



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88129328683?pwd=eDI3dUtROHFBNVNLRnZtUUUpSRFE5UT09>

Tuesday, January 17, 2023, 7:25 p.m.

The City Council meeting was called to order by Mayor Salinas at 7:25 p.m. The City Council held a meeting virtually via Zoom. Mayor Salinas indicated the meeting started late because the Council was transitioning from Planning Commission interviews.

Pledge of Allegiance: Council Member Roche

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

Absent: None

PUBLIC COMMENTS

There were none.

CITY MANAGER'S COMMENTS

City Manager McAdoo announced the Hayward Public Library, in partnership with the American Chinese Youth Performing Art Foundation, was hosting Dance and Music for the Lunar New Year on January 21, 2023,

CONSENT

1. Approve the City Council Minutes of the City Council Meeting on December 6, 2022 **MIN 23-007**

It was moved by Council Member Márquez, seconded by Council Member Syrop, and carried unanimously, to approve the minutes of the City Council Meeting on December 6, 2022.

2. Approve the City Council Minutes of the Special City Council Meeting on December 13, 2022 **MIN 23-008**

It was moved by Council Member Márquez, seconded by Council Member Syrop, and carried unanimously, to approve the minutes of the special City Council Meeting on December 13, 2022.

3. Adopt an Ordinance Amending Chapter 10, Article 17 (Affordable Housing Ordinance) and Article 19 (Density Bonus Ordinance) of the Hayward Municipal Code Related to an Update of the Density Bonus Ordinance **CONS 23-025**

Staff report submitted by City Clerk Lens, dated January 17, 2023, was filed.

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

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

Ordinance 23-003, "An Ordinance Amending Chapter 10, Article 17 (Affordable Housing Ordinance) and Article 19 (Density Bonus Ordinance) of the Hayward Municipal Code Related to an Update of the Density Bonus Ordinance"

4. Adopt a Resolution Authorizing the City Manager to Execute Five (5) Eighteen-Month Professional Services Agreements with CSG Consultants, EKI Environment & Water, Harris & Associates, Lee and Ro, and V.W. Housen & Associates for On-Call Engineering Support Services, in an Amount Not-To Exceed \$500,000 each, with an Aggregate Amount Not-To-Exceed \$1,500,000 **CONS 23-005**

Staff report submitted by Public Works Director Ameri, dated January 17, 2023, was filed.

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

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

Resolution 23-004, "Resolution Authorizing the City Manager to Execute an Eighteen-Month Professional Services Agreement with CSG Consultants, Eki Environment & Water, Harris & Associates, Lee and Ro, and V.W. Housen & Associates, in an Amount Not-to-Exceed \$500,000 Per Agreement, and \$1,500,000 in Total, for On-Call Engineering Support Services"

5. Adopt a Resolution Approving Addendum No. 1, 2 & 2A, and Awarding a Construction Contract to JJ Construction & Design, Inc., for the Municipal Parking Lot No. 7, D-1 & D-2 Improvement Project, Project No. 05296 in the Amount of \$328,070 and Authorizing a Construction Contingency Change Order Budget of \$71,930 **CONS 23-002**

Staff report submitted by Public Works Director Ameri, dated January 17, 2023, was filed.



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

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

Resolution 23-005, "Resolution Approving Addendum No. 1, 2 & 2A for the Municipal Parking Lot No. 7, D-1 & D-2 Improvement, Project No. 05296, and Awarding the Construction Contract to JJ Construction & Design, Inc."

6. Adopt a Resolution Approving Plans and Specifications, and Call for Bids for the FY23 Median Landscape Improvement - Phase 1, Project No. 05281 **CONS 23-006**

Staff report submitted by Public Works Director Ameri, dated January 17, 2023, was filed.

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

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

Resolution 23-006, "Resolution Approving Plans and Specifications for the FY23 Median Landscape Improvement - Phase 1 Project - Hesperian Boulevard (Phillips Way to Sueirro Street) Project No. 05281, and Call for Bids"

7. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate up to \$10,000 in Small Donations (\$999 or less individually) from Library Patrons to Support Library Services and Programs **CONS 23-010**

Staff report submitted by Director of Library Services Addleman, dated January 17, 2023, was filed.

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

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

Resolution 23-007, "Resolution Authorizing the City Manager to Accept and Appropriate up to \$10,000.00 in Small Donations (\$999 or Less Individually) to Support Library Services and Programs in FY2023 and up to \$10,000 Annually through the End of FY 2025"

8. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$200,000 from Edward Martins to Support the Purchase of a Techmobile for the Hayward Public Library **CONS 23-012**

Staff report submitted by Director of Library Services Addleman, dated January 17, 2023, was filed.

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

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

Resolution 23-008, "Resolution Authorizing the City Manager to Accept and Appropriate \$200,000 from Edward Martins to Support the Purchase of a Techmobile"

9. Adopt a Resolution Awarding a Contract to JMB Construction for the Trash Capture Device Installation on Tennyson Road, Project No. 07746, in an Amount of \$737,888 and a Contingency Budget of \$72,112 for a Total Contract Not-to-Exceed Amount of \$810,000 **CONS 23-013**



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Tuesday, January 17, 2023, 7:25 p.m.

Staff report submitted by Director of Public Works Ameri, dated January 17, 2023, was filed.

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

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

Resolution 23-009, "Resolution Awarding a Contract to JMB Construction for the Trash Capture Device Installation on Tennyson Road, Project No. 07746, in an Amount of \$ 737,888 and a Contingency Budget of \$72,112 for a Total Contract Not-to-Exceed Amount of \$ 810,000"

10. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for Prominence Lighting and Landscape District #3 with Brightview Landscape Services, in an Annual Amount of \$99,554 and Approving an Additional \$20,000 Annually for Contingencies **CONS 23-015**

Staff report submitted by Director of Maintenance Services Rullman, dated January 17, 2023, was filed.

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

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

Resolution 23-010, "Resolution Authorizing the City Manager to Negotiate and Execute a Contract for Landscape Maintenance for Prominence LLD #3 with Brightview Landscape Services in an Annual Amount of \$99,554,000 and Approving an Additional \$20,000 Annually for Contingencies"

11. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for the Downtown Hayward Maintenance with New Image Landscape Company, in an Annual Amount of \$156,000, and an Additional \$20,000 Annually for Contingencies, and Approve an Increase in the Budget Appropriation and Transfer of \$116,402 from the General Fund to the Landscape Maintenance Fund **CONS 23-016**

Staff report submitted by Director of Maintenance Services
Rullman, dated January 17, 2023, was filed.

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

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

Resolution 23-011, "Resolution Authorizing the City Manager to Negotiate and Execute a Contract for Landscape Maintenance for the Downtown Hayward Maintenance with New Image Landscape Company in an Annual Amount of \$156,000 and Approving an Additional \$20,000 Annually for Contingencies; and Amending the FY 2023 Budget Resolution in Order to Appropriate and Transfer \$116,402 from the General Fund to the Landscape Maintenance Fund for Said Contract"

12. Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with OpenGov, Inc. for Financial Reporting, Budgeting and Planning, and Procurement Solution Services for a Period of Three-Years, with Two (2) One-Year Contract Extensions **CONS 23-024**

Staff report submitted by Director of Finance Gonzales, dated
January 17, 2023, was filed.

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

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



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Resolution 23-012, "Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with OpenGov, Inc. for Financial Reporting, Budgeting and Planning, and Procurement Solution Services for a Period of Three-Years, with Two (2) One-Year Contract Extensions"

13. Adopt Resolutions Authorizing the City Manager to (1) Amend the Professional Services Agreements with Kitchell CEM for Extended Construction Support Services by \$333,000 for a Not-to-Exceed Amount of \$2,533,000; (2) with RossDrulisCusenbery Architecture, Inc., by \$292,000 for a Not-to Exceed Amount of \$3,254,000; (3) Amend the Inspector of Record Services with ABC Inspections, Inc., by \$80,000 for a Not-to-Exceed Amount of \$945,000; (4) Amend the Agreement with Mobile Modular for an Additional Rental of Modular Structures by \$55,000 for a Not-to-Exceed Amount of \$283,500 for the Temporary Fire Station 6; and (5) Transfer and Appropriate Additional Funds in an Amount Not-to-Exceed \$5,596,800 for the Fire Station 6 and Fire Training Center Project, Project No. 07481 and 07482 **CONS 23-026**

Staff report submitted by Director of Public Works Ameri, dated January 17, 2023, was filed.

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

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

Resolution 23-013, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Kitchell Cem for Construction Support for the Fire Station 6 and Fire Training Center Improvement Project"

Resolution 23-014, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with RossDrulisCusenbery Architecture, Inc., for Construction Support for the Fire Station 6 and Fire Training Center Improvement Project"

Resolution 23-015, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with ABC Inspections, Inc., for Inspector of Record Services for the Fire Station 6 and Fire Training Center Improvement Project"

Resolution 23-016, "Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Mobile Modular for an Additional Rental of Modular Structures by \$55,000 for a Not-to-Exceed Amount of \$283,500 for the Temporary Fire Station 6"

Resolution 23-017, "Resolution to Appropriate Additional Measure C Funds, in an Amount of \$5,596,800, for the Fire Station 6 and Fire Training Center Project, Project Nos. 07481 and 07482, from Measure C Capital Operating (Fund 101) to Measure C (Fund 406)"

14. Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Kimley-Horn & Associates, Inc., for the Planning and Scoping Phase of the SR-92/Whitesell Interchange Project, Project No. 05334, in an Amount Not-to-Exceed \$620,000 and Appropriate an Additional \$360,000 from Fund 212 to the Project
CONS 23-027

Staff report submitted by Director of Public Works Ameri, dated January 17, 2023, was filed.

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

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

Resolution 23-018, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Kimley Horn & Associates, Inc., for Consulting Services for the Planning and Scoping Phase of the SR-92/Whitesell, Project No. 05334 in an Amount Not-to-Exceed \$620,000"

Resolution 23-019, "Resolution Authorizing the Appropriation of \$360,000 from the Measure BB (Local Transportation Fund) Fund (Fund 212) to the Planning and Scoping Phase of the SR-92/Whitesell Interchange Project, Project No. 05334"



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City Manager McAdoo, City Attorney Lawson and City Clerk Lens left the Zoom meeting because the Legislative Business item included salary changes related to their positions.

LEGISLATIVE BUSINESS

15. Salary Plan: Adopt a Resolution Approving the Amended Fiscal Year 2023 Salary Plan that Designates Classifications and Corresponding Salary Changes **LB 23-003**

Staff report submitted by Human Resources Director Frye, dated January 17, 2023, was filed.

Human Resources Director Frye provided a synopsis of the staff report.

Members of the City Council asked clarifying questions regarding: the Council appointed officers' salary percentage increases, which are reviewed during annual performance evaluations and follow HAME's methodology for equity adjustment; the budget for the sweeper equipment operator classification is funded through the General Fund, Water Fund, and Stormwater Fund, which is a practice implemented when positions are impacted by funds other than the General Fund; and the definition of equity adjustment.

There being no public comment, Mayor Salinas opened and closed the public hearing at 7:40 p.m.

Mayor Salinas acknowledged the work done by the Personnel Commission.

Deputy City Clerk Madhukansh assisted with the roll call vote.

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

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

Resolution 23-020, "Resolution Approving the Amended Fiscal Year 2023 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 22-278 and all Amendments Thereto"

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Márquez thanked the South Alameda NAACP Planning Committee for organizing the annual Dr. Martin Luther King Jr. Birthday celebration at Chabot College on January 16, 2023, with keynote address by Chief of Police Toney Chaplin.

Council Member Andrews acknowledged Chabot College, the City of Hayward, and the Hayward Unified School District for helping organize the Dr. Martin Luther King Jr. Birthday celebration.

Council Member Márquez, serving as the City's representative to the Alameda County Mosquito Abatement District (ACMAD), reported there was no detection of West Nile virus in humans or birds during 2022 and noted ACMAD's audit was satisfactory.

Council Member Roche noted that Arzo Mehdavi and Judy Harrison were acknowledged at the Dr. Martin Luther King Jr. Birthday event on January 16, 2023.

Mayor Salinas acknowledged staff from the Streets and Landscape divisions for their response to the storm.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Salinas adjourned the meeting to Planning Commission interviews at 7:46 p.m.

Planning Commission Selection

- Karla Goodbody (Term ending September 2023)
- Anika Patterson (Term ending September 2023)
- Shanta Franco-Clausen (Alternate)

It was noted that the City Council would take formal action at the January 24, 2023 Council meeting. Mayor Salinas adjourned the special meeting at 8:06 p.m.



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Tuesday, January 17, 2023, 7:25 p.m.

APPROVED

A handwritten signature in blue ink, appearing to be "MK" followed by a stylized flourish.

Mark Salinas
Mayor, City of Hayward

ATTEST:

A handwritten signature in blue ink, appearing to be "Miriam Lens" with a stylized flourish.

Miriam Lens
City Clerk, City of Hayward