

**SPECIAL JOINT MEETING OF
THE CITY COUNCIL AND
HAYWARD PUBLIC FINANCE
AUTHORITY BOARD**

SEPTEMBER 12, 2023

**DOCUMENTS RECEIVED AFTER
PUBLISHED AGENDA**

Agenda Questions and Answers

AGENDA QUESTIONS & ANSWERS
MEETING DATE: September 12, 2023

Consent Item [CONS 23-491](#)

Adopt a Resolution Authorizing the City Manager to Execute a 10-Year Agreement with Axon Enterprises, Inc. for the Purchase of the Axon Officer Safety Plan 10 Premium Bundle in an Amount Not-to-Exceed \$11.5 Million, Appropriating \$300,000 into CIP Project 07418 from Fund 405 Fund Balance, and Transferring \$190,927.49 from Fund 730 to Fund 405

1. Are hardware updates included or extra?

1. Hardware updates are included at the halfway point (early 2029) for TASERs, Fleet cameras, Jail Van cameras, and VR training equipment. The BWC hardware (docks & cameras) get refreshed/replaced every 2.5 years. The only hardware not slated for update or preplanned for replacement are the cameras in the interview rooms. They rarely fail, but should one need replacing during the term of this contract, we would purchase it separately at an approximate cost of \$300-\$500.

2. Are there performance metrics to ensure uptime, availability, and suitability for use? If the city is unhappy, what recourse do we have to switch vendors?

2. Currently, these items are not incorporated into the additional contract terms AXON sent to the City last week but they should already be accounted for in the current agreement(s). We can include them in the new agreement just to have all bases covered. As for recourse if the City is unhappy, the only two forms of termination AXON allow for are 1. Uncured breach of contract and 2. Non appropriation of funds (both listed as 16.1 and 16.2 respectively in the termination clause). The reality is there really aren't other vendors that can do everything AXON does, so moving away from them would be monumental. AXON has been incredibly responsive thus far and willing to work with City staff if there are issues

Regarding uptime, AXON's Service Offerings Agreement states:

2. (continued)

Service Level Objective: Axon will use commercially reasonable efforts to make the Service Offerings available 99.99% of the time.
Guaranteed service level & Service Credits:

Monthly Uptime Percentage	Service Credit in Days
Less than 99.9%	3
Less than 99.0%	7

Work Session Item [WS 23-037](#)

I-880/Whipple Road Industrial Parkway Interchange Improvement Project Work Session: Review and Discuss Aesthetic Features

1. As that area frequently floods, what measures will be undertaken to mitigate flooding?

1. The project manager, Sasha Dansky of Mark Thomas will be at this work session; this question about flooding and other technical questions can be posed to him.

Item# 9

CONS 23-483

Adopt a Resolution Authorizing the City Manager to Award a
Construction Contract to Spencon Construction, Inc., in the
Amount of \$982,564.75 and Approving \$150,000 in
Administrative Construction Contingency for the FY23
Sidewalk Rehabilitation and Wheelchair Ramps Project No.
05303



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

THROUGH: City Manager

SUBJECT: Adopt a Resolution Authorizing the City Manager to Award a Construction Contract to Spencon Constructions, Inc., in the Amount of \$983,564.75 and Approving \$150,000 in Administrative Construction Contingency for the FY23 Sidewalk Rehabilitation and Wheelchair Ramps Project No. 05303

That the Council accepts an amendment to CONS 23-483, Attachment I Staff Report, revising the "Complete Construction" estimated schedule date from February 06, 2023, to February 06, **2024**.

Recommended by: Alex Ameri, Director of Public Works

Approved by:

Kelly McAdoo, City Manager

Attachment: Revised Attachment I Staff Report



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Award a Construction Contract to Spencon Construction, Inc., in the Amount of \$982,564.75 and Approving \$150,000 in Administrative Construction Contingency for the FY23 Sidewalk Rehabilitation and Wheelchair Ramps Project No. 05303

RECOMMENDATION

That Council adopts the resolution (Attachment II) Authorizing the City Manager to award a construction contract to the low bidder Spencon Construction, Inc., (Spencon Construction) in the amount of \$982,564.75 for the FY23 Sidewalk Rehabilitation and Wheelchair Ramps Project in Districts 6 and 9, Project No. 05303 and approve \$150,000 in Administrative Construction Contingency (ACC).

SUMMARY

On June 20, 2023, the City received seven (7) bids for the project ranging from \$982,564.75 to \$1,711,364. Spencon Construction of San Ramon submitted the lowest bid of \$982,564.75, which is 32% lower than the Engineer's Estimate \$1,450,000. Rosas Construction, Inc., of Oakland submitted the second lowest bid in the amount of \$1,218,563 which is 16% lower than the Engineer's Estimate. Staff is recommending that a construction contract be awarded to Spencon Construction in the amount of \$982,564.75.

BACKGROUND

When the Program was initiated, the City was divided into ten districts (Attachment III) to facilitate the selection of sidewalk areas for repairs during each year of a ten-year cycle. Although significant progress was made during that first cycle, funding was inadequate to complete all the necessary sidewalk repairs in all of the ten districts. Because there has been significant progress in addressing repair backlogs, recent projects have included two districts. This year, the work will be performed in Districts 6 and 9.

The Sidewalk Rehabilitation Program consists of two components, each performed under a separate construction contract. The first contract, which was started in May, had removed tripping hazards from sidewalk displacements or offsets up to 1¾ inches. These hazards were removed by saw cutting or grinding each uplifted sidewalk panel across the

width of the sidewalk to produce a smooth and uniform surface that meets Americans with Disabilities Act (ADA) slope requirements. Grinding or saw cutting up to 1¾ inches from a short segment of the typical 4" thick sidewalk section is less expensive and more cost effective than the removal and replacement of an entire sidewalk section.

The second component of the Sidewalk Rehabilitation Program, which is the subject of this report, removes and replaces, with new concrete, all sidewalk displacements exceeding 1¾ inches. Removal and replacement are necessary as grinding more than 1¾ inches would compromise the concrete. In addition, it includes the repair of offset or raised concrete curb and gutter, tree trimming, root pruning of existing trees, and planting of new trees. In order to minimize damage to City Street trees and evaluate the health of any trees that may be impacted by the project, the contractor is required to retain an arborist to examine each street tree adjacent to the work and inspect any root pruning that is part of the project.

DISCUSSION

This year's Project will repair damaged sidewalks in the Tennyson Road South Area (District 6) and the Winton Grove Thelma Area (District 9) (Attachment IV). The project includes repair of approximately 12,000 square feet of damaged sidewalk, and curb and gutters, plus the installation of thirty new or upgraded wheelchair ramps in various locations, tree trimming, root pruning of existing trees and planting of new trees. As part of the project, the contractor will retain an arborist to examine the condition of existing trees and inspect all root-pruning work. Based on the preliminary inspection, staff anticipates removing twenty-eight trees and planting ninety-one new trees in various locations. New trees will be planted where street trees are absent, where an existing tree must be removed because of disease or it is in danger of falling, where a need for extensive root pruning may kill the tree, or where a more suitable tree species will minimize future maintenance efforts. Thirty new wheelchair ramps will also be installed or upgraded to bring wheelchair ramps into compliance with current ADA standards (Attachment V).

On June 20, 2023, seven (7) bids were received. The bids ranged from \$982,564.75 to \$1,711,364. The low bid was from Spencon Construction of San Ramon in the amount of \$982,564.75 which is 32% lower than the Engineer's Estimate \$1,450,000. Rosas Brother Construction, Inc., submitted the second lowest bid of \$1,218,563, which is 16% lower than the Engineer's Estimate.

ACO funds and the low bid will allow staff to mark and repair more damaged sidewalks in both districts.

All bid documents and licenses are in order. Staff recommends award of a construction contract to the lowest responsive bidder, Spencon Construction in the amount of \$982,564.75.

On November 15, 2016, Council passed a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applied to City projects with construction costs of \$1,000,000 or more. This 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 the FY23 Sidewalk Rehabilitation Project is less than \$1,000,000, the CWA agreement does not apply to this project.

This project is categorically exempt for environmental review under the California Environmental Quality Act, Section 15301(c) that covers the operation, repair, maintenance or minor alteration of existing streets, sidewalks, and gutters.

ECONOMIC IMPACT

The project will have a positive impact on the community as it provides safer and more accessible sidewalks and ramps for pedestrians. Dividing the City into ten districts allows staff to select and recommend districts to ensure equitable distribution of this service to all City residents and businesses.

FISCAL IMPACT

The FY23 Capital Improvement Program (CIP) includes \$1,800,000 for the Sidewalk Rehabilitation Project where \$1,000,000 is from Street System Improvements Fund (Fund 450) and \$800,000 in Measure BB Local Transportation (Fund 216). Reimbursement from property owners for the sidewalk rehabilitation is estimated to be approximately \$150,000.

The estimated project costs are as follows:

Contract Construction	\$982,564
Trip Hazard Removal (under a separate contract)	\$60,000
Design and Administration	\$150,000
Construction Survey, Inspection, and Testing	\$150,000
Administrative Change Orders	\$150,000
TOTAL	\$1,492,564

STRATEGIC ROADMAP

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

SUSTAINABILITY FEATURES

This project requires that all material generated during construction and demolition be sent to designated facilities for recycling. Recycled Portland Cement Concrete will be required for use as aggregate base for the concrete curb, gutter, and sidewalk. The improvements made to the sidewalks will encourage the public to walk more as opposed to driving their vehicles. This reduces both carbon emissions and carbon footprints, which is beneficial for the environment.

PUBLIC CONTACT

Owners of the affected properties have received certified letters regarding the program along with a response form to return to the City indicating their choice to complete the repairs themselves, pay the \$550 fee for single-family homes or cover the cost of actual repair costs for commercial and investment properties that the City contractor will complete. Property owners have the option of paying the fee in one lump sum or in twelve monthly payments. The response form also includes a list of trees that an owner can choose from for a replacement tree. Before construction commences, a second notice will be sent to all property owners who did not respond to the first notice to assure they are aware of the program.

NEXT STEPS

The estimated schedule for this project is as follows:

Begin Construction

October 16, 2023

Complete Construction

February 06, ~~2023~~2024

Prepared by: Mir Ali, Assistant Civil Engineer
Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:

Kelly McAdoo, City Manager

Item# 12

WS 23-037

I-880/Whipple Road Industrial Parkway Interchange
Improvement Project Work Session



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

THROUGH: City Manager

SUBJECT: I-880/Whipple Road Industrial Parkway Interchange Improvement Project
Work Session: Review and Discuss Aesthetic Features

That the Council accepts an amendment to WS 23-037, Attachment I Staff Report.

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read "Kelly Mc Adoo", is positioned below the "Approved by:" text.

Kelly Mc Adoo, City Manager

Attachment: Revised Attachment I Staff Report



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: I-880/Whipple Road Industrial Parkway Interchange Improvement
Project Work Session: Review and Discuss Aesthetic Features

RECOMMENDATION

That the Council reviews and provides feedback on aesthetic features for the I-880/Whipple Road – Industrial Parkway Interchange Improvement Project.

SUMMARY

The City is in partnership with the Alameda CTC, the implementing agency, and the California Department of Transportation (Caltrans) to provide interchange improvements at the Whipple Road and Industrial Parkway interchanges along the I-880 corridor. The project proposes improvements at the I-880/Whipple Road / Industrial Parkway Southwest Interchange (Whipple Road Interchange) and the I-880 /Industrial Parkway West (Industrial Parkway Interchange). ~~The project utilizes~~ Measure BB funding through Alameda CTC's Transportation Expenditure Plan have been allocated for the scoping, Preliminary Engineering & Environmental Document and Plans, Specifications & Estimate phases. No funding yet has been allocated for the right of way or construction phases The preliminary total project cost ~~estimates-estimate range from is~~ \$200-220 million to \$240 million.

Staff is requesting that Council receive a presentation prepared by the project's architect and provide comments and feedback on the aesthetic of certain elements of the project design.

BACKGROUND

Previously the Council recommended approval of the preferred alternatives for the project during the Project Approval / Environmental Document (PA&ED) Phase in 2021. PA&ED was completed in summer of 2022. Design work has been moving forward, with construction planned to start in Spring-Fall 2025 and ~~substantial~~ project construction completion by Spring 2028.

DISCUSSION

~~During the design phase,~~ Caltrans and the Federal Highway Administration (FHWA) policies-mandate require ~~that~~ a qualitative/aesthetic approach to the project design be taken to provide aesthetic enhancement of project features in order to address the loss of visual quality in the project area. The aesthetic enhancement of project features, including the bridge railing, retaining wall, lighting, and landscape design, amongst other design features fulfills the letter and the spirit of Caltrans and FHWA requirements because it addresses the actual cumulative loss of visual quality due to a project. The inclusion of aesthetic features in the project was a consistent comment received from both the public during the environmental document public comment period and from the input received from the Council. The workshop presentation is intended to allow the design team to present a range of aesthetic themes and features for the project to the Council and public. The project team worked with the City and Caltrans staff to develop the aesthetic features being presented to the Council, and seeks feedback from the Council and public on the presented aesthetic design elements to be constructed as part of the project. This feedback along with the input and concurrence of the Caltrans District Landscape Architect will enable the project to be designed in a manner that is reflective of both community and Caltrans desires.

ECONOMIC IMPACT

The Project would improve access and reduce congestion-related delays both on I-880 and local streets as well as address on-going concerns related to access to the local network. By improving access and reducing delay, the Project is expected to have positive impacts on local businesses and retail areas.

FISCAL IMPACT

The project is currently not expected to have a fiscal impact on the City. The project utilizes Measure BB funding through ACTC's Transportation Expenditure Plan. Preliminary cost estimates range from \$200 million to \$240 million.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Infrastructure. Specifically, this item relates to the implementation of the following projects(s):

Project N1: Continue to implement major corridor traffic calming initiatives

Project N6: Continue to add approximate 10 miles of bike lanes annually, with focus on protected bike lanes and intersections that have high traffic/incidents

PUBLIC CONTACT

Given Council's desire to fully engage with the community on such key projects, Alameda CTC and the City collaborated in a series of public outreach/community engagement activities. Those meetings included the following endeavors:

- Sep 26, 2018: Bike/Ped; Eden Bicycles, 3318 Village Drive, Castro Valley, CA 94546
- Sep 27, 2018: Local Agencies; City of Hayward Economic Development, Large Conference Room, 777 B Street, Hayward, CA 94541
- October 11, 2018: Local, Businesses, Auto Auction and Trucking Industry; Manheim San Francisco Bay, 29900 Auction Way, Hayward, CA 94544
- October 17, 2018: TRANSIT AND PARATRANSIT; Union City Transit, 34009 Alvarado-Niles Road, Union City, CA 94587
- September 20, 2018: POP-UP EVENT #1; Treeview Elementary School Back to School Night, Hayward, CA 94544
- September 27, 2018: POP-UP EVENT #2; Union City Farmers' Market, Union City 94587
- February 18, 2021; EIR virtual public meeting
- May 25, 2021: Hayward City Council - Select Preferred Alternative to Present to Alameda County Transportation Commission

NEXT STEPS

The Project Development Team will incorporate the preferred aesthetic features in the design of the project. Construction is scheduled to start in ~~Spring-Fall~~2025 and ~~substantial~~ project construction completion is expected by Spring 2028.

Prepared by: Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager