



**CITY COUNCIL MEETING FOR JULY 15, 2014**  
777 B STREET, HAYWARD, CA 94541  
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**CLOSED SESSION**  
**Closed Session Room 2B – 4:00 PM**

**1. PUBLIC COMMENTS**

2. Conference with Legal Counsel

Pursuant to Government Code 54956.9

➤ Pending Litigation:

Damante v. City of Hayward, Alameda County Superior Court No. HG12620646

Russell City Energy Center, LLC v. City of Hayward, U.S.D.C., N.D. CA, No. c-14-CV-3102

Net Connection, LLC v. City of Hayward, U.S.D.C. N.D. of CA, No. CIV 13-1212

3. Conference with Legal Counsel

Pursuant to Government Code 54956.9

➤ Pending Litigation:

Enos/City of Hayward, WCAB No. ADJ8779183

Cooper/City of Hayward, WCAB Nos. ADJ8264879 and ADJ8264889

Beal/City of Hayward, WCAB No. ADJ8420333

4. Conference with Real Property Negotiators

Pursuant to Government Code 54956.8

➤ Under Negotiation: South Hayward BART Land Purchase and Requisition

Lead Negotiators: City Manager David, Assistant City Manager McAdoo, City Attorney Lawson, Project Consultant DeClercq, Development Services Director Rizk, Finance Director Vesely, and Heather Gould and Rafael Yaquian from Goldfarb Lipman (Outside Legal Counsel)

5. Conference with Property Negotiators

Pursuant to Government Code 54956.8

➤ Under Negotiation: 22632 Main Street (APN 428-0066-024-00); 22654 Main Street (APN 428-0066-039-00); 22696 Main Street (APN 428-0066-038-02); 1026 C Street (APN 428-0066-037-00); 1026 C Street (APN 428-0066-038-01)

Property Negotiators: City Manager David, Assistant City Manager McAdoo, City Attorney Lawson, Assistant City Attorney Brick, Public Works-Engineering and Transportation Director Fakhrai, Finance Director Vesely, and Heather Gould and Rafael Yaquian of Goldfarb Lipman (Outside Legal Counsel)

6. Conference with Labor Negotiators  
Pursuant to Government Code 54957.6
    - Lead Negotiators: City Manager David; City Attorney Lawson; Assistant City Manager McAdoo; Finance Director Vesely; Director of Maintenance Services McGrath; Director of Public Works-Engineering and Transportation Morad Fakhrai, Director of Engineering and Transportation; Acting Human Resources Director Collins; Deputy City Attorney Vashi; Senior Human Resources Analyst Monnastes; Community and Media Relations Officer Holland; Jack Hughes, Liebert, Cassidy and WhitmoreUnder Negotiation: All Groups
  7. Adjourn to City Council Meeting
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**REVISED CITY COUNCIL MEETING**  
**Council Chambers – 7:00 PM**

**CALL TO ORDER Pledge of Allegiance** Mayor Halliday

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**PUBLIC COMMENTS**

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

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**NON-ACTION ITEMS:** *(Work Session and Informational Staff Presentation 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.)*

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**WORK SESSION (60-Minute Limit)**

1. Preliminary Review of Proposed Project Concept: Horizontal Mixed Use project on the former Holiday Bowl Site at Mission and Industrial as presented by Doug Rich of Valley Oak Partners (***Report from Development Services Director Rizk***)



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**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.)*

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## **CONSENT**

2. Approval of Minutes of the Special Joint City Council/Redevelopment Successor Agency/Housing Authority Meeting on June 24, 2014  
*Motion*
3. Approval of Minutes of the City Council Meeting on July 1, 2014  
*Motion*
4. West A Street Safety Improvement: Approval of Plans and Specifications and Call for Bids  
*Resolution*
5. Report and Special Assessments for Delinquent Sewer Bills and Water Bills Incurred by Property Owners  
*Resolution*
6. Report and Assessment for Delinquent Garbage Bills Incurred by Property Owners of Single-Family Residences  
*Resolution*
7. Report and Special Assessment for Residential Rental Inspection Program Fees Past Due  
*Resolution*
8. Report and Special Assessments for Community Preservation Fees Past Due  
*Resolution*
9. Report and Special Assessments for Vehicle Abatement Fees Past Due  
*Resolution*
10. Filing Nuisance Abatement/Municipal Code Violations with the County Recorder's Office for Non-Abatable Code Violations  
*Resolution*
11. Median Landscape FY14 – Winton Avenue (Southland Drive to Southland Place): Approval of Plans and Specifications and Call for Bids  
*Resolution*

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12. Pavement Reconstruction FY15: Award of Contract  
*Resolution*
13. Advanced Metering Infrastructure: Authorization for the City Manager to Execute Professional Services Agreement(s) for Pilot Studies  
*Resolution*
14. Adoption of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2015  
*Resolution*
15. Conversion of Existing Gravity Thickener to New Primary Clarifier at Water Pollution Control Facility - Authorization for the City Manager to Amend the Professional Services Agreement with Brown & Caldwell for Design and Construction Administration Services to Raise the Additional Services Limit  
*Resolution*
16. Resolution Authorizing Amendment to the Memoranda of Understanding for the Hayward Police Officers' Association  
*Resolution*
17. Active Transportation Plan – Resolution of Local Support and Authorizing the Filing of the ATP Application for the Tennyson Road Pedestrian and Bicycle Bridge Project  
*Resolution*
18. Authorization for the Bay Area Water Supply and Conservation Agency (BAWSCA) to Initiate, Defend and Settle Arbitration Related to the Water Supply Agreement with San Francisco Public Utilities Commission on Behalf of the City  
*Resolution*
19. Approval of Resolution Amending Resolution No. 14-075, Approving the Financing of Fire Station #7 and Firehouse Clinic Project  
*Resolution*
20. Resolution Authorizing the City Manager to Negotiate and Execute a Second Amendment to the Ground Lease with ParkAvion Property Management HWD, LLC  
*Resolution*
21. Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Bruel & Kjaer EMS, Inc. for an Upgraded Noise Monitoring System at Hayward Executive Airport  
*Resolution*



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**The following order of business applies to items considered as part of Public Hearings and Legislative Business:**

- *Disclosures*
  - *Staff Presentation*
  - *City Council Questions*
  - *Public Input*
  - *Council Discussion and Action*
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## **PUBLIC HEARING**

22. Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 13 –Approve the Engineer’s Report, Confirm the Assessment Diagrams and Assessments, Order the Levy and Collection of Assessments; and Approve Funding Recommendations and Appropriate Special Revenue Funds for Fiscal Year 2015 (***Report from Development Services Director Rizk***)  
*Resolutions (2)*
23. Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - Approve the Engineer's Report, Confirm the Assessment Diagram and Assessment, Order the Levy and Collection of Assessments, and Approve Funding Recommendations and Appropriate Special Revenue Funds for Maintenance District No. 1 for Fiscal Year 2015 (***Report from Development Services Director Rizk***)  
*Resolutions (2)*
24. Maintenance District No. 2 – Eden Shores Storm Water Buffer and Facilities - Approve the Engineer's Report, Confirm the Assessment Diagram and Assessment, Order the Levy and Collection of Assessments, and Approve Funding Recommendations; and Appropriate Special Revenue Funds for Maintenance District No. 2 for Fiscal Year 2015 (***Report from Development Services Director Rizk***)  
*Resolutions (2)*

## **LEGISLATIVE BUSINESS**

25. Adopt Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the South Hayward BART Owner Participation Agreement. CEQA: The Project was previously reviewed under a Mitigated Negative Declaration (MND) and a related Mitigation Monitoring and Reporting Program was adopted for the South Hayward BART Mixed-Use Project certified by the City Council via Resolution No. 09-025 on March 17, 2009. An Addendum to the MND was also approved in June of 2011 (***Report from Assistant City Manager McAdoo***)  
*Resolution*

## **COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

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## ADJOURNMENT

**NEXT MEETING – 7:00 PM, TUESDAY, JULY 22, 2014**

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**PUBLIC COMMENT RULES:** *The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.*

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**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 has 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.*

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**\*\*\*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, 4<sup>th</sup> Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. \*\*\***

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*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.*

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**Please visit us on:**



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