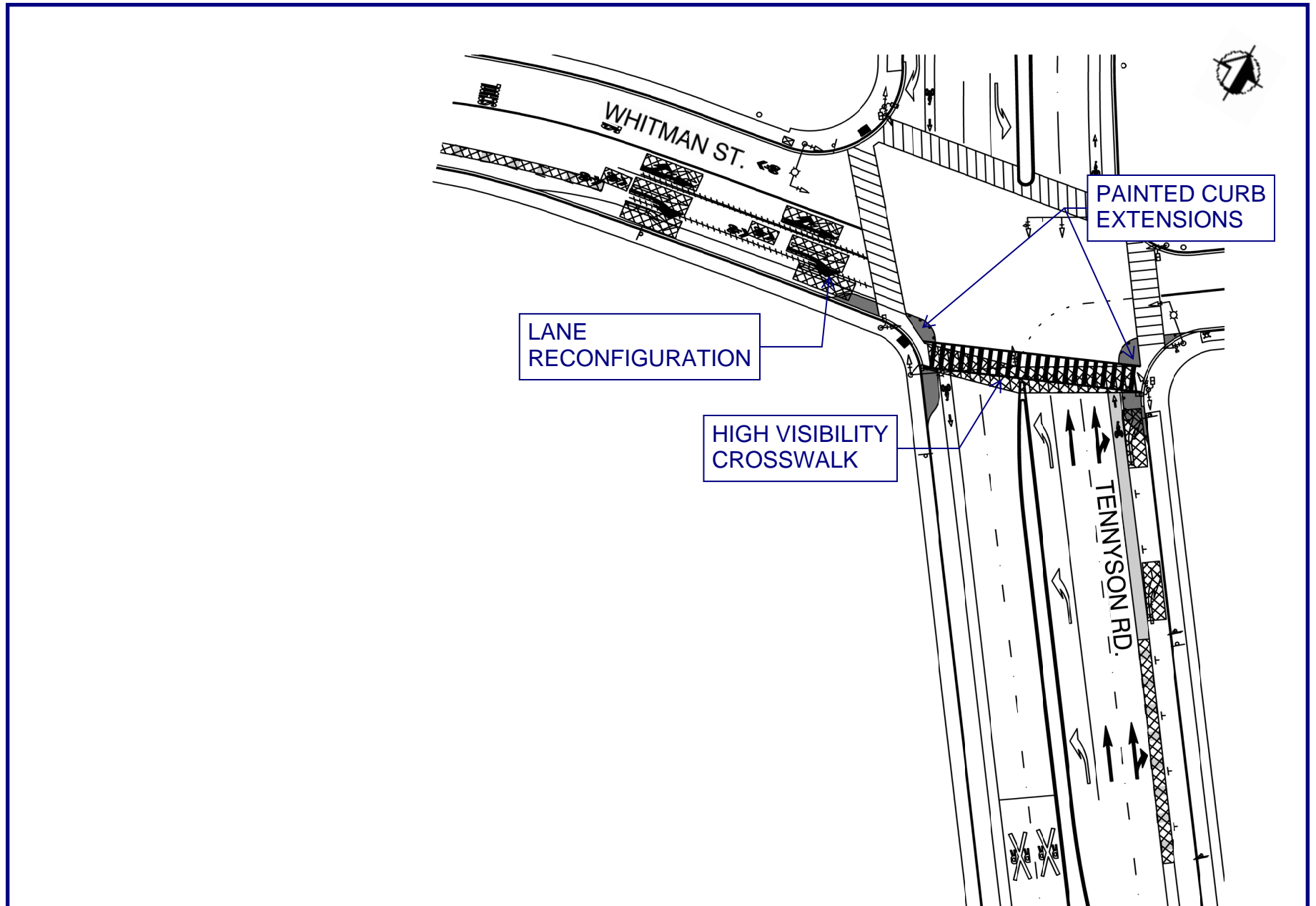


BEALE DR @ WHITMAN ST  
INTERSECTION



LEIDIG CT @ TENNYSON RD  
INTERSECTION

## CESAR CHAVEZ SAFE ROUTES TO SCHOOL PROJECT - PROPOSED IMPROVEMENTS



WHITMAN ST @ TENNYSON RD INTERSECTION  
PAGE 3 OF 3



# CITY OF HAYWARD

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

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**File #:** CONS 23-035

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**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Increasing the Construction Contract with GSW Construction, Inc, Contract No. 23054, by \$34,000 for a Total Not-To-Exceed Amount of \$241,500 for the Trash Capture Device Installation on Cotter Way Project No. 07675

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing staff to increase the Contract No. 23054 with GSW Construction, Inc, by \$34,000 for a total not-to-exceed (NTE) amount of \$241,500.

**SUMMARY**

In late October 2022, a continuous deflective separator (CDS) unit was installed in the existing storm drain under Cotter Way for trash capture from the stormwater system as part of the City's trash reduction mandate from the San Francisco Regional Water Quality Control Board (Water Board). In May 2022, the City released a call for bids and received two responses. In June 2022, the construction contract was awarded to GSW Construction, Inc., in an amount of \$188,600 and a contingency budget of \$18,900 for a total not-to-exceed amount of \$207,500. Due to necessary administrative change orders, related to the excavation, off-haul and disposal of the contaminated soil at the required solid waste landfill, staff is requesting to add an additional amount of \$34,000 and increasing the contract to a total NTE amount of \$241,500.

**ATTACHMENTS**

Attachment I Staff Report  
Attachment II Resolution



**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Increasing the Construction Contract with GSW Construction, Inc, Contract No. 23054, by \$34,000 for a Total Not-To-Exceed Amount of \$241,500 for the Trash Capture Device Installation on Cotter Way Project No. 07675

## **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing staff to increase the Contract No. 23054 with GSW Construction, Inc, by \$34,000 for a total not-to-exceed (NTE) amount of \$241,500.

## **SUMMARY**

In late October 2022, a continuous deflective separator (CDS) unit was installed in the existing storm drain under Cotter Way for trash capture from the stormwater system as part of the City's trash reduction mandate from the San Francisco Regional Water Quality Control Board (Water Board). In May 2022, the City released a call for bids and received two responses. In June 2022, the construction contract was awarded to GSW Construction, Inc., in an amount of \$188,600 and a contingency budget of \$18,900 for a total not-to-exceed amount of \$207,500. Due to necessary administrative change orders, related to the excavation, off-haul and disposal of the contaminated soil at the required solid waste landfill, staff is requesting to add an additional amount of \$34,000 increasing the contract to a total NTE amount of \$241,500.

## **BACKGROUND**

The Water Board adopted the current Municipal Regional Stormwater Permit (MRP 3.0) on July 1, 2022. The MRP 3.0 covers stormwater discharges from municipalities and local agencies in various Bay Area counties, including Alameda. The permit requires permittees to reduce trash from entering State waters by 100% by 2025 from each jurisdiction's Municipal Separate Storm Water Systems (MS4s). To support this effort, the City was awarded a \$800,000 grant from the U.S. Environmental Protection Agency (EPA) in January 2015.



The Cotter Way CDS Unit was identified as a key project to help meet the City's mandate to remove trash from the storm drain system and would be the final expenditure of the EPA grant funds. A CDS unit creates a continuous swirl of stormwater to concentrate and separate trash and debris. On April 19, 2022<sup>1</sup>, Council adopted Resolution No. 22-091 which accepted the project plans and specifications and released a call for bids. Staff received and evaluated two proposals. On June 21, 2022<sup>2</sup>, Council adopted Resolution No. 22-155 which awarded the construction contract to GSW Construction, Inc., (GSW) for a total NTE amount of \$207,500.

## **DISCUSSION**

The construction contract involved installing one large trash capture device on Cotter Way in an existing storm drain box to treat storm water to partially meet the Water Board's requirements. This location is near Alameda County's flood control channel, a strategic location since it encompasses a large drainage for trash reduction that remained within project budget. As a result, a CDS at this location can capture trash from approximately 138 acres of storm water runoff area.

During construction, the project encountered two complications. First, soil contaminated by petroleum was found requiring the procurement of a new solid waste disposal site permitted for this kind of contamination. A disposal site in Suisun City, CA was found. Second, the amount of excavated dirt exceeded the original estimated quantities. Staff is requesting to increase the budget of this contract to authorize and pay for these required change orders.

## **ECONOMIC IMPACT**

This item is not anticipated to have a significant economic impact to the City.

## **FISCAL IMPACT**

This project currently has sufficient appropriated budget to increase the contract amount. Staff is not requesting an additional appropriation at this time. This item has no impact on the General Fund.

## **STRATEGIC ROADMAP**

This item supports the strategic priority of Invest in Infrastructure. Specifically, this item relates to:

N22: Meet regulatory requirements for zero trash in stormwater by installing trash capture devices

N22a: Install trash capture devices

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<sup>1</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5558449&GUID=4BB80238-5DEF-4560-B716-0EFAFFF2D39F&Options=&Search=>

<sup>2</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5701494&GUID=61707525-B722-403C-93E3-F2DEA58EBBEB&Options=&Search=>

## **SUSTAINABILITY FEATURES**

The CDS unit, along with the existing trash capture devices in the City's storm drain system, will help limit the pollutants that enter local creeks and the San Francisco Bay.

## **PUBLIC CONTACT**

No public contact is required for this item.

## **NEXT STEPS**

If Council approves this item, staff will increase the construction contract with GSW Construction, Inc., by \$34,000 to a total not-to-exceed amount of \$241,500.

*Prepared by:* Elisa Wilfong, Water Pollution Source Control Administrator  
Saeed Saebi, Acting Senior Civil Engineer

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

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

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

RESOLUTION AUTHORIZING STAFF TO INCREASE THE CONSTRUCTION  
CONTRACT WITH GSW CONSTRUCTION, INC. TO A TOTAL NOT-TO-EXCEED  
AMOUNT OF \$241,500 FOR PROJECT 07675

WHEREAS, on June 21 2022, City Council adopted Resolution No. 22-155 awarding a construction contract to GSW Construction, Inc., in an amount \$188,600 and allocated an additional \$18,900 for construction contingencies; and

WHEREAS, the sum of the administrative change orders exceeds the current authorized construction amount; and

WHEREAS, the Project has sufficient appropriated budget to fund the increase of the contract amount; and

WHEREAS, staff recommends increasing the total not to exceed contract amount by \$34,000 to complete construction.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to increase the total not to exceed amount of the construction contract with GSW Construction, Inc., for Project 07676, by 34,000 for a total not-to-exceed amount of \$241,500.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



# CITY OF HAYWARD

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

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**File #:** CONS 23-047

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**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Award a Contract to Carbon Supply Inc. for Bio-Gas Conditioning System Media Replacement Project No. 07618 in an Amount Not-to-Exceed \$319,800

**RECOMMENDATION**

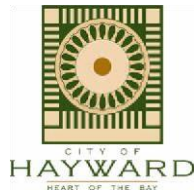
That Council adopts a resolution (Attachment II) authorizing the City Manager to award a contract to Carbon Supply, Inc., (Carbon Supply) for Bio-Gas Conditioning Skid System Media Replacement Project No. 07618 in an amount not-to-exceed (NTE) \$319,800.

**SUMMARY**

On September 29, 2022, the City received three bids for Bio-Gas Conditioning System Skid Media Replacement Project No. 07618 ranging from \$319,800 to \$393,648. Staff recommends that the contract be awarded to Carbon Supply, which submitted the lowest responsive and responsible bid of \$319,800.

**ATTACHMENTS**

Attachment I Staff Report  
Attachment II Resolution  
Attachment III Removal Vessel Photos



**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Award a Contract to Carbon Supply Inc. for Bio-Gas Conditioning System Media Replacement Project No. 07618 in an Amount Not-to-Exceed \$319,800

## **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to award a contract to Carbon Supply, Inc., (Carbon Supply) for Bio-Gas Conditioning Skid System Media Replacement Project No. 07618 in an amount not-to-exceed (NTE) \$319,800.

## **SUMMARY**

On September 29, 2022, the City received three bids for Bio-Gas Conditioning System Skid Media Replacement Project No. 07618 ranging from \$319,800 to \$393,648. Staff recommends that the contract be awarded to Carbon Supply, which submitted the lowest responsive and responsible bid of \$319,800.

## **BACKGROUND**

The City's Capital Improvement Program (CIP) includes funding for the periodic replacement of media which treats gases to prevent them from damaging the cogeneration engine at the Water Pollution Control Facility (WPCF). The life of the gas treatment media is nine to eighteen months, and staff estimate that the current media will need to be replaced by March 2023 to ensure continued safe operation of the cogeneration engine.

## **DISCUSSION**

The anaerobic sludge digesters at the Hayward WPCF produce methane gas, which is fuel for the City's Jenbacher cogeneration engine. The methane gas produced onsite by the digesters contains hydrogen sulfide and siloxane which if introduced to the cogeneration engine will severely damage the engine. These compounds are a result of the material present in the wastewater.

The Cogeneration Project included the construction of a new gas treatment system. The bio-gas treatment system includes two (2) siloxane removal vessels and two (2) hydrogen sulfide removal vessels. See Attachment III for photos of these vessels. The siloxane removal vessels contain approximately 3,300 pounds of an activated carbon media. The hydrogen sulfide removal vessels contain approximately 21,000 pounds each of an iron impregnated wood or sand media.

The design life of this media is nine (9) to eighteen (18) months. The media was last changed in December of 2021. Staff regularly monitors the performance of the media to determine the appropriate time to replace the media. Staff currently estimates that the vessels will need to be replaced in February or March 2023.

Staff issued an invitation for bids to perform the work to replace the media on August 31, 2022. The contract duration is four (4) years and is expected to include the replacement of five (5) vessel volumes of each type of media during the contract period.

The Project's major elements include

- Opening the gas treatment vessels
- Removing the used media from the vessels
- Allowing time for Staff inspection of the vessels
- Installing new media in the vessels
- Resealing the vessels
- Performing hazardous material testing on the used media to determine the appropriate disposal location
- Hauling of the removed materials to an approved off-site disposal location

Staff received 3 bids from the contactors on September 29, 2022, including a bid from Carbon Supply of \$319,800, a bid of \$352,203 from Green Gas Services, and a bid of \$393,648 from Carbon Activated Corporation.

Staff used the Total Cost to determine the lowest responsive and responsible bidder for the work. Carbon Supply was the apparent low bidder with a total cost of \$319,800. The costs as described in the bid tabulation abstract is based upon staff estimates of the number of media replacements required for each type of vessel and likely hazardous materials present in the used media. The final purchase order amount will vary depending on the number of vessel replacements that are required and the results of the hazardous materials testing of the media after removal.

## **ECONOMIC IMPACT**

This project will have no direct impact on the local economy.

## **FISCAL IMPACT**

Staff estimates it will cost approximately \$80,000 per year over the next four years to replace the media in the vessels and perform other related services under this contract. The adopted CIP includes a \$165,000 annual budget for Digester Gas Treatment Vessel Media Replacement Project No. 07618 in Sewer Replacement Fund 611, which is sufficient to cover this anticipated annual amount. This action will not have an impact on the General Fund.

## **STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate to one of the Council's six strategic priorities as outlined in the Council's Strategic Roadmap.

## **SUSTAINABILITY FEATURES**

As stated above, this contract is to replace the media in the bio-gas treatment vessels. The media cleans the gas that is sent to the Jenbacher Cogeneration engine. The engine produces the energy for the plant and excess is exported to the grid for use by other City facilities.

## **PUBLIC CONTACT**

The call for bids was publicly posted on the City's website on August 21, 2022 and the bidding period closed on September 29, 2022.

## **NEXT STEPS**

If approved, staff will award the contract to Carbon Supply, Inc., in an amount not to exceed \$319,800.

*Prepared by:* David Donovan, Plant Manager

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

Approved by:



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Kelly McAdoo, City Manager



HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT TO CARBON SUPPLY INC. FOR BIO-GAS CONDITIONING SYSTEM SKID MEDIA REPLACEMENT PROJECT NO. 07618 IN AN AMOUNT NOT TO EXCEED \$319,800

WHEREAS, gas conditioning media at the Water Pollution Control Facility (WPCF) must be regularly replaced to ensure the continued operation of the cogeneration engine, which is critical to the function of the treatment plant; and

WHEREAS, on August 31, 2022, the City solicited bids from vendors to replace five media vessels over the next four years; and

WHEREAS, on September 29, 2022, the City received three bids to complete this replacement ranging from \$319,800 to \$393,648: Carbon Supply Inc., Green Gas Services, and Carbon Activated Corporation; and

WHEREAS, Carbon Supply Inc. submitted the lowest responsive and responsible bid of \$319,800, or approximately \$80,000 per year for four years; and

WHEREAS, the Bio-Gas Conditioning System Skid Media Replacement Project No. 07618 in Sewer Replacement Fund 611 has a \$165,000 annual budget, which is sufficient to cover this annual expense.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Carbon Supply Inc. is the lowest responsible bidder whose bid complies with the specifications and is hereby awarded the contract for Bio-Gas Conditioning System Skid Media Replacement Project No. 07618 for the amount of \$319,800.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute a contract not to exceed \$319,800 with Carbon Supply Inc. in a form to be approved by the City Attorney.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



Siloxane Removal Vessels & Access Platform



Hydrogen Sulfide Removal Vessels



Access on East Side of Vessels





Access on North and East Sides



Hydrogen Sulfide Removal Vessels - Access Platform



Access for Media Removal on East Side



Hydrogen Sulfide Removal Vessels



Gas  
Conditioning  
System Skid

Media  
Spreadout  
Location





# CITY OF HAYWARD

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

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**File #:** CONS 23-043

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**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** 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. Governor Newsom has announced that he will end the COVID state of emergency on February 28, 2023. Consequently, this is anticipated to be the final 30-day resolution to allow teleconferenced meetings pursuant to AB 361.

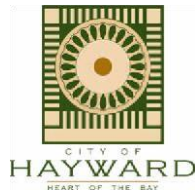
**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Exhibit A

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**File #:** CONS 23-043

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**DATE:** January 24, 2023

**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.

Governor Newsom has announced that he will end the COVID state of emergency on February 28, 2023. Consequently, this is anticipated to be the final 30-day resolution to allow teleconferenced meetings pursuant to AB 361.

## **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. 20-06t, originally issued April 3, 2020 and most recently amended on August 24, 2022, imposes a mandate that all individuals diagnosed with COVID 19 must isolate themselves and follow requirements further specified in the Order. The Order further aligns with current California Department of Public Health Guidance on Isolation and Quarantine of the General Public, specifically that individuals who are exposed/close contacts of infected individuals need not isolate if they are asymptomatic and are recommended to test and wear masks as specified in the Order and Department of Public Health guidance.
- 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 business, government offices, youth-serving facilities, and workplace settings.
  - When required by trains, buses, ferries, taxis, and rideshare operators.
  - Indoors 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.
  - Long-term care settings and adult and senior care facilities.
  - Persons exposed to someone with COVID-19 should wear a mask for 10 days.
  - Persons with COVID-19 should wear a mask for 10 days when with others, even if able to leave isolation before then.
  - Correctional facilities and detention centers located within Alameda County.
  - Clinical areas, including isolation and quarantine areas, of homeless shelters, emergency shelters and cooling/heating centers, or any locations within those facilities where healthcare is being delivered.
- With the exception of the situations described above, effective September 23, 2022, the California Department of Public Health and Alameda County Public Health Department guidance on use of face masks for the general population shifts from strong recommendation in all indoor settings at all times to use of Centers for Disease Control Community Levels to help inform masking recommendations.
- Current CDC COVID 19 Community Level for Alameda County is Medium. Consequently, the general public may mask based on personal preference, informed

by their own personal level of risk. Vulnerable people are encouraged to wear a mask in crowded indoor public places. Vulnerable people include the unvaccinated, people who are immunocompromised, people with certain disabilities or underlying health conditions, or those at risk of severe illness or death if infected with COVID-19. When COVID levels are Medium or High, non-healthcare high-risk indoor settings such as homeless shelters, emergency shelters, and heating/cooling centers must reinstate universal masking requirements for all staff and residents, regardless of if there are no outbreaks within the facility.

- Workplaces must comply with Cal/OSHA safety standards.

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

- Face masks are required in healthcare settings, long term care settings, adult and senior care facilities, and all clinical areas, including isolation and quarantine areas, of homeless shelters, emergency shelters and cooling/heating centers, and state and local correctional facilities or detention centers, or any locations within those facilities where healthcare is being delivered.
- Businesses and venue operators, including K-12 school and childcare settings must allow any individual to wear a mask if they desire to.
- Workplaces must comply with Cal/OSHA safety standards.
- Local jurisdictions may implement additional requirements that go beyond statewide guidance.
- 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 committees and commissions to hold a subsequent teleconferenced meeting pursuant to the provisions of AB 361 for 30 days from the date of adoption. Governor Newsom has stated that he will end the COVID state of emergency on February 28, 2023. Consequently, this is anticipated to be the final 30-day resolution pursuant to AB 361.

*Prepared and Recommended by:*

Miriam Lens, City Clerk  
Michael Vigilia, Sr. Assistant City Attorney

Approved by:



---

Kelly McAdoo, City Manager



HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

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 Alameda County Health Officer has issued Order No. 20-06t (originally issued April 3, 2020 and most recently amended on August 24, 2022) imposing a mandate that all individuals diagnosed with COVID-19 must isolate themselves and follow requirements further specified in the Order; and

WHEREAS, Order No. 20-06t also aligns with California Department of Public Health Guidance on Isolation and Quarantine of the General Public, specifically that individuals having close contacts/exposure to infected persons are not required to quarantine as long as they remain asymptomatic but are recommended to test and wear a mask as specified by the Order and California Department of Public Health guidance; 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.
- Indoors 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.
- Long-term care settings and adult and senior care facilities.
- Correctional facilities and detention centers.
- Clinical areas, including isolation and quarantine areas, of homeless shelters, emergency shelters and cooling/heating centers, or any locations within those facilities where healthcare is being delivered.
- Persons exposed to someone with COVID-19 should wear a mask for 10 days.
- Persons with COVID-19 should wear a mask for 10 days when with others, even if able to leave isolation before then.

WHEREAS, with the exception of the situations described above, effective September 23, 2022, the California Department of Public Health and Alameda County Public Health Department guidance on use of face masks for the general population shifts from strong recommendation in all indoor settings at all times to use of Centers for Disease Control Community Levels to help inform masking recommendations; and

WHEREAS, current CDC COVID 19 Community Level for Alameda County is Medium. Consequently, the general public may mask based on personal preference, informed by their own personal level of risk. Vulnerable people are encouraged to wear a mask in crowded indoor public places. Vulnerable people include the unvaccinated, people who are immunocompromised, people with certain disabilities or underlying health conditions, or those at risk of severe illness or death if infected with COVID-19. When COVID levels are Medium or High, non-healthcare high risk indoor settings such as homeless shelters, emergency shelters, and heating/cooling centers must reinstate universal masking requirements for all staff and residents, regardless of if there are no outbreaks within the facility.; and

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

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

- Face masks are required in healthcare settings, long term care settings, adult and senior care facilities, and all clinical areas, including isolation and quarantine areas, of homeless shelters, emergency shelters and cooling/heating centers, and state and local correctional facilities or detention centers, or any locations within those facilities where healthcare is being delivered.
- Businesses and venue operators, including K-12 school and childcare settings must allow any individual to wear a mask if they desire to.
- 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 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.
  - Indoors 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.
  - Long-term care settings and adult and senior care facilities.
  - Local correctional facilities and detention centers.
  - Clinical areas, including isolation and quarantine areas, of homeless shelters, emergency shelters, and cooling/heating centers, or any locations within those facilities where healthcare is being delivered.
  - Persons exposed to someone with COVID-19 should wear a mask for 10 days.
  - Persons with COVID-19 should wear a mask for 10 days when with others, even if able to leave isolation before then.
- The California Department of Public Health has issued the following guidance:
  - Face masks are required in healthcare settings, long term care settings, adult and senior care facilities, and all clinical areas, including isolation and quarantine areas, of homeless shelters, emergency shelters and cooling/heating centers, and state and local correctional facilities or detention centers, or any locations within those facilities where healthcare is being delivered.
  - Businesses and venue operators, including K-12 school and childcare settings must allow any individual to wear a mask if they desire to.
  - 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.
- 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 \_\_\_\_\_, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

**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](http://www.Hayward-CA.gov)

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**File #:** CONS 23-046

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**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adopt a Resolution Appointing Ms. Karla Goodbody to Fill the Unexpired Term of Former Planning Commissioner Julie Roche and Appointing Ms. Anika Patterson to Fill the Unexpired Term of Former Planning Commissioner Dan Goldstein, and Confirming the Selection of Ms. Shanta Franco-Clausen as the Alternate for a Term Ending July 2023

**RECOMMENDATION**

That the Council adopts a resolution (Attachment II) appointing Ms. Karla Goodbody and Ms. Anika Patterson to fill the unexpired terms of former Planning Commissioner Roche and former Planning Commissioner Goldstein, which will expire in September 2023, and confirming the selection of Ms. Shanta Franco-Clausen as the alternate for a term ending July 2023.

**SUMMARY**

An unexpected Planning Commission vacancy was created when former Planning Commissioner Julie Roche was elected Council Member and sworn into office on December 13, 2022. The second vacancy occurred when former Planning Commissioner Dan Goldstein was appointed Council Member and sworn into office on January 9, 2023.

The special Planning Commission recruitment started on December 14, 2022 and closed on January 12, 2023. A Notice of Vacancy was published in the Daily Review c/o Bay Area News Group-East Bay on December 16, 2022 (Attachment III). City staff issued a news release (Attachment IV) about the Planning Commission vacancy on December 15, 2022, and disseminated the information via social media channels. By the application deadline, staff received 35 applications from qualified applicants. One applicant was disqualified because his residence was in a different jurisdiction. A digital binder containing all applications was made available to the City Council on January 13, 2023. The final list of candidates is included as Attachment V. Members of the City Council reviewed applications and individually nominated five applicants and submitted their selections to the City Clerk on January 16, 2023 (Attachment VI). Applicants who received three or more points were invited to interview with the City Council on January 17, 2023. Interviews were conducted via the Zoom platform.

After completing the interviews, the Council nominated and selected Ms. Karla Goodbody and Ms. Anika Patterson for appointment to the Planning Commission and to fill the unexpired terms of former Planning Commissioners Roche and Goldstein, which will end September 2023. The Council also selected Ms. Shanta Franco-Clausen as the alternate to the Planning Commission for a term ending July 2023 or selection of new members through the next recruitment.

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Notice of Vacancy
Attachment IV	News Release
Attachment V	List of Applicants
Attachment VI	Nomination Matrix





**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adopt a Resolution Appointing Ms. Karla Goodbody to Fill the Unexpired Term of Former Planning Commissioner Julie Roche and Appointing Ms. Anika Patterson to Fill the Unexpired Term of Former Planning Commissioner Dan Goldstein, and Confirming the Selection of Ms. Shanta Franco-Clausen as the Alternate for a Term Ending July 2023.

**RECOMMENDATION**

That the Council adopts a resolution (Attachment II) appointing Ms. Karla Goodbody and Ms. Anika Patterson to fill the unexpired terms of former Planning Commissioner Roche and former Planning Commissioner Goldstein, which will expire in September 2023, and confirming the selection of Ms. Shanta Franco-Clausen as the alternate for a term ending July 2023.

**SUMMARY AND DISCUSSION**

An unexpected Planning Commission vacancy was created when former Planning Commissioner Julie Roche was elected Council Member and sworn into office on December 13, 2022. The second vacancy occurred when former Planning Commissioner Dan Goldstein was appointed Council Member and sworn into office on January 9, 2023.

The special Planning Commission recruitment started on December 14, 2022 and closed on January 12, 2023. A Notice of Vacancy was published in the Daily Review c/o Bay Area News Group-East Bay on December 16, 2022 (Attachment III). City staff issued a news release (Attachment VI) about the Planning Commission vacancy on December 15, 2022, and disseminated the information via social media channels. By the application deadline, staff received 35 applications from qualified applicants. One applicant was disqualified because his residence was in a different jurisdiction. A digital binder containing all applications was made available to the City Council on January 13, 2023. The final list of candidates is included as Attachment V. Members of the City Council reviewed applications and individually nominated five applicants and submitted their selections to the City Clerk on January 16, 2023 (Attachment VI). Applicants who received three or more points were invited to interview with the City Council on January 17, 2023. Interviews were conducted via the Zoom platform.

After completing the interviews, the Council nominated and selected Ms. Karla Goodbody and Ms. Anika Patterson for appointment to the Planning Commission and to fill the unexpired terms of former Planning Commissioners Roche and Goldstein, which will end September 2023. The Council also selected Ms. Shanta Franco-Clausen as the alternate to the Planning Commission for a term ending July 2023 or selection of new members through the next recruitment.

### **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**

Following Council's action, the oath of affirmation will be administered to Ms. Karla Goodbody and Ms. Anika Patterson prior to their first Planning Commission meeting.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:

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

---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

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

RESOLUTION CONFIRMING THE APPOINTMENT OF MS. KARLA GOODBODY  
AND MS. ANIKA PATTERSON TO THE PLANNING COMMISSION, AND  
CONFIRMING THE SELECTION OF MS. SHANTA FRANCO-CLAUSEN AS THE  
ALTERNATE

WHEREAS, an unexpected Planning Commission vacancy was created when former Planning Commissioner Julie Roche was elected Council Member and sworn into office on December 13, 2022; and

WHEREAS, the second vacancy occurred when former Planning Commissioner Dan Goldstein was appointed Council Member and sworn into office on January 9, 2023; and

WHEREAS, the City appropriately posted a notice for vacancies on the Planning Commission; and

WHEREAS, a recruitment was conducted from December 14, 2022 through January 12, 2023, to fill the vacancies on the Planning Commission; and

WHEREAS, the Council received and considered thirty-five applications of qualified and interested parties; and selected five individuals to interview; and

WHEREAS, the Council interviewed Shanta Franco-Clausen, Karla Goodbody, Amal Issa, Anika Patterson, and Mariana Triviso; and

WHEREAS, it is the Council's intent to appoint Ms. Karla Goodbody and Ms. Anika Patterson to the Planning Commission and select Shanta Franco-Clausen as the alternate.

NOW, THEREFORE BE IT RESOLVED that the City Council does hereby confirm the appointment of Ms. Karla Goodbody to fill former Planning Commissioner Roche's term, which will expire September 30, 2023, and confirm the appointment of Ms. Anika Patterson to fill former Planning Commissioner Goldstein's term, which will expire September 30, 2023.

BE IT FURTHER RESOLVED that the City Council confirms the selection of Ms. Shanta Franco-Clausen as the alternate to the Planning Commission for a term ending July 2023.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

**Daily Review**

c/o Bay Area News Group-East Bay  
800-595-9595

2050945

CITY OF HAYWARD/CITY CLERK  
MIRIAM LENS  
777 B ST.  
HAYWARD, CA 94541

**PROOF OF PUBLICATION****FILE NO. Planning Commission Vacancy****Daily Review**

The Daily Review

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Daily Review, a newspaper published in the English language in the City of Hayward, County of Alameda, State of California.


I declare that the Daily Review is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's decree, dated March 2, 1950, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Daily Review as a Newspaper of General Circulation, case number 221938. Said decree states that "'The Daily Review' has been established, printed, and published daily in the City of Hayward, County of Alameda, State of California, for one year or more next preceding the date of the filing of said petition; that it is a newspaper published for the dissemination of local and telegraphic news and intelligence of a general character and has a bona fide subscription list of paying subscribers; ... [ ] [and] THEREFORE, ... 'The Daily Review' is hereby determined and declared to be a newspaper of general circulation [within the meaning of Government Code §§ 6000 et seq.]" Said decree has not been revoked, vacated or set aside.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

**12/16/2022**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Rio Vista, California.  
On this 16th day of December, 2022.

  
Public Notice Advertising Clerk

Legal No. **0006719984****CITY OF HAYWARD SEEKS  
PLANNING COMMISSION APPLICANTS**

(HAYWARD, CA) – The City of Hayward will be accepting applications for potential candidates to fill the remaining terms of former Planning Commission Members Julie Roche and Zachariah Oquenda. The vacancies were created when Oquenda submitted a resignation letter on November 14, 2022 and when Roche was elected to Council Member and sworn-in on December 13, 2022.

Applicants must be residents of the incorporated area of the City of Hayward. Individuals who have served on City commissions are encouraged to apply. Individuals appointed to the Planning Commission will need to file a Fair Political Practices Commission Statement of Economic Interests (Form 700).

All interested individuals must complete an application available online at <http://www.hayward-ca.gov/>

Applications received will be screened by members of the City Council. Those candidates selected from the screening process will be invited for an interview before the City Council at a Special City Council meeting on Tuesday, January 17, 2023.

For further information, please call the Office of the City Clerk at (510) 583-4400 or email [cityclerk@hayward-ca.gov](mailto:cityclerk@hayward-ca.gov)

**Application Period:**

Wednesday, December 14, 2022, through Thursday, January 12, 2023

**Applications available:** City's website at [www.hayward-ca.gov](http://www.hayward-ca.gov)

City Hall is observing a holiday business closure from December 23, 2022, to January 2, 2023.

**Application Deadline:** Thursday, January 12, 2023, 5:00 p.m.

Dated: December 16, 2022  
Miriam Lens, City Clerk  
City of Hayward

**DR 6719984; Dec. 16, 2022**



**FOR IMMEDIATE RELEASE**

**Media Contact:**

Chuck Finnie  
(510) 583-4434  
chuck.finnie@hayward-ca.gov

## **Hayward accepting applications for appointment to City Council and Planning Commission**

**HAYWARD, Calif.**, Dec. 15, 2022—The City of Hayward is accepting applications from City residents for appointment to vacant seats on the Hayward City Council and Planning Commission.

Under the City Charter, service on the City Council is limited to Hayward residents who are registered to vote while service on the Planning Commission is open to all Hayward residents regardless of whether they are registered to vote or eligible to be registered to vote.

Appointment to the City Council would be to complete the remaining two years of the term of the Council seat vacated by Mayor Mark Salinas with his swearing-in as Mayor on Tuesday. Appointment to a Council seat is by majority vote of the Council. The deadline to apply for appointment to the Council seat vacated by Mayor Salinas is 9 a.m. Jan. 3, 2023.

Under a process approved by the City Council on Tuesday, Councilmembers will formally receive the applications for appointment to the vacated Council seat during a special Council meeting on Jan. 3 and select, by noon on Jan. 5, up to five applicants to be invited to be interviewed and considered for appointment during a special Council meeting on Jan. 9. If no appointment is made, the Council will direct the City Clerk to call a special municipal election to fill the vacant Council seat.

Appointment to the Planning Commission would be to complete the term of the Commission seat vacated by new Councilmember Julie Roche and an alternate vacancy resulting from the departure of former Commissioner Zachariah Oquenda, who resigned on Nov. 14.

Appointment to the Planning Commission is by majority vote of the City Council. The term of the Commission seat vacated by Councilmember Roche ends Sept. 30, 2023. The deadline to

apply for appointment to the vacated Commission seat or alternate vacancy is 5 p.m. Jan. 12, 2023.

To fill the vacant Planning Commission seats, applications received by the 5 p.m. Jan. 12 deadline will be reviewed by members of the City Council. Applicants selected through the Council screening process will be invited for an interview before the City Council at a special meeting on Jan. 17.

Online applications for appointment to the City Council are available [here](#). Online applications for appointment to the Planning Commission are available [here](#). For paper copies of both applications, visit the Office of the City Clerk at Hayward City Hall, 777 B Street, 4<sup>th</sup> Floor, Hayward, or call (510) 583-4400. Please note City Hall will be closed to the public during a holiday business closure from Dec. 23 to Jan. 2.

FINAL LIST OF PLANNING COMMISSION APPLICANTS

No.	First Name	Last Name	Hayward Resident
1.	Ahmed A.	Baporia	Yes
2.	Amal	Issa	Yes
3.	Anika C.	Patterson	Yes
4.	Apoorva	Dube	Yes
5.	Ashanti	Hooks	Yes
6.	Bukola	Adesokan-Cobb	Yes
7.	Chandrakala (Chandu)	Siramdas	Yes
8.	Collin	Thormoto	Yes
9.	David K.	Edu	Yes
10.	Don Bosco	Hu	Yes
11.	Douglas M.	Mansel	Yes
12.	Farhat	Safi	Yes
13.	Glen P.	Hubahib	Yes
14.	Greg	Gillis	Yes
15.	Gwenda G.	Dossey	Yes
16.	Hannah	Tinsley	Yes
17.	Jeff	Bond	Yes
18.	Karla	Goodbody	Yes
19.	Kyrstine Rei T.	Aralar	Yes
20.	Mariana	Triviso	Yes
21.	Marty	Froomin	Yes
22.	Maximilian	Thomas Jr.	Yes
23.	Meenakshi	Sawhney	Yes
24.	Rachel	Bloom	Yes
25.	Raj K.	Singh	Yes
26.	Randy E. A.	Ramos	Yes
27.	Rosalee H.	Ojeda	Yes
28.	Shanta E.	Franco-Clausen	Yes
29.	Sherman	Lewis	Yes
30.	Terence C.	Candell	Yes
31.	Thomas P.	Wong	Yes
32.	Tin	Tran	Yes
33.	Tom A.	Ferreira	Yes
34.	Wendy W.	Chen	Yes
35.	Yves M.	Tshimanga	Yes





## OFFICE OF THE CITY CLERK

PLANNING COMMISSION APPLICANTS NOMINATED TO INTERVIEW WITH COUNCIL								
APPLICANTS	Andrews	Goldstein	Márquez	Roche	Salinas	Syrop	Zermeño	POINTS
Wendy Chen					1			1
Shanta Franco-Clausen	1		1	1		1	1	5
Tom A Ferreira					1			1
Greg Gillis				1				1
Karla Goodbody	1	1	1	1	1		1	6
Ashanti Hooks	1							1
Amal Issa		1	1	1			1	4
Sherman Lewis						1		1
Douglas Mansel	1				1			2
Anika Patterson	1	1	1	1		1		5
Randy Ramos							1	1
Collin Thormoto			1			1		2
Hannah Tinsley						1		1
Tin Tran		1						1
Mariana Triviso		1			1		1	3

**Note: Applicants who received three or more points were invited to interview with the City Council on 1/17/23.**



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**File #:** WS 23-002

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**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** Acting Development Services Director

**SUBJECT**

Hayward Residential Design Study: Parking Analysis for Hayward Residential Design Study

**RECOMMENDATION**

That the City Council provides feedback on the recommendations included in the Parking Analysis for the Hayward Residential Design Study.

**SUMMARY**

The Hayward Residential Design Study is a long-range planning project that will result in the development of objective residential standards and zoning amendments to ensure General Plan and Zoning Ordinance consistency. As part of this effort, a Parking Analysis (Attachment II) was conducted by the project team (consultants Mintier Harnish and DKS Associates in collaboration with City staff) to determine if any changes to the City's existing parking regulations for residential development should be considered. Specifically, the Analysis recommends that the City:

- Maintain parking requirements within the Mission Boulevard Code area
- Not increase parking requirements for multi-family developments outside of the Mission Boulevard Code and Downtown Specific Plan Areas
- Develop Transportation Demand Management (TDM) strategies for multi-family developments
- Allow for the unbundling of parking
- Revise parking requirements for single-family dwellings that are abutting a street with no permitted parking on both sides of the street

At this work session, staff is requesting specific feedback from the Council on the following questions related to the Parking Analysis for the Hayward Residential Design Study:

- Which of the recommendations do you think are right for Hayward?
- Do you support the development of TDM requirements or credits for multifamily development?
  - If so, which TDM strategies should be included?
  - Are there specific areas of the city, such as Downtown, along Mission Boulevard, and/or around major transit stops where TDM requirements or credits should apply?

- Would you be supportive of differentiating TDM requirements or credits based on project size, location, level of affordability and/or tenure (rental vs. ownership)?
- Are there any other parking design issues (i.e., setbacks, visibility, etc.) that should be addressed as part of the Hayward Residential Design Study?

Following this work session, subsequent work sessions will be scheduled with the Planning Commission and City Council to obtain feedback on the various options for the Objective Standards and Recommendations Report, including any zoning amendments necessary to codify the updated requirements within the Hayward Municipal Code.

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Parking Analysis



**DATE:** January 24, 2023

**TO:** Mayor and City Council

**FROM:** Acting Development Services Director

**SUBJECT:** Hayward Residential Design Study: Parking Analysis for Hayward Residential Design Study

## **RECOMMENDATION**

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- Would you be supportive of differentiating TDM requirements or credits based on project size, location, level of affordability and/or tenure (rental vs. ownership)?
- Are there any other parking design issues (i.e., setbacks, visibility, etc.) that should be addressed as part of the Hayward Residential Design Study?

Following this work session, subsequent work sessions will be scheduled with the Planning Commission and City Council to obtain feedback on the various options for the Objective Standards and Recommendations Report, including any zoning amendments necessary to codify the updated requirements within the Hayward Municipal Code.

## BACKGROUND

In 2019, the City of Hayward was awarded an SB2 Planning Grant by the California Department of Housing and Community Development (HCD) for various housing projects, including the Hayward Residential Design Study (previously named the Residential Objective Standards and Zoning Consistency Update). The grant funds allocated to this project cover the development of objective residential standards and zoning amendments to ensure General Plan and Zoning Ordinance consistency.

Over the past several years, the California State legislature adopted numerous housing bills to address the State's Housing Crisis, including Senate Bill (SB) 35, SB 330, and SB 8, which are aimed at streamlining land use entitlements and processes. Streamlining is generally used to limit and define local control and discretion thus providing developers with more certainty in timing and outcomes for residential and mixed-use developments. Specifically, local jurisdictions have limited ability to deny housing projects that meet all objective standards. As defined by State law, "objective standards are those that involve no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official." In other words, an objective standard must be written in such a way that anyone reading it would have the same understanding of what the standard requires. Therefore, the Hayward Residential Design Study will focus on updating the City's residential standards to make them "objective" by including measurable and enforceable parameters.

*Kickoff Meeting Joint Session.* On February 1, 2022,<sup>1</sup> the City Council and Planning Commission held a joint work session to provide initial guidance and feedback on the Hayward Residential Design Study. The Council and Planning Commission provided significant feedback during this session, including that the project should address community parking concerns by evaluating current regulations and identifying strategies to reduce parking necessities (shuttles, bike infrastructure, car-sharing programs, unbundled parking).

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<sup>1</sup> Joint Session of City Council and Planning Commission, February 1, 2022:  
<https://hayward.legistar.com/LegislationDetail.aspx?ID=5397460&GUID=B175606F-4591-4D2E-B41A-328BD292B038>

Public Outreach. To date, outreach efforts for the Hayward Residential Design Study have included an online community survey, an online interactive mapping tool, in-person “walkshops” (walking workshops), and various in-person community events. These efforts were promoted through the City’s e-newsletter, social media platforms, Permit Center, libraries, and community-based organizations. The community survey and promotional materials were provided in Spanish, Mandarin, and English.

Through these outreach efforts, staff has gathered both quantitative and qualitative data that will be used to inform the development of objective residential standards and zoning amendments. Key findings from the outreach thus far include a range of community priorities, including managing off-street parking concerns. A full summary and analysis of public outreach to date is available on the City’s website.<sup>2</sup>

Informational Reports. On October 11, 2022<sup>3</sup> and October 27, 2022,<sup>4</sup> the City Council and Planning Commission respectively, received Informational Reports from staff providing a status update on the Hayward Residential Design Study. The Reports and their attachments provide a detailed overview of community outreach conducted to date, a project vision statement and objectives, and background information related to relevant State legislation, the City’s current regulations for residential development, and best practices from surrounding communities. As these items were included on the meeting agendas as Informational Reports, no discussions were held, or actions taken.

Planning Commission Work Session on Parking Analysis. On January 12, 2023, the Planning Commission was scheduled to hold a work session<sup>5</sup> to discuss the recommendations included in the Hayward Residential Design Study Parking Analysis (Attachment II). Due to a lack of quorum, this item was postponed to February 9, 2023.

Summary of Recent State Legislation. As noted above, the State legislature passed several laws in recent years that reduced parking requirements for certain projects to help remove financial barriers for residential development, including Senate Bill 330 (SB 330) and more recently, Assembly Bill 2097 (AB 2097).

SB 330 prohibits jurisdictions from adopting development standards, including minimum off-street parking requirements, that would effectively reduce the overall residential development potential that is currently allowed. Furthermore, AB 2097 prohibits jurisdictions from imposing any minimum parking requirements for residential, commercial, or other development projects that are located within one-half mile of a major transit stop. The Hayward Amtrak Station, the Hayward BART Station, and the South Hayward BART Station are currently the only qualifying major transit stops within Hayward. However, there

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<sup>2</sup> Project Webpage on City of Hayward Website:

<https://www.hayward-ca.gov/your-government/departments/planning-division/residential-design-study>

<sup>3</sup> Informational Report to the City Council, October 11, 2022:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5866918&GUID=894C7C53-DC5C-4221-B088-0EBF8B2AEA96>

<sup>4</sup> Informational Report to the Planning Commission, October 27, 2022:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5892998&GUID=7857C30F-1A87-4B4B-9E5E-A8B0339C69FE>

<sup>5</sup> Planning Commission Work Session, January 12, 2023:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5986261&GUID=CF8EBC9A-F6DB-404F-ABCE-2226EBF0621C>

are several bus stops along Mission Boulevard that may qualify in the future if the frequency of bus service increases slightly. Overall, these laws limit the City's ability to increase off-street parking requirements.

## Policy Context

Within the Parking Analysis for the Hayward Residential Design Study, the project team evaluated relevant State legislation and the City's current off-street parking requirements to develop recommendations to address residential parking concerns. A summary of existing regulations are described below and detailed in Attachment II.

Summary of Current Off-Street Parking Requirements. Current residential parking requirements are determined by the City's Off-Street Parking Regulations, Mission Boulevard Code, and Downtown Specific Plan. The project team determined that the City's parking requirements are generally consistent with or higher than comparable rates in the Institute of Transportation Engineer's (ITE) Parking Generation Manual. The minimum and maximum number of required parking spaces are summarized in Table 1 below.

**Table 1: City of Hayward Residential Parking Regulations**

Use	Number of Required Parking Spaces
<b>Single-Family Dwellings</b>	
Single-Family Dwellings	2 Covered per Dwelling Unit
Single-Family Dwellings that are abutting a street with no permitted parking on both sides of the street	2 Covered <u>AND</u> 2 Uncovered per Dwelling Unit (spaces cannot block the covered spaces)
Single-Family Dwellings built prior to March 24, 1959	1 Covered per Dwelling Unit
<b>Multi-Family Dwellings</b>	
Studios	1 Covered <u>AND</u> 0.5 Uncovered Per Dwelling Unit
One-Bedrooms	1 Covered <u>AND</u> 0.7 Uncovered Per Dwelling Unit
Two or More Bedrooms	1 Covered <u>AND</u> 1.10 Uncovered Per Dwelling Unit
<b>Mission Boulevard Code</b>	
All Residential Developments	No Parking Minimums, A Maximum of 1 Per Dwelling Unit within ½ Mile of BART Station and A Maximum of 2 Per Dwelling Unit Elsewhere
<b>Downtown Specific Plan</b>	
All Residential Developments	1 Per Dwelling Unit, No Parking Maximums

The Off-Street Parking Regulations also contain methods for residential developments to reduce their overall parking requirement. These include credit for senior citizen housing and housing for people with disabilities, credit for two-wheel parking spaces, credit for off-site parking, and allowing tandem parking for single-family dwellings. However, the City does not currently have any requirements or credits for Transportation Demand Management (TDM) strategies for residential developments.

Infill Housing Report. In December 2019, the Council of Infill Builders released their report on efforts to accelerate and accommodate infill housing in the City of Hayward and presented this

report to the City Council on January 14, 2020<sup>6</sup>. The Report recommends that the City develop optimal parking policies to encourage market-driven supply that boosts walkability, biking, and transit usage. Excess parking supply and requirements add to project costs and can reduce the walkability and transit-friendly nature of downtowns and commercial corridors. Ongoing operation and maintenance of parking structures can also be costly for rental properties. At the same time, it was noted that lenders are reluctant to finance new projects in Hayward without sufficient on-site parking. As a result, the report recommends the City consider parking policies that allow the market to determine supply while providing options to reduce the demand for on-site, decentralized parking that can increase project costs. The Mission Boulevard Code update relied on this information to support no parking minimum within the Code Area.

## DISCUSSION

Over the past year, the City's project team has been working to develop a suite of recommendations to address residential parking concerns expressed by stakeholders as well as support the development of high-quality, accessible, and attractive housing. The recommendations, which are summarized below, are based on analysis of State legislation, the City's current off-street parking regulations, and best practices from other communities. Additional details for each recommendation are provided in Attachment II.

- **Maintain parking requirements within the Mission Boulevard Code area.** Given current State legislation (AB 2097, SB330) and an upcoming AC Transit network redesign, current parking requirements within the Mission Boulevard Code should be maintained. State legislation severely limits the City's ability to increase parking minimums, especially along Mission Boulevard.
- **Do not increase parking requirements for multi-family developments outside of the Mission Boulevard Code and Downtown Specific Plan Areas.** Given that the parking requirements for multi-family dwellings outside the Mission Boulevard Code and Downtown Specific Plan Areas are generally higher than the ITE Manual rates, current parking requirements should not be increased. Staff should monitor the parking supply and occupancy of recent multi-family dwellings to determine if a reduction from current standards is needed.
- **Develop Transportation Demand Management (TDM) strategies for multi-family developments.** Current regulations do not have any requirements, nor do they provide credits for TDM strategies employed in multi-family developments. The City should consider allowing for a reduction in off-street parking supply in multi-family residential developments under certain conditions, such as a site's proximity to transit, the provision of active transportation amenities (bike parking, scooter share, etc.), a car-share program, the provision of subsidized transit passes, and other options that reduce car ownership.
- **Allow for the unbundling of parking.** Unbundling parking is the act of separating out the cost of parking from the cost of living, by charging separately for parking. Current

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<sup>6</sup> Work Session with the City Council, January 14, 2020:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=4288614&GUID=8884B223-5825-443E-AEB7-561FE7CECC64&Options=&Search=>



regulations do not allow for unbundling parking without specific conditions of project approval that state otherwise.

- **Revise parking requirements for single-family dwellings that are abutting a street with no permitted parking on both sides of the street.** To maintain the supply of parking in single-family neighborhoods with constrained roadway conditions, and support residential development, staff recommends allowing driveway spaces to satisfy the uncovered parking space requirements for single-family dwellings that are abutting a street with no permitted parking on both sides of the street.

As previously indicated in this report, staff is requesting specific feedback from the Council on the following questions related to the Parking Analysis for the Hayward Residential Design Study:

- Which of the recommendations do you think are right for Hayward?
- Do you support the development of TDM requirements or credits for multifamily development?
  - If so, which TDM strategies should be included?
  - Are there specific areas of the city, such as Downtown, along Mission Boulevard, and/or around major transit stops where TDM requirements or credits should apply?
  - Would you be supportive of differentiating TDM requirements or credits based on project size, location, level of affordability and/or tenure?
- Are there any other parking design issues (i.e., setbacks, visibility, etc.) that should be addressed as part of the Hayward Residential Design Study?

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of Preserve, Protect and Produce Housing for All. Specifically, this item relates to the implementation of the following project (s):

Project 4, Part 4d:	Implement housing incentives and production work plan in accordance to state housing limits; Develop an Overlay Zoning District to allow RS zoned properties (single family residential) to develop into a variety of housing types at densities permitted under the applicable General Plan designation.
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## **FISCAL IMPACT**

Mintier Harnish's approved contract and associated budget, including contingency, is \$234,910, and will be paid through the HCD SB2 Planning Grant awarded in 2019. There is no additional fiscal impact associated with the parking analysis for the Residential Design Study.

## NEXT STEPS

By early spring, staff anticipates presenting the Objective Standards and Recommendations Report to both the Planning Commission and City Council to highlight the various options tied to the adoption of new residential development standards. Using the feedback received from decision makers at these work sessions, as well as the additional feedback from the public, staff will present the updated draft of proposed objective standards with related zoning amendments by early summer.

*Prepared by:* Taylor Richard, Assistant Planner  
Elizabeth Blanton, AICP, Senior Planner

*Recommended by:* Sara Buizer, AICP, Acting Development Services Director

*Approved by:*

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

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Kelly McAdoo, City Manager

## HAYWARD COMPARATIVE PARKING STUDY MEMO

DATE: December 6, 2022

TO: Elizabeth Blanton | City of Hayward

FROM: Josh Pilachowski, Alexandra Haag | DKS Associates

SUBJECT: Hayward Residential Design Study

Project # 22049-000

### INTRODUCTION

The Hayward Residential Design Study is an update to the City's zoning regulations to support the development of quality housing. Currently, the City of Hayward's (City) Municipal Code provides minimum off-street parking requirements for various land uses, with the purpose of providing off-street parking and loading facilities in developments that are in proportion to the demand created by the use. The purpose of this memorandum is to provide an overview of recent State legislation that impacts residential parking requirements, summarize the City's residential Off-Street Parking Regulations as required by the Municipal Code, compare the requirements to parking generation rates published in the Institute of Transportation Engineer's (ITE) Parking Generation Manual, 5<sup>th</sup> Edition (ITE Manual), and determine if any changes are necessary either at a city-wide or location/land-use specific level to manage parking demand and community needs.

This review focuses on the quantity of off-street parking and loading spaces required by the Municipal Code and does not cover specific design considerations such as the location of parking spaces on-site. Development standards and specific design options will be considered in the forthcoming Option and Recommendations Report.

### SUMMARY OF STATE LEGISLATION

#### SB 330 HOUSING CRISIS ACT

SB 330 strengthens the Housing Accountability Act and Permit Streamlining Act to address California's housing crisis by removing barriers to residential development, protecting existing housing inventory, and expediting permit processing. It prohibits local jurisdictions from enacting new laws that would have the effect of reducing the capacity for new housing or delaying housing development via administrative or other regulatory barriers. Specifically, SB 330 prohibits local jurisdictions from adopting development standards, including minimum off-street parking

requirements, that would reduce the intensity of the residential use that is currently allowed by the General Plan and Zoning Ordinance.

**Applicability:** The City cannot increase minimum parking requirements in some zoning districts without making a commensurate reduction in others so that overall residential development potential does not decrease.

### DENSITY BONUS LAW

State Density Bonus Law provides developers with tools to encourage the development of affordable and senior housing. Under Density Bonus Law, local jurisdictions may not require more than the following off-street parking requirements for a density bonus project.

Studio	1 parking space per unit
1 Bedroom	1 parking space per unit
2 Bedroom	1.5 parking spaces per unit
3 Bedroom	1.5 parking spaces per unit
4 Bedroom	2.5 parking spaces per unit*

*\*Note: The Municipal Code only requires 2.1 parking spaces per unit for a four-bedroom multifamily unit*

There are further reductions for projects that meet certain affordability levels, serve specific populations and are near transit. Additionally, developers can request a concession as part of their density bonus application to further reduce their off-street parking requirements.

**Applicability:** The City is required to grant parking reductions and concessions related to parking for qualifying density bonus projects.

### SB 9

SB 9 is intended to enable housing development in single-family residential zones by allowing lot splits and two dwelling units per parcel, which may result in up to four units total. Local jurisdictions may require up to one off-street parking space per unit for SB 9 projects. However, if the project site is located within one half mile walking distance of either a high-quality transit corridor or a major transit stop or is within a block of a car share vehicle, then no off-street parking is required.

**Applicability:** Within Hayward, this law applies to most Single-Family Residential (RS) zoned parcels. This limits the City's ability to enforce the off-street parking requirements summarized later in this report for these projects.

### AB 2097

AB 2097 prohibits a public agency from imposing any minimum automobile parking requirements on any residential, commercial, or other development project that is located within one half mile of a major transit stop. A "Major Transit Stop" is defined as:

- An existing rail or bus rapid transit station.
- A ferry terminal served by either a bus or rail transit service.
- The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

AB 2097 allows local jurisdictions to impose minimum off-street parking requirements if not imposing the requirements would have a substantially negative impact on the jurisdiction's ability to either meet its share of specified regional housing needs or the utilization of existing parking within one half mile of the housing development. However, this provision is not applicable if the project dedicates a minimum of 20 percent of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities, contains fewer than 20 housing units, or is subject to parking reductions based on any other applicable law.

**Applicability:** Under AB 2097, the developments in Hayward that will no longer have parking minimums are within one half mile of the Amtrak Station, the Hayward BART Station, and the South Hayward BART Station as shown in **Figure 1**. Currently, Hayward does not have any intersections of two or more major bus routes with a service interval frequency of 15 minutes or less. However, there are some bus routes, such as Route #99 and Route #10, that have short headways (20 minute and 17 minutes, respectively). Service increases or major transit changes in the future may result in new locations qualifying as major bus routes, limiting the city's ability to impose parking minimums in those areas.

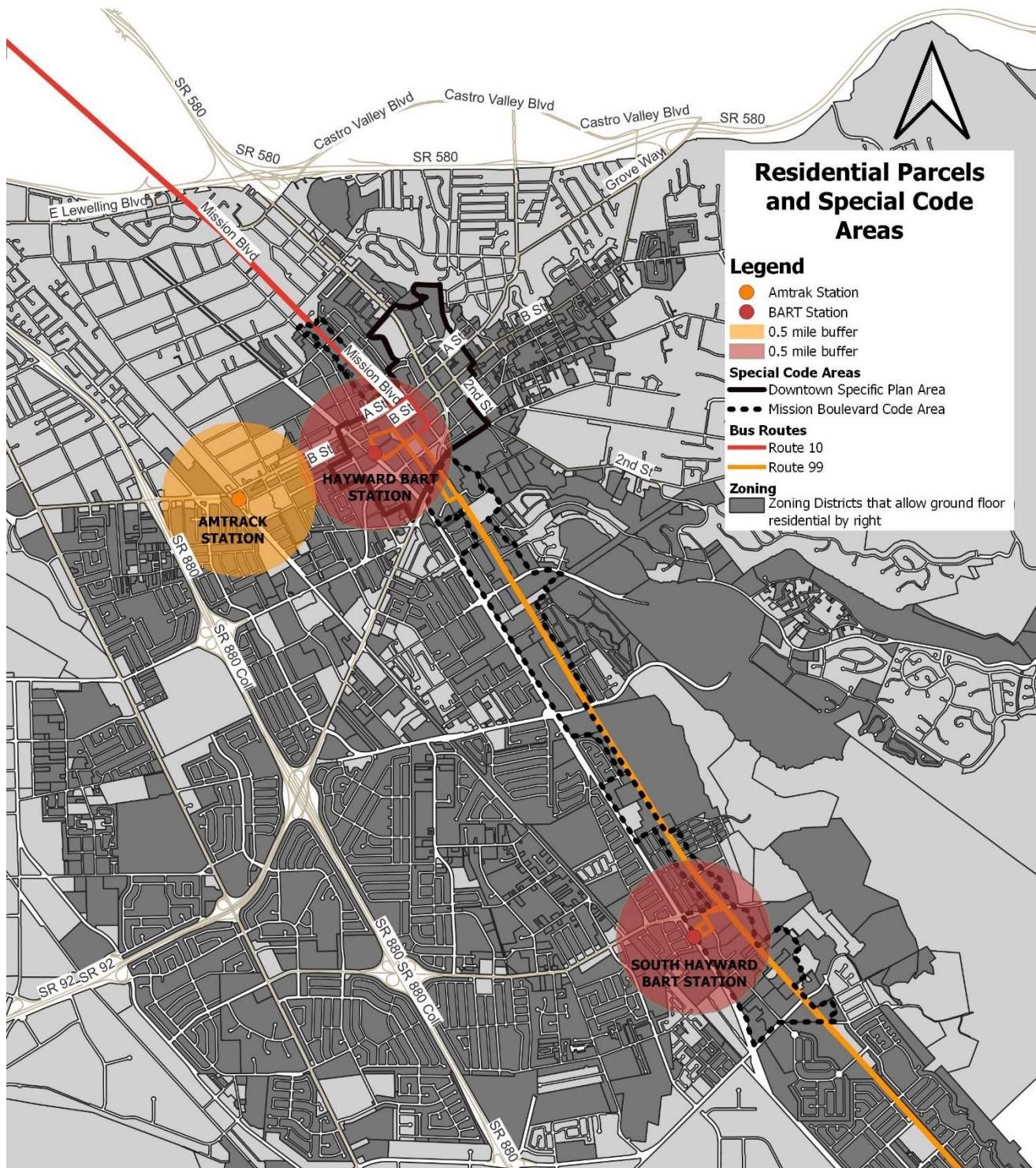


FIGURE 1: PARCELS IMPACTED BY ASSEMBLY BILL 2097



## SUMMARY OF OFF-STREET PARKING REQUIREMENTS

The off-street parking requirements for residential land uses in the City's Off-Street Parking Regulations, Mission Boulevard Code, and Downtown Specific Plan are summarized below and compared against parking rates published in the ITE Manual. The areas where residential parking rates are determined by the Mission Boulevard Code and Downtown Specific Plan are shown in **Figure 3** and **Figure 4**.

Parking rates in the ITE Manual are determined based on a range of land use descriptions, such as gross floor area, and further classified based on urban and rural land uses and by time period (typically weekday and weekend). For the purpose of comparing these rates to the City's Parking Regulations, weekday parking generation rates have been used and the most conservative land use context has been selected when applicable. ITE Manual reference codes and a full list of parking rates used are located in **Appendix A**.

## RESIDENTIAL PARKING REQUIREMENTS

The number of off-street parking spaces required for residential land uses are summarized in **Table 1** below. ITE Manual rates are provided as a range for low-, mid-, and high-rise multi-family residential developments and have been converted to an equivalent unit rate for comparison against the City's parking regulations.

### SINGLE-FAMILY DWELLINGS

For single-family residential land uses, the City designates spaces on a per dwelling-unit basis. For single-family dwellings, 2.0 parking spaces in an enclosed garage are required. Single-family dwelling units abutting a street with no on-street parking are required to provide an additional 2.0 uncovered spaces per dwelling unit, which cannot block the garage spaces. For dwellings with a single car garage built prior to March 24, 1959, only 1.0 covered parking space per dwelling unit is required. The ITE Manual does not list rates for single-family dwelling units.

### MULTI-FAMILY DWELLINGS

For multi-family dwelling units outside of the Mission Boulevard Code Area and Downtown Specific Plan Area, the City's parking provisions are classified by the number of bedrooms in each unit. For a studio unit, 1.0 covered and 0.50 uncovered spaces are required. For a one-bedroom unit, 1.0 covered and 0.70 uncovered spaces are required. For a two or more-bedroom unit, 1.0 covered and 1.10 uncovered spaces are required. For all unit sizes, the City requires that 10 percent of all multi-family parking spaces are designated as visitor parking. The Municipal Code does not allow "unbundling" of parking (where parking spaces are rented or owned separately from the residential units) unless explicitly stated in a condition of approval. The Municipal Code also does not allow unused spaces to be rented out to another party.

The ITE Manual's parking generation rate for multi-family units varies from 1 to 1.3 parking spaces per dwelling unit for low-, mid-, and high-rise multifamily developments. Even at a rate of 1.3 spaces per unit, the parking spaces required per the City's Parking Regulations exceed the rates published in the ITE Manual.

### **DOWNTOWN SPECIFIC PLAN PARKING REQUIREMENTS**

The Downtown Specific Plan determines parking requirements for developments within the Downtown Specific Plan Area shown in **Figure 2**. Within the Downtown Specific Plan Area, the residential parking requirement is 1 parking space per dwelling unit or 1 parking space per 500 square feet, whichever is less.

The Downtown Specific Plan allows for residential parking requirements to be located off-site, subject to the approval of the reviewing authority.

### **MISSION BOULEVARD CODE PARKING REQUIREMENTS**

The Mission Boulevard Code determines parking requirements for development within the Mission Boulevard Corridor, shown in **Figure 3** and **Figure 4**.

The Mission Boulevard Code does not require a minimum amount of parking, and instead, sets a maximum parking requirement, which is determined based on a development's proximity to transit. There is a maximum of two off-street parking spaces per residential unit allowed, except for within one-half mile of the Hayward and South Hayward BART Stations, where a maximum of 1 off-street space is allowed.

While the Mission Boulevard Code does stipulate a parking maximum, it does allow for additional parking to be provided in some circumstances. In these cases, the approving body may approve additional residential parking if all the following findings can be made:

- The request is consistent with the goals and policies of the Hayward General Plan, the Mission Boulevard Code, and any other adopted policies related to parking and the multi-modal network.
- The request is supported by a quantitative justification from the applicant that the demand for the additional parking spaces exists and providing additional parking spaces is warranted; and
- The additional parking will not impede bicycle and pedestrian circulation and safety.

**Table 1** compares the residential parking requirements in the Off-Street Parking Regulations, Mission Boulevard Code, and Downtown Specific Plan, against rates published in the ITE Manual. The parking generation rates published in the ITE Manual are generally lower than the City's minimum parking requirements in the Municipal Code.



**TABLE 1: RESIDENTIAL PARKING REQUIREMENTS COMPARED TO ITE PARKING GENERATION MANUAL RATES  
(REGULATIONS SECTION 10-2.310)**

Uses	Hayward Off-Street Parking Regulations	Mission Boulevard Code	Downtown Specific Plan	ITE Parking Generation Manual, 5th Edition
<b>Single Family Dwellings</b>				
Single Family Dwelling	2.0 covered per dwelling unit	<b>no minimum</b>  <b>maximum</b> of 2.0 spaces per residential unit if greater than 0.5 miles from BART Station. Maximum 1.0 spaces if less than 0.5 miles from BART Station	1.0 space per dwelling unit, provided that the aggregate supply for all units at buildout is 1.5 spaces per dwelling unit	No Data
Single Family Dwelling - abutting public or private street with no parking lane, or no parking is permitted on both sides of street	2.0 covered per dwelling unit <b>AND</b> 2.0 uncovered per dwelling unit			No Data
Single Family Dwelling - with a single car garage built prior to March 24, 1959	1.0 covered per dwelling unit			No Data
<b>Multiple Family Dwellings</b>				
Studio	1.0 covered <b>AND</b> 0.50 uncovered per dwelling unit <b>AND</b> 0.1 visitor spaces per residential	<b>no minimum</b>		1.0 to 1.3 per dwelling unit
One-bedroom	1.0 covered <b>AND</b> 0.7 uncovered per dwelling unit <b>AND</b> 0.1 visitor spaces per residential parking space	<b>maximum</b> of 2.0 spaces per residential unit if greater than 0.5 miles from BART Station. Maximum 1.0 spaces if less than 0.5 miles from BART Station	1.0 space per dwelling unit, provided that the aggregate supply for all units at buildout is 1.5 spaces per dwelling unit	1.0 to 1.3 per dwelling unit
Two or more bedrooms	1.0 covered <b>AND</b> 1.10 uncovered per dwelling unit <b>AND</b> .1 visitor spaces per residential parking space			1.0 to 1.3 per dwelling unit

*ITE Parking Manual rates have been normalized against the same independent variable and values as the Bylaw, where applicable. Rates are rounded to the nearest 0.1*

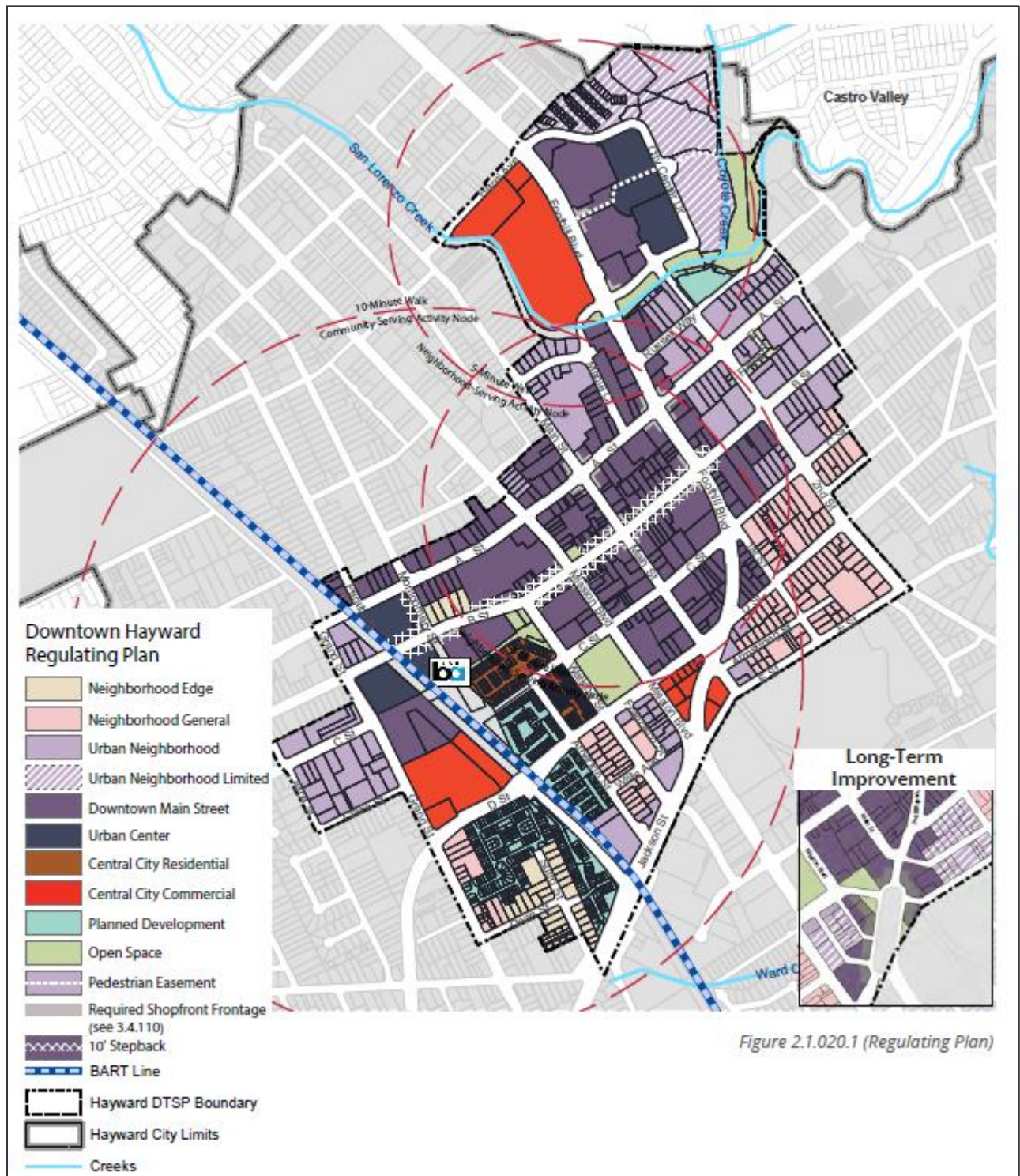


FIGURE 2: DOWNTOWN SPECIFIC PLAN CODE AREA



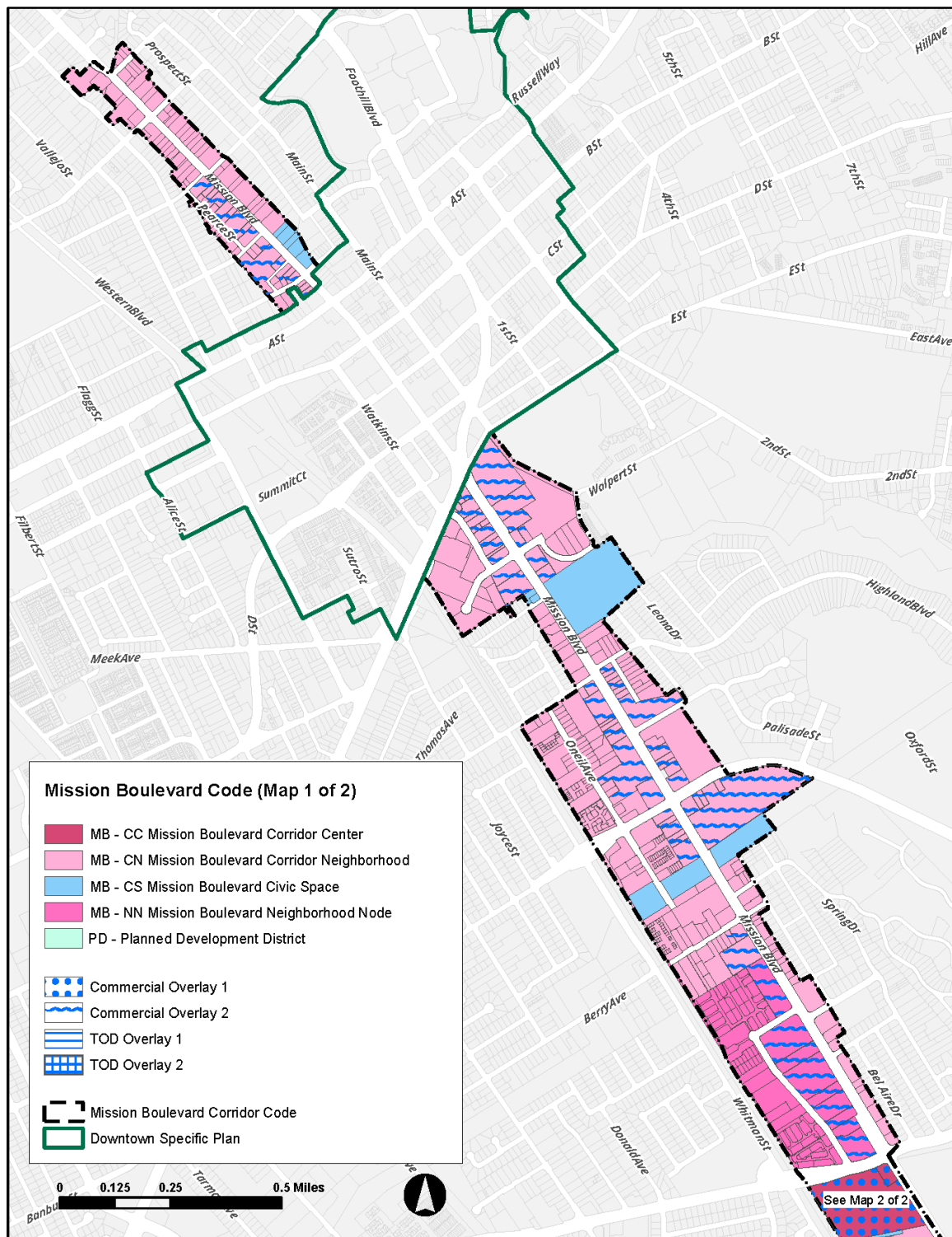


FIGURE 3: MISSION BOULEVARD CODE AREA - NORTH

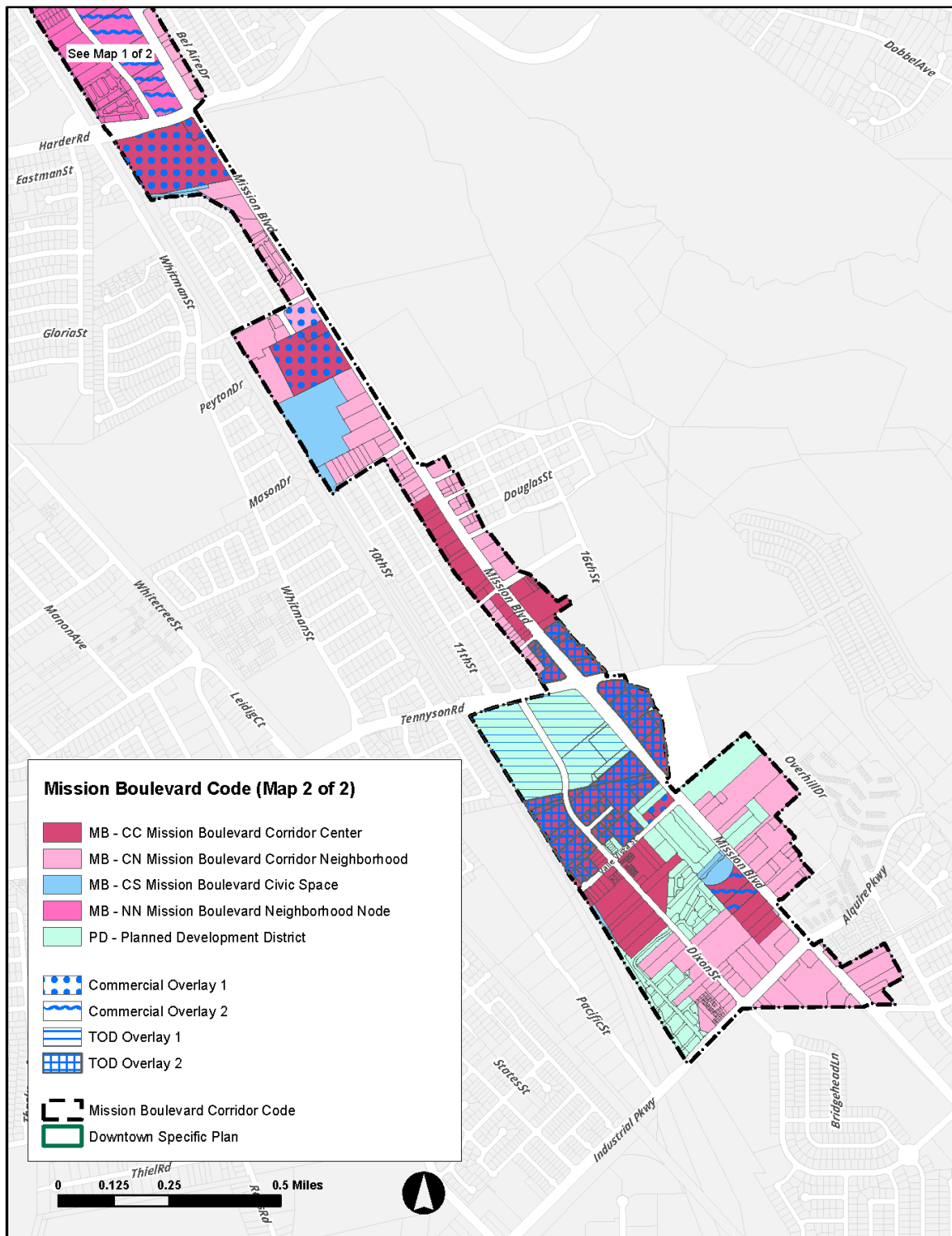


FIGURE 4: MISSION BOULEVARD CODE AREA - SOUTH

## EXCLUSIONS, REDUCTIONS AND EXCEPTIONS

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There are some opportunities for residential developments to reduce their overall minimum parking requirements from the standard rates published in the City's Off-Street Parking Regulations, as summarized below.

### **CREDIT FOR SENIOR CITIZEN HOUSING AND HOUSING FOR PEOPLE WITH DIABILITIES**

The City's Off-Street Parking Regulations allow for the reduction of parking space requirements for developments that are provided exclusively for individuals aged 62 years of age or older and/or for persons with disabilities. In these cases, the overall parking requirements may be reduced by up to 25 percent as approved by the Planning Director if

- The facility is conveniently located with respect to shopping, services, and public transportation;
- Units are permanently made available to low-income persons;
- Tenant vehicles are limited to the number of parking spaces provided, exclusive of guest parking spaces; and
- The Planning Director finds that these conditions substantially reduce the need for on-site parking.

The percent reduction obtained cannot be in addition to any other reductions.

### **CREDIT FOR TWO WHEEL VEHICLE PARKING SPACES**

The City's Off-Street Parking Regulations allows for the reduction of parking spaces in exchange for the provision of parking facilities for two-wheeled vehicles, such as bicycles and motorcycles. Additional parking spaces or facilities for bicycles, motorcycles and similar two-wheel vehicles shall be provided when more than 50 parking spaces are required. Credit for one parking space is given for every four bicycle spaces provided, and credit for one parking space is provided for every two motorcycle spaces provided. However, credit for parking spaces cannot exceed five percent of total required parking spaces.

### **TANDEM PARKING**

The City's Off-Street Parking Regulations allows tandem parking for single-family and mobile homes, and for multi-family residences in the Central Parking District when spaces are assigned to the same dwelling unit and are enclosed within a garage. If the multi-family residences are located

outside the Central Parking district, tandem parking is allowed when spaces are assigned to the same dwelling unit and are enclosed within a garage, and when

1. The development contains at least 20 units and is located within 1,000 feet of a bus route with 7-day service or a rail station;
2. No more than 35 percent of the residences are provided tandem spaces;
3. The tandem garages are spaced or grouped such that vehicular movement conflicts are minimized; and
4. The tandem garages are located such that vehicles back out into an alley or courtyard that provides access to parking facilities only.

### **CREDIT FOR OFF-SITE PARKING**

The City's Off-Street Parking Regulations allows for off-site parking through an administrative use permit, providing the following findings and conditions of approval:

1. The building or use for which application is being made shall have the main entrance located within 500 feet along a traversable pedestrian route from the farthest proposed parking space;
2. There is a useable pedestrian route along public streets or permanently established easements between the parking and the uses or structures served;
3. The adjacent or nearby properties will not be adversely affected relative to parking;
4. The proposed traffic circulation will not be detrimental to the health, safety, and welfare of residents residing or working in or adjacent to the parking; and
5. The property owner(s) must enter into a written, recorded agreement with the City, in a form satisfactory to the City Attorney, describing the off-site parking plan and including a guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking, a recording of a covenant among the properties for access to and use of the off-site parking facilities, a provision stating that the City may, upon a finding by the Director of Community and Economic Development/Planning Director that there has been a change in use, modify, amend, or unilaterally terminate the agreement.

### **CITY STAFF INTERVIEWS**

Planning staff from the City of Hayward were interviewed on October 24, 2022 to provide local context regarding existing conditions, challenges, and opportunities related to residential off-street

parking. Staff emphasized a desire to “right-size” parking to meet demand without over parking and sacrificing housing units. They suggested adding an unbundling provision to the code, which would allow parking spaces to be sold or rented separately from housing units. Further, they identified sections of the code which may warrant revision, including the standard that for single family neighborhoods with no on street parking, a total of four parking spaces per home, excluding driveway spots, is required.

With respect to Mission Boulevard, staff observed that most developers are still providing parking for residential projects, even though none is required. The original reasoning for providing a parking maximum in this area was to not be overly prescriptive with parking, but rather to let the market dictate what is necessary. City staff noted that some neighborhoods in the area have instituted parking permit programs, but there are issues with expanding this program due to lack of resources for enforcement, as well as it being a staff intensive process.

## ANALYSIS AND RECOMMENDATIONS

### SUMMARY KEY FINDINGS

- Parking rates in the Municipal Code are generally consistent with or higher than comparable rates in the ITE Parking Generation Manual. Some parking rates for single family homes are notably higher, such as the requirement for four spaces if there is no on-street parking.
- The Municipal Code as it is currently written does not allow for unbundling of parking costs from the cost of renting or owning a multifamily unit.
- The Municipal Code allows for a reduced number of off-street parking spaces to be provided for non-residential developments that implement a Transportation Demand Management Plan but does not have a similar allowance for residential developments. The recently signed into law Assembly Bill 2097 prohibits any public agency from imposing minimum automobile parking requirements on development projects located within 0.5 mile of a major public transit stop and SB 9 prohibits on-street parking requirements for single family housing zones within the same distance of transit. Illustrated in Error! Reference source not found., this will primarily impact land parcels currently governed by the Mission Boulevard Code and Downtown Specific Plan or parcels adjacent to these Code Areas. Near the Amtrak Station, it will impact properties in the Santa Clara and Burbank neighborhoods.
- Due to SB 330, any increase in parking requirements that could result in reduced housing potential must have a commensurate reduction in parking requirements elsewhere to maintain overall housing potential.
- Per the Density Bonus Law, the City is required to grant parking reductions and concessions related to parking for qualifying density bonus projects.
- Staff expressed an appetite for increased flexibility in requirements and regulations so that parking supply can be right-sized for the various residential land uses and neighborhoods across the city.

## RECOMMENDATIONS

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The following recommendations have been based on a review of the existing parking requirements in the Hayward Municipal Code, a review of the recent legislation, and discussion with City staff about existing residential parking conditions and challenges.

- **Maintain no parking minimums within the Mission Boulevard Code Area and Downtown Specific Plan Code Area and evaluate impacts of AB 2097 and new projects as they come online.** It is recommended that parking minimums should not be added to the Mission Boulevard Code Area, with consideration given to Covid-19's ongoing disruption to transit service and travel patterns, the upcoming AC Transit network redesign, as well as the recently adopted AB 2097, which eliminates parking minimums within 0.5 miles of rail stations and major bus routes. This will also avoid causing any required parking reductions in other locations per SB 330. The code should continue to defer to State laws regarding parking minimums.
- **Maintain current multifamily parking minimums and monitor parking occupancy and capacity data of existing residential developments to determine if minimums can be further reduced consistent with ITE parking demand rates.** Hayward's Municipal Code parking minimums for multifamily developments are generally higher than ITE Manual rates and as such should not be increased. Recent development has shown that developers still provide parking even when no minimums are established. A better understanding of parking supply and occupancy in recent multifamily developments in Hayward would provide stronger evidence supporting any reduction in parking requirements in the Municipal Code while ensuring that parking goals are still met.
- **Consider developing Transportation Demand Management (TDM) guidelines for multifamily residential developments.** While the Municipal Code allows for a reduced number of off-street parking spaces to be provided for non-residential developments that implement a transportation demand management plan, no such option is available for residential developments that provide TDM strategies. The objective of a TDM program is to work with developers provide on-site amenities that will encourage a range of travel options and reduce car ownership, in exchange for providing parking at a reduced rate. The City should consider allowing for a reduction in off-street parking supply in multifamily residential developments under certain conditions, such as a site's proximity to transit, provision of active transportation amenities (bike parking, bike share, scooter share), car-share, provision of subsidized transit passes, and other options for reducing car ownership.



The City of San Francisco has had a TDM plan<sup>1</sup> for new developments in place since 2018. San Francisco provides a comprehensive overview of TDM measures<sup>2</sup> that can be used as a starting point to develop relevant measures for Hayward along with a point-based system for scoring proposed TDM. Key items relevant to reducing residential parking demand include:

- Bicycle Parking – Scored based on the number and location of Class 1 and Class 2 bicycle parking spaces
- Bicycle Support facilities – Availability of showers and clothes lockers, repair and maintenance facilities
- Vehicle share – Bike share, Car share parking and membership
- Delivery – Curb management and delivery amenities
- High Occupancy Vehicle support – Contributions or incentives for sustainable transportation

An example scoring rubric is shown in **Table 2**.

**TABLE 2: EXAMPLE TRAVEL DEMAND MANAGEMENT RUBRIC**

DESCRIPTION	POINTS
<b>BICYCLE PARKING</b>	
Class 1 and 2 bicycle parking meeting code requirements	1
At least 1.25 Class 1 Bicycle Parking spaces for every Dwelling Unit, and 2 Class 2 Bicycle Parking spaces for every 20 Dwelling Units	2
At least 1.5 Class 1 Bicycle Parking spaces for every Dwelling Unit, and 3 Class 2 Bicycle Parking spaces for every 20 Dwelling Units	3
At least 2 Class 1 Bicycle Parking spaces for every Dwelling Unit, and 4 Class 2 Bicycle Parking spaces for every 20 Dwelling Units	4

<sup>1</sup> <https://sfplanning.org/transportation-demand-management-program>

<sup>2</sup> [https://default.sfplanning.org/transportation/tdm/TDM\\_Measures.pdf](https://default.sfplanning.org/transportation/tdm/TDM_Measures.pdf)

DESCRIPTION		POINTS
<b>BICYCLE SUPPORT FACILITIES</b>		
	Include a bicycle repair station consisting of a designated, secure area within the building, with tools and supplies	1
	Offer free bicycle maintenance services to each Dwelling Unit and/or employee, at least once annually	1
<b>BICYCLE SHARE</b>		
	Provide one complimentary bike share membership annually and be located more than 1000' from an existing or proposed bikeshare station	1
	Provide one complimentary bike share membership annually and be located less than 1000' from an existing or proposed bikeshare station	2
	Provide a fleet of bicycles for residents for their use. The number of bicycles in the fleet shall be equivalent to the number of Class 2 Bicycle Parking spaces required by the Planning Code	1
<b>CAR SHARE</b>		
	Car-share parking spaces as required by the Planning Code with a minimum of one car-share parking spaces	1
	One car-share parking space for every 80 Dwelling Units, with a minimum of two car-share parking spaces	2
	One car-share membership for each Dwelling Unit, and car-share parking spaces as required by the Planning Code with a minimum of one car-share parking spaces	3
	One car-share membership for each Dwelling Unit, and one car-share parking space for every 80 Dwelling Units, with a minimum of two car-share parking spaces	4
	One car-share membership for each Dwelling Unit, and one car-share parking space for every 40 provided Dwelling Units, with a minimum of three car-share parking spaces	5

	DESCRIPTION	POINTS
<b>DELIVERY</b>		
	Facilitate delivery services by providing an area for receipt of deliveries that offers temporary storage for package deliveries, laundry deliveries, and other deliveries, and/or providing temporary refrigeration for grocery deliveries	1
<b>HIGH OCCUPANCY VEHICLE SUPPORT</b>		
	Offer contributions or incentives for sustainable transportation, such as public transit subsidies [25%, 50%, 75%, 100%]	[2, 4, 6, 8]
	Provide local shuttle service with a posted schedule (that does not replicate existing transit lines) [15-minute peak hour headways, 7.5-minute peak hour headways]	[7, 14]

- **Allow for the unbundling of parking.** The Hayward 2040 General Plan states the City shall encourage multifamily development projects to separate (i.e., unbundle) the cost of parking from lease or rent payments. However, this is currently not permitted by the Municipal Code. Many residential and commercial leases in buildings that include off-street parking include the cost of those spaces in the total cost of the lease. Unbundling the cost of parking means separating out the cost of parking from the cost of living or working space, by charging separately for parking. To accomplish this, the City can require that new residential and commercial projects with common parking areas unbundle the full cost of parking from the cost of the property itself, by identifying parking costs as a separate line item in the lease and to allow tenants to lease as few parking spaces as they wish.
- **Revise parking provisions for single family homes with no adjacent on street parking to require a driveway with sufficient space for at least one additional car.** This will maintain consistency of required parking areas with other neighborhoods while ensuring that sufficient driveway space is provided to support garage storage, allowing greater flexibility for residents. If driveway space is counted, the saved curb space no longer needed to provide sufficient parking can potentially be better utilized for complete street facilities.

