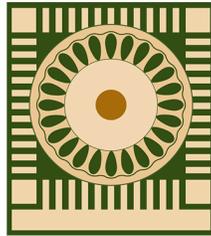


CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, February 3, 2026

7:00 PM

Council Chambers

City Council

CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
City Hall, Council Chambers

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

PUBLIC PARTICIPATION

How to observe the Meeting:

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

How to submit written Public Comment:

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

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

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

Participate in the Council Chambers or click link below to join the meeting:
<https://hayward.zoom.us/j/85486979742?pwd=oMOPjBQxdNf6UpLgSb7WwgqCGyuLyi.1>

Meeting ID: 854 8697 9742

Password: CCm2/3@7pm

or

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

Meeting ID: 854 8697 9742

Password: 5059476367

CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
City Hall, Council Chambers

CALL TO ORDER: Mayor Salinas

Pledge of Allegiance: Council Member Goldstein

SB 707 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION**ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PUBLIC COMMENTS**

The Public Comments section provides an opportunity to address the City Council on items not listed on the agenda or Informational Staff Presentation 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. The City Council welcomes comments, including criticism, about the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a City Council. The City is committed to maintaining a workplace free of unlawful harassment and is mindful that City staff regularly attend Council meetings. Discriminatory statements or conduct that is hostile, intimidating, oppressive, or abusive – are per se disruptive to a meeting and will not be tolerated. ration 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.

PRESENTATIONS

1. [RPT 26-011](#) Update on Federal and State Advocacy and Legislative Developments for the 2025-26 Session (Report from City Manager Ott)

Attachments: [Attachment I Townsend Public Affairs](#)
[Attachment II Capitol Advocacy Partners](#)

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 CALENDAR

2. [MIN 26-015](#) Approve the City Council Minutes of the City Council Meeting on January 20, 2026
- Attachments:** [Attachment I Draft Minutes of 1/20/2026](#)
3. [CONS 26-030](#) Adopt a Resolution Approving Garbage and Recycling Rate Adjustment for 2026-2027
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III WMAC Rates Survey](#)
4. [CONS 26-031](#) Adopt a Resolution Authorizing the City Manager to Execute Agreements with Alameda County Transportation Commission and Union Pacific Railroad to Facilitate Project Advancement Into the Construction Phase
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Hayward Crossing Exhibits](#)

LEGISLATIVE BUSINESS

5. [LB 26-003](#) Residential Rent Stabilization and Tenant Protection Ordinance: Introduction of an Ordinance Amending Chapter 12, Article 1 of the Hayward Municipal Code to Extend the Arbitration Decision Deadlines and Include a Cost Recovery Process Consistent with Other Housing Program Fees (Report from Development Services Director Buizer)
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Amended RRSO Redline Edits](#)

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 REGULAR MEETING, February 17, 2026, 7:00 PM

PUBLIC COMMENT RULES

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

PLEASE TAKE NOTICE

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

PLEASE TAKE FURTHER NOTICE

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

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

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

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



CITY OF HAYWARD

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

File #: RPT 26-011

DATE: February 3, 2026

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Update on Federal and State Advocacy and Legislative Developments for the 2025-26 Session

RECOMMENDATION

That the Council receive updates from Capitol Advocacy Partners and Townsend Public Affairs regarding federal and state legislative advocacy efforts, including relevant to the City's policy and operational priorities for the 2025-26 Legislative Session.

SUMMARY

These presentations provide the City Council with a consolidated overview of key federal and state legislative and budget developments affecting the City during the 2025-26 Legislative Session, with particular emphasis on actions and events occurring in fall and winter 2025. The updates summarize advocacy activities undertaken on the City's behalf, major policy and fiscal changes with implications for local operations and planning, and emerging funding opportunities and risks. At the state level, the briefing highlights legislative and budget actions concluding the 2025 California Legislative Session that will take effect in 2026 and shape the City's ongoing responsibilities. At the federal level, the update addresses recent congressional and administrative developments, including impacts from the federal government shutdown, appropriations delays, program eligibility changes, and evolving grant and procurement requirements. Together, the presentations are intended to inform the Council, preserve awareness of issues affecting local control and funding, and provide an opportunity for clarifying questions; no Council action is requested.

ATTACHMENTS

Attachment I Townsend Public Affairs
Attachment II Capitol Advocacy Partners

File #: RPT 26-011



State Legislative and Funding Updates

February 3, 2026

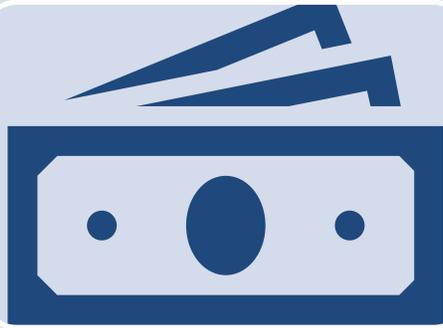
WWW.TOWNSENDPA.COM

SACRAMENTO • WASHINGTON, DC
NORTHERN CALIFORNIA • CENTRAL CALIFORNIA • SOUTHERN CALIFORNIA

2025 Legislative Session: Bill Overview



16 years of
Partnership



\$14,611,500
in funding
secured



Strategic
engagement
on 158 +
pieces of
legislation

2025 Legislative Session: Bill Overview



2,397 Total Bills Introduced



917 Bills Passed Legislature



794 Chaptered and **123** Vetoed



Veto Rate: 13%

2025-26 Legislative Session: State Budget

\$12B Budget Deficit: Borrowing, Reserves, and Cost Shifts

Prop 4 Climate Bond: \$3.3B Appropriated

LAO Predicts **\$18 billion deficit** for FY 26/27 (better outlook than last year)

Concerns Remain: Multi-year Deficits, CA/DC Dynamics

2025 Legislative Session: Major Issues



Cap and Invest
Reauthorization



Energy Reform
Package



Immigration
Response



Congressional
Redistricting



New Senate
Leadership

2025 Legislative Session: Notable Legislation

SB 79 (Wiener) Transit-Oriented Development (TOD) Upzoning

Details

- Requires certain housing projects near existing or planned transit-oriented development (TOD) stops to be allowed on residential, mixed-use, or commercial sites if certain conditions are met. Additionally authorizes transit agencies to set TOD zoning standards for their own land.
- **Only applies in a ½ mile radius around high-quality transit**
- TOD local alternative plan language
- Implementation delay timelines

Status

- Signed by the Governor and will take effect on July 1, 2026. Ongoing clean up legislation likely

2025 Legislative Session: Notable Legislation

SB 707 (Durazo) – Brown Act Modernization Act

Details

- This bill makes various changes to the rules for local agencies to hold public meetings pursuant to the Brown Act, including translation and public access requirements.
- Requires two-way public comment at all City Council Meetings

Strategic Actions: Worked with author's office and stakeholders to secure amendments, including:

- 6 month delayed implementation
- Clarifying procedures for lost public access connectivity during council meetings
- Agenda translation thresholds
- Liability protections

Status

- Signed by the Governor and will take effect on July 1, 2026

2025-26 Legislative Session: Strategic Engagement



- Regular check-in meetings with City staff
- Ongoing engagement on homelessness funding stability (HHAP, SB 2), wildfire resilience, affordable housing, and community reinvestment
- Consistent reports and updates on priority issues
- Earmark strategy and advocacy
- Sacramento Advocacy Trip planning
- Relationship development with Legislative Delegation and Leadership

Townsend Public Affairs, Inc.

Niccolo De Luca,
Vice President



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Carlin Shelby, Deputy
Director



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Alex Gibbs, Grants
Director



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California Advocacy | Federal Advocacy | Grant Writing

www.TownsendPA.com | (949) 399-9050

Capitol Advocacy Partners

Washington, D.C. Federal Affairs Briefing: Key Developments & What's Ahead
February 3, 2026



2025 - The Longest Government Shutdown in U.S. History

2025 brought **the longest federal shutdown in U.S. history at 43 days**. — Ended in November. The Continuing Resolution funded most agencies at Fiscal Year 2025 levels through January.

Federal Appropriations

- Six spending bills signed into law: Agriculture, Military Construction, Legislative Branch, CJS, Energy and Water and Interior.
- Six funding bills pending: short-term extensions or partial shutdown of unfunded agencies possible.
- These six bills (with funding set to expire on January 30) cover more than **75% of federal discretionary spending**, including the Departments of Defense, Labor, Health and Human Services, State, Transportation, Housing, and Homeland Security (DHS), the most contentious bill.
- The City's FY26 Community Project for \$381,000 for license plate readers was fully funded.

Affordable Care Act Subsidies

- Congress has not extended enhanced ACA marketplace subsidies that expired on December 31, 2025.
- A small group of senators from both parties are negotiating a compromise that could include a *two-year extension* with reforms like income caps, but a **bipartisan agreement remains elusive**.
- More than 82,000 Alameda County residents rely on subsidized plans; projections indicate 5,750 individuals could lose coverage without subsidies.
- Premiums could rise by ~\$125/month per person without extension.

SNAP Program Status

- SNAP is fully funded through September 30, providing stability despite broader budget uncertainty.
- California recipients should have already received their delayed November benefits.



Key Federal Developments Impacting Hayward

- **Immigration Enforcement:** Trump Executive Order (EO) 14159 threatens funding cuts for “sanctuary” jurisdictions — **Administration released a list of sanctuary cities – and Hayward wasn’t on it!**
- **Federal Agencies Directed to Review Funding Data:** Starting January, Federal agencies will review all federal funding flowing to 13 states, including California, potentially leading to increased scrutiny of existing and pending funding in the effort described as a **data-gathering exercise only**.
- **Medicaid Reform (One Big Beautiful Bill Act):** \$1 trillion in cuts + updated work requirements → higher local demand for housing, health, and homelessness services.
- **DOGE Initiative:** Massive federal staffing cuts slowing grant processing and reducing agency support.
- **Grant Oversight E.O.:** Increased scrutiny and risk of suspension; City must ensure strict compliance — **CAP communicates each policy shift to staff.**
- **HUD Continuum of Care:** FY25 NOFO shifts jeopardize funding for 1,400+ Permanent Supportive Housing units countywide, threatening stability for Hayward residents — **CAP is engaging congressional offices to mitigate impacts.**

Bottom Line: Federal cost-cutting and policy shifts are increasing local administrative burden and service demand. CAP mitigates these risks through targeted advocacy, including formal letters, legislative tracking, and 60+ meetings with congressional offices and federal agencies.



CAP's Ongoing Federal Priorities for Hayward

1. **Protect Funding & Policy Alignment** – Defend sanctuary city standing; maintain compliance; safeguard current/future federal funding.
2. **Pursue New Funding Opportunities**
 - EDA Stack Center Phase II
 - Airport modernization
 - Homelessness
 - Youth services
 - Transportation
 - Water
 - Behavioral-health
3. **Strengthen Federal Relationships** – 60+ staff meetings with Padilla, Schiff, Butler, Swalwell, committees, and agencies; 70+ briefings; 40+ legislative position letters sent; active coordination for 2026 CPF cycle.
4. **Support Active Grant Portfolio** – Post-award coordination FY24 CPF St. Regis Facility, AFG, and Prop 47 programs.

CAP keeps priorities visible in D.C. and City positioned for federal investment



Delivering Results: CAP's Impact Overview

2025 Funding Achievements = Funding added to Hayward's budget

- **\$15M – WRDA (Phase II):** Hayward Water Pollution Control Facility Improvements
- **\$1.78M – FEMA Assistance to Firefighters Grant:** To train and certify 19 firefighter-EMTs as paramedics
- **\$1.91M – BSCC Proposition 47 Grant:** Expansion of the Navigation Center to fund services for homeless, including diversion and reentry services
- **\$1.11M – Alameda County Youth Development Grant:** Supports mentoring and youth violence prevention
- **FY26 Community Project Funding – Project Wide Net:** \$381,000 request for ALPRs and situational awareness cameras
- **CAL FIRE Wildfire Prevention Grant - Wildfire Ready East Bay:** \$215,040 request to reduce hazardous fuels near homes and evacuation routes, expand defensible space compliance, promote community preparedness, and support long-term resilience planning

Return on Investment

- Since 2014, CAP has helped secure \$34.3 million in grant funding
- This reflects an ROI of 5,394% — approximately **\$54 returned for every \$1 invested** with CAP for federal advocacy and grant services



Thank you! Questions?





CITY OF HAYWARD

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

File #: MIN 26-015

DATE: February 3, 2026

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve the City Council Minutes of the City Council Meeting on January 20, 2026

RECOMMENDATION

That the City Council approves the City Council meeting minutes of January 20, 2026.

SUMMARY

The City Council held a City Council meeting on January 20, 2026.

ATTACHMENTS

Attachment Draft Minutes of 1/20/2026



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chambers

<https://hayward.zoom.us/j/81587628800?pwd=ERXQWKHcbWIMPmjmXc78iI8B1TsJd1.1>

Tuesday, January 20, 2026, 7:00 p.m.

The City Council meeting was called to order by Mayor Salinas at 7:10 p.m. in the Council Chambers.

Pledge of Allegiance: Council Member Andrews

ROLL CALL

Present: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas

Absent: NONE

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on January 20, 2026, at 6:00 p.m., with all members present and no public members regarding conference with labor negotiators pursuant to Government Code section 54957.6, concerning all labor groups. City Attorney Lawson reported the City Council met and discussed the item but took no reportable action.

PRESENTATION

Ms. Sam Brightman, Regional Public Affairs Manager for the East Bay Division of the League of California Cities, presented the City of Hayward with the prestigious 2025 Helen Putnam Award - Intergovernmental Collaboration category in recognition of its impactful Learn to Earn and Hire Hayward workforce development initiative. Mayor Salinas thanked Sam Brightman for the recognition; acknowledged Edgar Chavez, Hayward Promise Neighborhood, Executive Director, Yvonne Wu Criag, Executive Director of Institutional Advancement at Chabot College, and Blaine Torpey, Superintendent and Craig Lang, Adult Program Director at Eden Area Regional Occupational Program; and recognized the Economic Development team led by Chief Economic Development Officer Nguyen.

PUBLIC COMMENTS

Brian Goodwin shared personal experiences and concerns related to alleged public corruption, harassment, and misconduct involving government and law enforcement officials.

CITY MANAGER'S COMMENTS

City Manager Ott made two announcements: 1) Hayward Public Library's Career Online High School program, offered in partnership with the California State Library, provides free, accredited high school diplomas and career training to adults, with scholarships supported by the Hayward Literacy Plus Council; and 2) City maintenance crews installed 50 new

Simme seats at bus stops along major transit routes, bringing the citywide total to 74, with 70 more planned for fiscal year 2027 to complete the program.

CONSENT CALENDAR

1. Approve the City Council Minutes of the Meeting on December 16, 2025 **MIN 26-009**
It was moved by Council Member Roche, seconded by Council Member Andrews, and carried unanimously, to adopt the City Council meeting minutes of December 16, 2025.

2. Approve the City Council Minutes of the Meeting on January 6, 2026 **MIN 26-010**
It was moved by Council Member Roche, seconded by Council Member Andrews, and carried unanimously, to adopt the City Council meeting minutes of January 6, 2026.

3. Adopt an Ordinance Amending Sections 2-13.02, 2-13.04 and 2-13.06 of Article 13, Chapter 2 of the Hayward Municipal Code Relating to Revised Voluntary Campaign Expenditure and Contribution Limits **CONS 26-005**

Staff report submitted by City Clerk Lens, dated January 20, 2026, was filed.

Council Member Syrop noted that the contribution limit for candidates who do not accept the voluntary expenditure limit was not addressed in the recent campaign finance updates and recommended this be considered for future revisions.

It was moved by Council Member Roche, seconded by Council Member Andrews, and carried unanimously, to adopt the ordinance.

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

Ordinance 26-01, “An Ordinance of the City Council of the City of Hayward Amending Sections 2-13.02, 2-13.04 and 2-13.06 of Article 13, Chapter 2 of the Hayward Municipal Code Relating to Revised Voluntary Campaign Expenditure and Contribution Limits”



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chambers

<https://hayward.zoom.us/j/81587628800?pwd=ERXQWKHcbWIMPmjmXc78iI8B1TsJd1.1>

Tuesday, January 20, 2026, 7:00 p.m.

WORK SESSION

4. City of Hayward Budget: Work Session to Receive a Budget Update and Information about City General Fund Revenue Sources (Report from City Manager Ott)

Staff report submitted by City Manager Ott, dated January 20, 2026, was filed.

City Manager Ott announced the item and introduced Finance Director Hilbrants who indicated the efforts to update the Fiscal Year 2025-26 budget in the system to reflect a balanced budget, aiming for completion by January 31, 2026, and plans to start monthly budget-to-actual reports in February; noted a major focus is the upcoming fiscal sustainability work session on February 28, 2026, where a five-year financial model and policy recommendations will be discussed; and shared key revenue sources such as property tax, sales tax, utility user tax, franchise fees, charges for services, real property transfer tax, and business license tax. Assistant City Manager Thomas outlined a timeline for modernizing the City's business license tax, including analysis, stakeholder outreach and presenting findings on February 28, 2026; presenting poll results in May 2026; and adopting a resolution to place a measure on June 23, 2026.

Matt Newman, Principal and Co-Founder of Blue Sky Consulting Group introduced Blue Sky's experience with business tax reform in other major California cities and emphasized their role in helping Hayward evaluate and update its business license tax.

Tom Adams, Sales Tax Consultant with Neumo Consulting Group, provided an overview of their services including quarterly updates on sales tax revenue trends, forecasting budgets and auditing sales tax receipts to maximize revenue; and explained General Fund revenue sources for prior years.

Mayor Salinas opened the public comment section at 7:36 p.m.

TJ with Hayward Concerned Citizens asked about the total cost associated with conducting the analysis, stakeholder outreach, and placing the potential business license tax measure on the ballot.

Mayor Salinas closed the public comment section at 7:37 p.m.

Discussion ensued among members of the City Council and City staff, and the following clarifications were made: the cost of business license tax consulting and polling was clarified at approximately \$100,000, with election costs excluded; revenue from a potential business license tax would likely begin in the calendar year following a successful November election;

updates on City-owned properties, Caltrans parcels, and the movie theater would be presented at the February 3, 2026, closed session; and one-time funds such as American Rescue Plan Act (ARPA) and windfall sales tax events should be clearly distinguished from ongoing funding and potentially directed to reserves.

Council Member Syrop supported moving forward given the potential long-term return and requested examples of progressive business license taxation placing greater impact on large corporations while protecting small businesses; recommended including landlords as taxable businesses with carve-outs for small property owners; suggested exploring short-term rental enforcement as a near-term revenue source, and improving development streamlining and interdepartmental coordination to reduce costs and attract investment; and requested clearer data on sales tax by industry to better inform economic development strategy.

Council Member Andrews requested greater transparency and tracking of City-owned properties and development projects, including regular updates to the City Council and a development tracker identifying delays; questioned whether the City's "one-stop shop" permitting model is still effective and raised concerns about lengthy review cycles that increase developer costs; requested review of a list of parcels; requested Blue Sky provide more specifics on the Oakland progressive tax emphasizing protection for small businesses; asked for comparative data on progressive business license taxes from similar East Bay cities and emphasized the importance of outreach beyond the Hayward Chamber of Commerce to include other business groups; encouraged exploring creative land use options, such as long-term leases or partnerships with other public agencies; and supported policies that treat one-time revenues separately from ongoing funds.

Council Member Zermeño supported the focus on long-term fiscal sustainability; suggested engaging labor unions for revenue ideas, taxing vacant storefronts or absentee owners, and speeding up permitting processes to encourage economic activity; and expressed agreement with colleagues' recommendations.

Council Member Bonilla Jr. supported the proposed timeline for a business license tax measure, agreeing that the potential revenue justified the upfront investment; emphasized equity and fairness, advocating for a progressive tax structure that protects small businesses; requested staff analysis on short-term rental enforcement and a first responder fee; and supported evaluating whether the City's cannabis tax structure should be updated or made more progressive.

Council Member Roche clarified that while the budget was technically balanced, it was done through significant cuts and does not represent a structural solution; requested that staff include lessons learned in the February 28 budget work session; asked about existing business tax compliance issues, the political feasibility of passing a new tax, and the risks of investing in consultants without sufficient analysis; raised concerns about relying on one-time revenues, such as ARPA funds, to support ongoing positions and supported developing policies for such circumstances; and requested further analysis on User Utility Tax modernization.



CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
Council Chambers

<https://hayward.zoom.us/j/81587628800?pwd=ERXQWKHcbWIMPmjmXc78iI8B1TsJd1.1>
Tuesday, January 20, 2026, 7:00 p.m.

Council Member Goldstein raised questions about whether self-generated power at data centers would be subject to the User Utility Tax and asked staff to research potential revenue implications; sought clarification on sales and use tax rules, particularly regarding manufacturing activities such as Zoox vehicles and factory-built homes; supported policies to better manage one-time revenues; and cautioned against overestimating long-term tax benefits from emerging industries without clear data.

Mayor Salinas thanked City staff for the work session.

COUNCIL REPORTS AND ANNOUNCEMENTS

There were none.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Salinas adjourned the City Council meeting at 8:40 p.m.

APPROVED

Mark Salinas
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

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

File #: CONS 26-030

DATE: February 3, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Approving Garbage and Recycling Rate Adjustment for 2026-2027

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving the recommended garbage and recycling annual rate adjustment of 3.2% for all residential and commercial accounts effective March 1, 2026.

SUMMARY

This action will result in \$300,000 in increased revenue to the City's General Fund.

Refuse rates typically increase on March 1 of each year, in accordance with the Franchise Agreement between the City and Waste Management of Alameda County (WMAC) that became effective on March 1, 2023, and expires February 28, 2033. Rate Year Four (RY4) of the Franchise Agreement will commence on March 1, 2026. Per the Franchise Agreement, the rates for RY4 shall be set based on a Consumer Price Index (CPI) adjustment to WMAC's current revenues. The calculated RY4 increase is 3.2%.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	WMAC Rates Survey



DATE: February 3, 2026
TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Adopt a Resolution Approving Garbage and Recycling Rate Adjustment for 2026-2027

RECOMMENDATION

That Council adopts a resolution (Attachment II) approving the recommended garbage and recycling annual rate adjustment of 3.2% for all residential and commercial accounts effective March 1, 2026.

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FISCAL IMPACT

It is projected that City revenues related to this agreement, including those dedicated for street impacts and street cleaning, will increase by approximately \$400,000 annually, of which \$300,000 will be the General Fund's share.

BACKGROUND

The Franchise Agreement between the City and WMAC for garbage, recycling, and organics collection and processing was approved by Council on June 28, 2022¹. The Agreement includes Tri-CED continuing to provide residential recycling services to Hayward as a subcontractor to WMAC. The Agreement is in effect for ten years and details a specific rate

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5709695&GUID=E5867537-1E85-495D-95E4-BB7A6B590715&Options=&Search=>

adjustment process for each year. In the first year of the contract, rates were negotiated and agreed upon at an initial rate. The rates for years two through four are set by a CPI-based calculation. The Franchise Agreement requires the rates for RY5 be set by following a detailed cost-based adjustment to ensure that WMAC receives an after-tax return on its investment of 5.5%. Rate Years Six through Ten are to be set through an index-type of adjustment process considering the CPI, government fees, and other factors.

DISCUSSION

Staff received WMAC's rate adjustment application for RY4 in December 2025 and performed a detailed review of WMAC's application and ensured all calculations were consistent with the procedures outlined in the Franchise Agreement and confirmed the validity of the proposal. While the annual percentage change in CPI between 2024 and 2025 was 2.1%, the contract agreement specifies that a minimum of 3% be used as a CPI floor in the rate calculation. After the 3% CPI adjustment, further contractual procedures are applied that adjust the rate calculation for fees assessed by the State, County, and City, and for projected tonnage hauled and revenues for WMAC. The resulting increase applied to the RY4 rates is 3.2%.

Separate from the rate-setting process conducted according to Hayward's franchise agreement with WMAC, there may be an Alameda County regulatory fee added to Hayward garbage bills in 2026. According to a memo presented to the Alameda County Waste Management Authority (ACWMA, also known as StopWaste) Board of Directors on September 24, 2025², a solid waste regulatory fee is under consideration. The ACWMA Board may approve the fee on January 28, 2026. If approved, the fee would appear on all garbage bills in Alameda County starting in July 2026 and would help alleviate an ACWMA budget shortfall. The ACWMA determined that the amount needed to cover their budget shortfall will result in approximately a 0.7% increase to most monthly bills throughout the County. The fee would increase monthly bills by approximately \$0.34 for single-family homes, \$6.13 for the average multi-family account, and \$8.13 for the average commercial account. Table 1 below shows more detail about the proposed fee. The proposed fee would increase annually by the CPI. Should the ordinance be approved, the ACWMA plans to perform extensive outreach about the fee for three months before enacting the fee in July.

² https://www.stopwaste.org/sites/default/files/meeting/Cost%20Recovery%20Options%20Board%20Memo_25-09-24_0.pdf

Table 1. Proposed County-wide Solid Waste Regulatory Fee

Account Type	Approximate FY27 Fee Amount	Approximate Increase in Monthly Bills	Approximate % Increase in Monthly Bills
Single Family	\$0.34 per account per month	\$0.34	0.7%
Multi-Family	\$1.20 per weekly cubic yard per month	\$6.13 per account/ \$0.26 Per unit	0.7%
Commercial	\$1.20 per weekly cubic yard per month	\$8.13 per account	0.7%
Typical Restaurant with 3cy trash bin	\$1.20 per weekly cubic yard per month	\$3.60 per month	0.7%

ECONOMIC IMPACT

If approved, residents and businesses would pay 3.2% more for refuse and recycling services for the period of March 1, 2026, through February 28, 2027. With a 3.2% increase, the new monthly service charge for residential customers with the standard 32-gallon cart for garbage service would be \$47.05, or \$1.46 higher than the existing rate. For residents subscribing to the smaller 20-gallon cart, the new service charge would be \$32.20, or \$1.00 higher than the existing rate. A comparison of rates with several nearby communities is included as Attachment III. If the ACWMA regulatory fee is approved, all customers county-wide would pay an additional 0.7% beginning July 1, 2026.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to one of the Council’s six Strategic Priorities.

SUSTAINABILITY FEATURES

The rate increase will allow the City, WMAC, and Tri-CED to continue to provide Hayward residents and businesses with recycling and composting services, so they can maximize the diversion of waste from the landfill. Solid waste management involves the safe and responsible management of discarded material from generation through processing to disposal. Reducing waste landfilled by maximizing the reuse, recycling, and composting of materials increases diversion, conserves natural resources, and plays an important role in making a community sustainable. No additional programs are contemplated as part of RY4 services.

PUBLIC CONTACT

The public was notified of the rate increase in 2022 as part of the new Franchise Agreement announcement mailed to all rate-payers. That notice provided an estimated

increase for each year of the Franchise Agreement and indicated that the increase that would be effective on March 1, 2026, would not exceed 6%. The Franchise Agreement also includes a provision of the pass-through of government fees. If Council approves the proposed rate increase, customers will be notified of the actual increase through bill inserts included with their garbage bill and a message printed on their garbage bill.

NEXT STEPS

If Council approves the rate adjustment, it would be effective on March 1, 2026. Staff will work with WMAC to implement the new rates and advise customers. A brief statement regarding the fee increase will be included as a bill insert and printed on the customer's garbage bills. If the county-wide regulatory fee is approved, in the spring of 2026, staff will also work with StopWaste to perform outreach to Hayward customers regarding the County's fee that will be added to garbage bills.

In addition, in the summer of 2026, staff will begin reviewing WMAC's financials for the cost-based RY5 adjustment required by the franchise agreement to ensure WMAC receives an after-tax return on its investment of 5.5%.

Prepared by: Jeff Krump, Solid Waste Program Manager
Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION APPROVING THE GARBAGE & RECYCLING RATE ADJUSTMENT
FOR 2026-2027

WHEREAS, the current Franchise Agreement between the City of Hayward and Waste Management of Alameda County (WMAC) became effective on March 1, 2023; and

WHEREAS, garbage and recycling rates typically increase on March 1 of each year and Rate Year Four of the Franchise Agreement will commence on March 1, 2026; and

WHEREAS, the Franchise Agreement dictates that the rates for Rate Year Four shall be set at 3.2% based on a Consumer Price Index (CPI) adjustment to WMAC's projected Rate Year Three revenues, which is calculated by using several factors including the CPI, government fees, and others; and

WHEREAS, the City completed the necessary review of WMAC's rate adjustment application; and

WHEREAS, calculations based on the methodology specified in the Franchise Agreement show that the increase is appropriate and warranted.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves the increase of 3.2% from March 1, 2026 through February 28, 2027 for garbage and recycling rates for residents and businesses in the City of Hayward that are served under the Franchise Agreement.

Comparison of Monthly Garbage & Recycling Rates

Table 1, Multi-family Dwelling Rates (assuming 1x per week service for 20 units)

Municipality	Expires	Garbage (3cy)	Recycling (1cy)	Organics (1cy)	Total
Livermore	June 30, 2026	\$358.12	\$95.49	\$95.49	\$541.10
Hayward (current)	Feb 28, 2026	\$499.68	\$9.75 per unit	Included w/ Garbage	\$694.68
Fremont	Dec 31, 2027	\$296.72	\$11.54 per unit	\$189.00	\$716.52
Hayward (proposed 3.2%)	Feb 28, 2027	\$515.67	\$10.06 per unit	Included w/ Garbage	\$716.87
Union City (Republic)	June 30, 2026	\$512.54	\$117.35	\$117.35	\$747.24
City of Alameda (ACI)	June 30, 2026	580.52	\$8.33 per unit	\$5.99 per unit	\$866.92
Castro Valley (ACI)	June 30, 2026	\$583.62	\$161.24	\$298.28	\$1,043.14
Oakland (WMAC)	June 30, 2026	1015.63	\$19.72 per unit	Included w/ Garbage	\$1,410.03

Table 2, Single-Family Dwelling Rates (Rates include organics and recycling services.)

Municipality	Expires	Garbage (20 gallon)	Garbage (30-35 gallon)*	Garbage (60-64 gallon)
Livermore	June 30, 2026	\$31.02	\$40.73	\$60.52
Hayward (current)	Feb 28, 2026	\$31.19	\$45.59	\$81.31
Hayward (proposed 3.2%)	Feb 28, 2027	\$32.20	\$47.05	\$83.91
Union City (Republic)	June 30, 2026	\$37.65	\$47.81	\$94.23
Fremont	Dec 31, 2027	\$47.89	\$48.84	\$53.15
City of Alameda (ACI)	June 30, 2026	\$40.25	\$50.80	\$83.47
Castro Valley (ACI)	June 30, 2026	\$36.41	\$56.44	\$98.03
Oakland (WMAC)	June 30, 2026	\$55.41	\$62.83	\$110.31

*Most common container size.

Table 3, Commercial Rates (assuming 1x per week service)

Municipality	Expires	Garbage (3cy)	Recycling (1cy)	Organics (1cy)	Total
Fremont	Dec 31, 2027	\$293.58	\$97.95	\$189.00	\$489.48
Livermore	June 30, 2026	\$358.12	\$94.49	\$94.49	\$541.10
Hayward (current)	Feb 28, 2027	\$499.69	\$96.98	\$96.98	\$693.65
Hayward (proposed 3.2%)	Feb 28, 2026	\$515.67	\$100.08	\$100.08	\$715.83
Union City (Republic)	June 30, 2026	\$512.54	\$117.35	\$117.35	\$747.24
City of Alameda (ACI)	June 30, 2026	\$580.52	\$154.81	\$154.81	\$890.14
Castro Valley (ACI)	June 30, 2026	\$583.62	\$161.24	\$298.25	\$1,043.11
Oakland (WMAC)	June 30, 2026	\$723.06	Open Market	\$227.72	-



CITY OF HAYWARD

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

File #: CONS 26-031

DATE: February 3, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute Agreements with Alameda County Transportation Commission and Union Pacific Railroad to Facilitate Project Advancement Into the Construction Phase

RECOMMENDATION

That the City Council adopts the attached Resolution (Attachment II) to authorize the City Manager to execute a Memorandum of Understanding (MOU) with Alameda County Transportation Commission (Alameda CTC), and Construction and Maintenance (C&M) Agreements with Union Pacific Railroad (UPRR) and with Alameda CTC for the construction of the Tennyson High School Pedestrian (DOT #749773P) and Industrial Parkway (DOT #749775D)/ Industrial Parkway Trail (DOT #768394R) railroad crossings as part of the Rail Safety Enhancement Program - Phase A (RSEP-A) Project.

SUMMARY

Alameda CTC is the Project Sponsor and Implementing Agency for the RSEP-A Project. The RSEP-A Project will construct at-grade crossing pedestrian and roadway safety improvements at 26 at-grade crossings and two trespass locations throughout Alameda County, including the Tennyson High School Pedestrian, Industrial Parkway, and Industrial Parkway Trail at-grade crossings and Leidig Court trespass location in the City of Hayward. Staff is seeking Council authorization to execute the construction MOU and two C&M Agreements: 1) Tennyson High School Pedestrian Crossing and 2) Industrial Parkway and Industrial Parkway Trail, which are required for Alameda CTC to complete the Right-of-Way Certification allowing Alameda CTC to utilize grant funding for construction.

ATTACHMENTS

- | | |
|----------------|-------------------|
| Attachment I | Staff Report |
| Attachment II | Resolution |
| Attachment III | Crossing Features |

File #: CONS 26-031



DATE: February 3, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution to Authorize the City Manager to Execute Agreements with Alameda County Transportation Commission and Union Pacific Railroad to Facilitate Project Advancement into the Construction Phase

RECOMMENDATION

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SUMMARY

Alameda CTC is the Project Sponsor and Implementing Agency for the RSEP-A Project. The RSEP-A Project will construct at-grade crossing pedestrian and roadway safety improvements at 26 at-grade crossings and two trespass locations throughout Alameda County, including the Tennyson High School Pedestrian, Industrial Parkway, and Industrial Parkway Trail at-grade crossings and Leidig Court trespass location in the City of Hayward. Staff is seeking Council authorization to execute the construction MOU and two C&M Agreements: 1) Tennyson High School Pedestrian Crossing and 2) Industrial Parkway and Industrial Parkway Trail, which are required for Alameda CTC to complete the Right-of-Way Certification allowing Alameda CTC to utilize grant funding for construction.

FISCAL IMPACT

This Project’s construction will be implemented by Alameda CTC and is largely funded by regional, state, and federal funding. The City will be responsible for paying the annual signal maintenance costs of the two crossings to UPPR in an amount of \$6,250 with a 3% annual escalation, starting three years after the C&M Agreement effective date. The ongoing

maintenance costs paid to UPRR will come from Fund 210 (Gas Tax Funds). There will be no impact on the General Fund.

BACKGROUND

The RSEP-A Project addresses a safety need along several Alameda County rail corridors. Identified in the 2016 Countywide Goods Movement Plan, the major rail corridors (Union Pacific's Coast, Martinez, Niles and Oakland Subdivisions) in the Bay Area travel directly through Alameda County, including many regionally defined Equity Priority Communities, connecting to and from the Port of Oakland to the larger Northern California Megaregion Network, and national markets. Locally, these communities are heavily impacted by passenger freight and rail traffic and will see increased impacts as projected growth will create more freight travel. Overall, in Alameda County, there are 133 at-grade crossings and addressing safety was identified as part of the Rail Strategy Study. In 2018, the Rail Strategy Study prioritized at-grade crossings in Alameda County.

In 2019, the Federal Railroad Administration (FRA) sent a letter to Alameda County officials notifying them that there were 56 trespassing deaths along railroad corridors in Alameda County between 2012 and 2017, which was the fourth highest number of trespassing fatalities in the nation. From 2016-2024, the FRA crash reports documented 33 crashes, leading to 20 reported fatalities for the RSEP-A locations. RSEP-A comprises of 26 at-grade crossings and two trespass locations at UPRR crossings in the Cities of Hayward, Livermore, San Leandro, Berkely, Oakland and unincorporated Alameda County.

Alameda CTC, as the lead agency for the California Environmental Quality Act (CEQA), environmentally cleared all RSEP-A Hayward locations in June 2023 through an Initial Study/Mitigated Negative Declaration (IS/MND). The FRA also approved a National Environmental Policy Act Categorical Exclusion for the RSEP-A Hayward locations in September 2024. The Project is currently in the Plans, Specifications and Estimate phase.

DISCUSSION

One of the main goals of the RSEP-A Project is to improve safety by reducing the number of crashes and fatalities that occur at at-grade crossings via trespassing or other unsafe behaviors by pedestrians and motorists. Trains often travel at speeds up to approximately 80 miles per hour and crashes are often fatal.

RSEP-A will install proven safety measures recommended by the California Public Utilities Commission (CPUC) as the safety regulatory agency, UPRR and the local jurisdiction and aims to achieve the following objectives:

- Improve safety for all users by reducing trespass collisions at railroad crossings
- Improve safety of rail operations
- Improve efficiency and reliability of freight operations
- Close gaps and remove barriers in multimodal transportation network
- Encourage shift to active transportation modes

The proposed improvements at the Hayward at-grade crossings and trespass location will improve public safety and include:

- New concrete track panels required for the added pedestrian infrastructure
- Upgraded train-activated vehicle gate arms and flashing light signals
- New train-activated pedestrian gate arms and flashing light signals
- New train-activated gate arm for separated bike facility at Industrial Parkway
- Manual emergency swing gates
- Upgraded advance railroad warning pavement markings and signage
- New sidewalk
- New railing for pedestrians
- Detectable warning surfaces to alert people with disabilities
- Fencing to prevent trespassing in a dangerous train environment
- Median islands to prevent driving around activated gates during a train event
- Street lighting upgrades

RSEP-A has secured \$80 million of external grant funding for the construction phase (\$25 million from the FRA's (Consolidated Rail Infrastructure and Safety Improvements Program, \$25 million from the Metropolitan Transportation Commission's Regional Measure 3 Program and \$30 million from the California Transportation Commission's (CTC) Senate Bill 1 Trade Corridor Enhancement Program). RSEP-A will be delivered in multiple-phased construction packages and using the alternative Construction Manager/General Contractor (CM/GC) delivery method which allows for early contractor engagement and a streamlined construction procurement process. Securing funding from the external agencies is required to award the construction phase of the contract. In order to secure funding, Alameda CTC must complete Right-of-Way Certification, which includes full execution of all necessary agreements and permits such as C&M agreements and utility agreements, obtain CPUC General Order 88-B permits, have a full funding plan and obtain environmental and final design approval from all approving agencies.

The grade crossings in the City of Hayward and the City of Livermore are part of the first construction package. Final design has been completed for the City of Hayward and City of Livermore crossings. It is anticipated that the City of Livermore crossings will be constructed first and followed by the City of Hayward crossings. Alameda CTC has awarded the Construction Management contract to WSP USA, Inc. and a pre-construction services contract for CM/GC services with Clark Construction. Alameda CTC will work with City of Hayward staff before and during construction to provide sufficient noticing and coordination with transit operators, stakeholders and the public.

The MOU with Alameda CTC defines the respective roles and responsibilities between the agencies to ensure approval of the final design plans needed to secure external funding and during the construction phase. The C&M Agreements with UPRR, Alameda CTC and the City of Hayward define the construction and maintenance roles and responsibilities between the agencies. UPRR is responsible for constructing the track panel and signal work within UPRR right-of-way. Alameda CTC is responsible for all costs associated with UPRR's construction

work which includes constructing concrete track panels and vehicle and pedestrian gate signals and license fees since the Project requires additional UPRR right-of-way for improvements.

These agreements are necessary for Alameda CTC to complete the Right-of-Way Certification which is a required document to achieve Ready-to-List milestone. This milestone is important as it allows Alameda CTC to request funding for construction from the CTC in Spring 2026, as per Alameda CTC’s baseline agreement with CTC. The current action would authorize the City Manager to execute the necessary agreements required for Alameda CTC to construct the RSEP-A improvements in the City of Hayward.

The City of Hayward is responsible for maintenance of the signal system in UPRR right-of-way after the project is constructed, as established in the C&M Agreements. Payment to UPRR will not start until three years after completion of construction. Table 1 identifies the maintenance cost to be paid to UPRR.

Table 1. RSEP-A Hayward Crossings – Annual City Maintenance Costs

Railroad Crossing	DOT #	Base Maintenance Cost (Annual)*	Escalation (Annual)*
Tennyson High School Pedestrian	749773P	\$3,125	3%
Industrial Parkway	749775D	\$3,125	3%
Industrial Parkway Trail	768394R		

**To start three years after effective date of C&M agreements.*

ECONOMIC IMPACT

This Project will support economic activity within the region by addressing safety needs of major rail corridors in Alameda County, which, when implemented, will help reduce the likelihood of serious injuries and fatalities. The Niles and Oakland Subdivision are two major regional freight lines that have crossings within the City which will be enhanced through this Project.

In addition, vehicle and pedestrian crashes have a significant economic cost, both to those directly impacted and to other users of the transportation system. The increased safety and access will support local schools, businesses, and the economy.

STRATEGIC ROADMAP

The agenda item supports the Strategic Priority of Invest in Infrastructure. This item is not specifically related to a project identified in the Strategic Roadmap. Staff are bringing forth this new item because it addresses regional and local transportation safety needs and aligns with the transportation goals established by the City’s adopted Local Road Safety Plan and Vision Zero policy.

SUSTAINABILITY FEATURES

This Project includes necessary safety improvements that benefit all modes of travel by increasing freight reliability and encouraging a mode shift of goods movement from trucks to freight trains, while making active transportation alternatives safer and more viable options for the public.

PUBLIC CONTACT

Public outreach for this project was conducted to inform the public about the RSEP-A Project through the development of the project. Alameda CTC provided a notice and circulated the CEQA IS/MND on April 24, 2023, for a 30-day public review and comment period and conducted a virtual public hearing on May 5, 2023, for the Hayward crossings. Alameda CTC will continue to coordinate with project stakeholders and the public before and throughout construction.

NEXT STEPS

If approved by City Council, the City Manager will execute an MOU with Alameda CTC and two C&M Agreements with UPRR and Alameda CTC to allow Alameda CTC to obtain the necessary grant funding for construction. Table 2 identifies the tentative schedule for the project.

Table 2. RSEP-A Hayward Crossings Timeline (Tentative)

Milestone	Expected Completion Date
Right-of-Way Certification	March 2026
Ready to List	March 2026
CTC Meeting for Construction Funding	May 2026
Award Construction Contract	June 2026
End Construction for Hayward crossings	June 2028

Alameda CTC is responsible to Award the construction contract.

Prepared by: Byron Tang, Principal Transportation Engineer

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ALAMEDA COUNTY TRANSPORTATION COMMISSION AND CONSTRUCTION AND MAINTENANCE AGREEMENTS WITH UNION PACIFIC RAILROAD AND ALAMEDA COUNTY TRANSPORTATION COMMISSION FOR THE CONSTRUCTION OF THE TENNYSON HIGH SCHOOL PEDESTRIAN (DOT #749773P) AND INDUSTRIAL PARKWAY (DOT #749775D) / INDUSTRIAL PARKWAY TRAIL (DOT #768394R) RAILROAD CROSSINGS AS PART OF THE RAIL SAFETY ENHANCEMENT PROGRAM – PHASE A PROJECT

WHEREAS, between 2016 and 2024, there were 33 crashes leading to 20 reported fatalities along 26 identified rail crossing locations in Alameda County; and

WHEREAS, the Rail Safety Enhancement Program – Phase A Project goals include providing safe at-grade crossings for all users and reduce unnecessary fatalities or severe injuries at the identified at-grade crossings; and

WHEREAS, the Rail Safety Enhancement Program – Phase A goals align with the City’s previously adopted Vision Zero policy and transportation safety goals; and

WHEREAS, Alameda County Transportation Commission (Alameda CTC) is the Sponsor and Implementing Agency for this Project; and

WHEREAS, the City of Hayward has three at-grade railroad crossing locations in the Rail Safety Enhancement Program – Phase A Project located at Tennyson High School pedestrian path, Industrial Parkway, and at the trail near Industrial Parkway; and

WHEREAS, on December 17, 2024, the City of Hayward, Union Pacific Railroad (UPRR) and the California Public Utilities Commission approved the 100% design plans for the Hayward crossings; and

WHEREAS, execution of a Memorandum of Understanding (MOU) and Construction and Maintenance (C&M) Agreements is required to have the designed improvements constructed; and

WHEREAS, staff recommends execution of a Memorandum of Understanding (MOU) and Construction and Maintenance (C&M) Agreements to allow Alameda CTC to obtain grant funding for construction; and

WHEREAS, Fund 210 has sufficient appropriated budget for the maintenance costs in the Construction and Maintenance (C&M) Agreements and will have no impact on the General Fund.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows: Authorize the City Manager to execute a Memorandum of Understanding with Alameda CTC for construction of the Tennyson High School Pedestrian, Industrial Parkway and Industrial Parkway Trail railroad crossings as part of the Rail Safety Enhancement Program – Phase A Project, a C&M Agreement with UPRR and Alameda CTC for Tennyson High School Pedestrian and a C&M Agreement with UPRR and Alameda CTC for Industrial Parkway/Industrial Parkway Trail.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

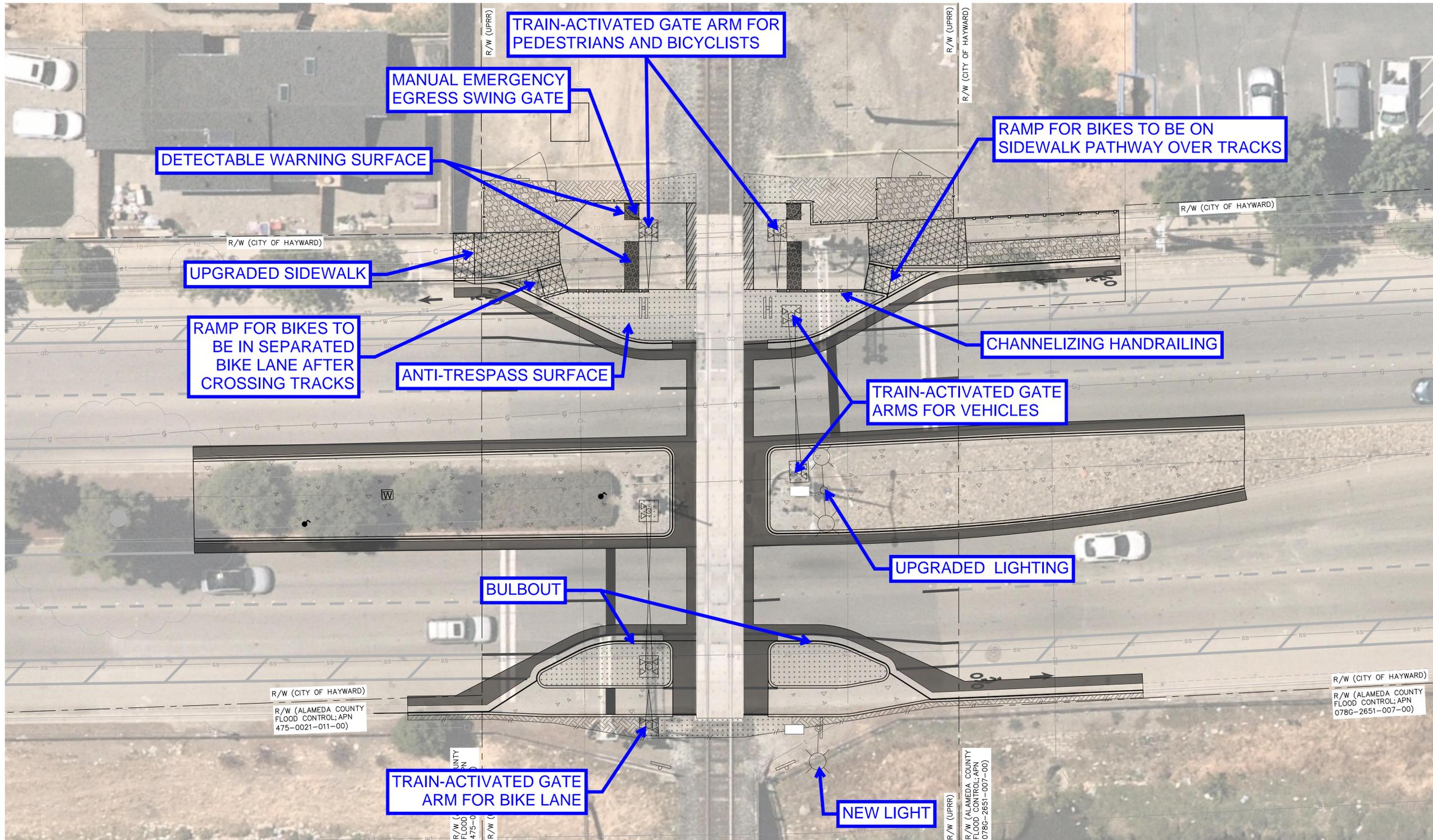
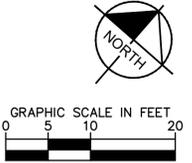
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



NO	REVISION / SUBMISSION	DATE	DESIGNED BY	DATE

SCALE
HORIZONTAL
1" = 5'
VERTICAL
N/A



Alameda County Transportation Commission
RAIL SAFETY ENHANCEMENT PROGRAM
1111 BROADWAY #800, OAKLAND, CA 94607

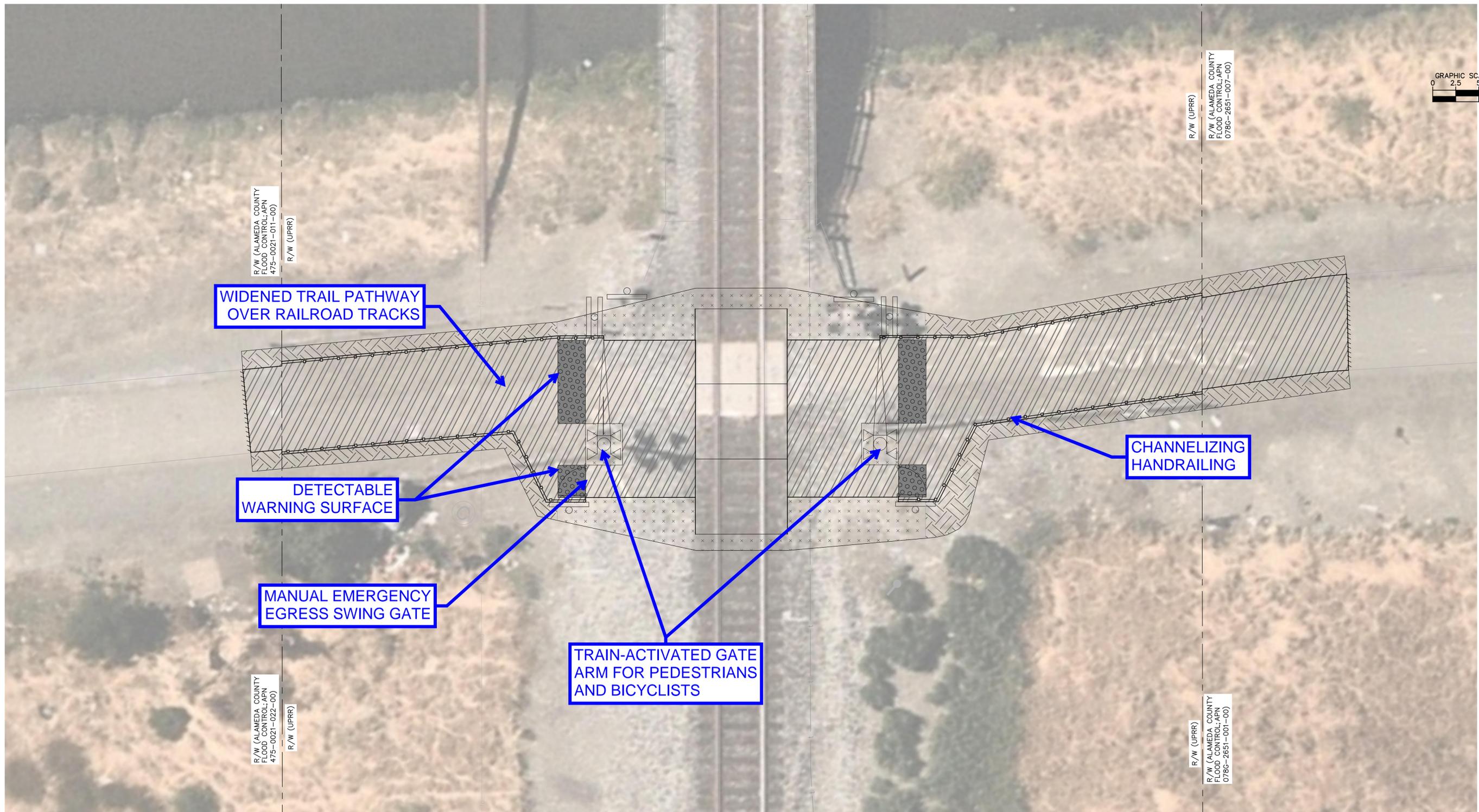
DOT# 749775D
UPRR MP 23.90 (NILES SUB)
INDUSTRIAL PARKWAY - HAYWARD, CA
CROSSING FEATURES

DRAWING NO.
SHEET NO.

ALAMEDA COUNTY TRANSPORTATION COMMISSION - RAIL SAFETY ENHANCEMENT PROGRAM



GRAPHIC SCALE IN FEET
0 2.5 5 10



WIDENED TRAIL PATHWAY
OVER RAILROAD TRACKS

DETECTABLE
WARNING SURFACE

MANUAL EMERGENCY
EGRESS SWING GATE

TRAIN-ACTIVATED GATE
ARM FOR PEDESTRIANS
AND BICYCLISTS

CHANNELIZING
HANDRAILING

R/W (ALAMEDA COUNTY
FLOOD CONTROL: APN
475-0021-01-00)
R/W (UPRR)

R/W (ALAMEDA COUNTY
FLOOD CONTROL: APN
0780-2651-007-00)
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R/W (ALAMEDA COUNTY
FLOOD CONTROL: APN
0780-2651-001-00)
R/W (UPRR)



CA: 1-800-642-2444
CALL TWO WORKING
DAYS BEFORE YOU DIG

NO	REVISION / SUBMISSION	DATE	DESIGNED BY	DATE
			DRAWN BY	
			CHECKED BY	
			IN CHARGE	

SCALE
HORIZONTAL
1" = 5'
VERTICAL
N/A

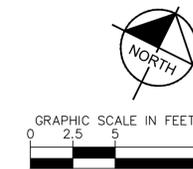
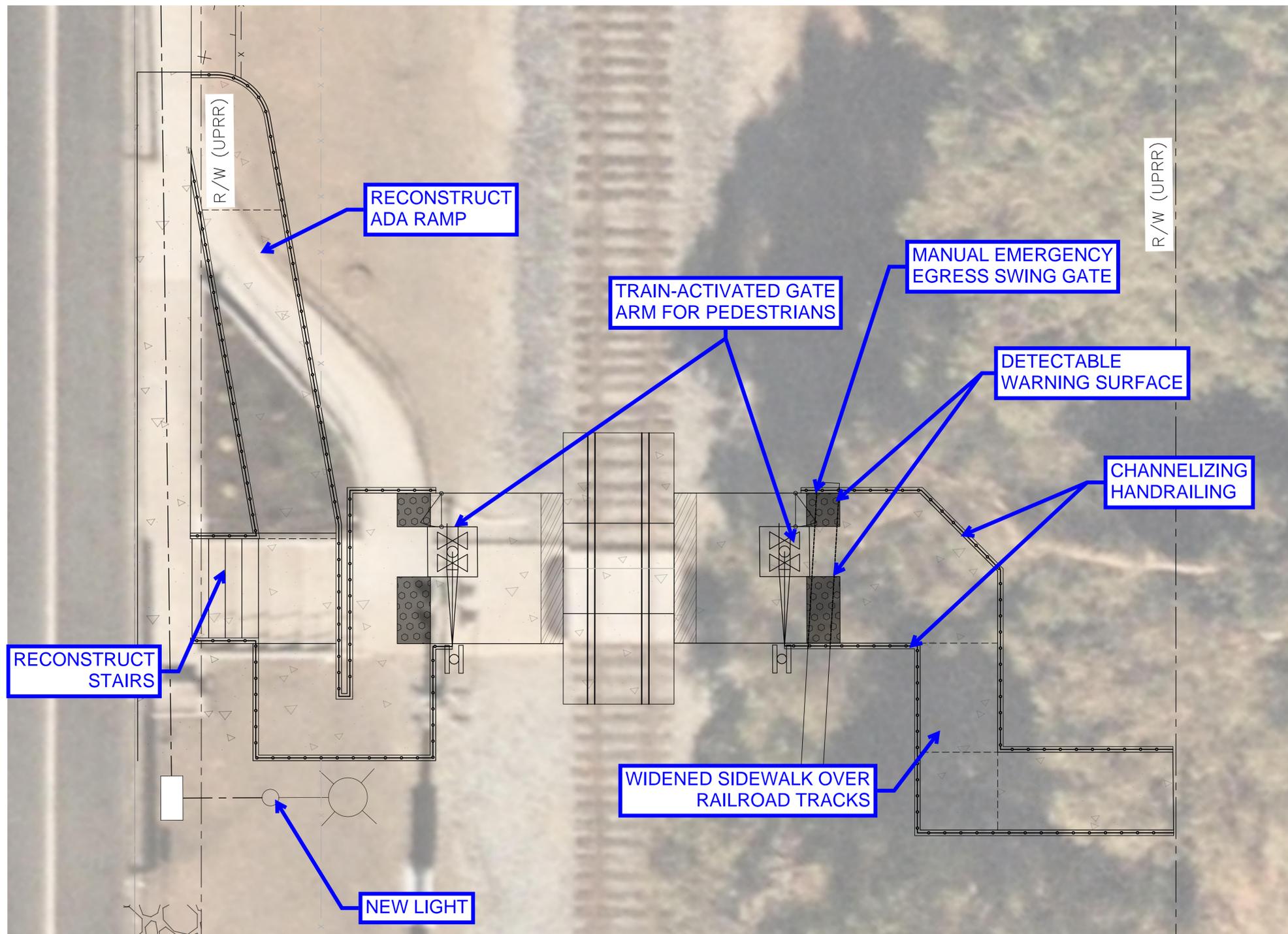
Kimley»Horn
 1300 CLAY STREET, STE 900
 OAKLAND, CA 94612
 (510) 625-0712

ALAMEDA
 County Transportation
 Commission
**Alameda County
 Transportation Commission**
 RAIL SAFETY ENHANCEMENT PROGRAM
 1111 BROADWAY #800, OAKLAND, CA 94607

DOT # 768394R
 UPRR MP 23.90 (NILES SUB)
 INDUSTRIAL PARKWAY TRAIL - HAWYARD, CA
 CROSSING FEATURES

DRAWING NO.
SHEET NO.

ALAMEDA COUNTY TRANSPORTATION COMMISSION - RAIL SAFETY ENHANCEMENT PROGRAM



NO	REVISION / SUBMISSION	DATE	DESIGNED BY	DATE
			DRAWN BY	
			CHECKED BY	
			IN CHARGE	

SCALE
HORIZONTAL
1" = 5'
VERTICAL
N/A

Kimley»Horn

1300 CLAY STREET, STE 900
OAKLAND, CA 94612
(510) 625-0712



**Alameda County
Transportation Commission**

RAIL SAFETY ENHANCEMENT PROGRAM
1111 BROADWAY #800, OAKLAND, CA 94607

DOT# 749775D
UPRR MP 23.90 (NILES SUB)
TENNYSON HIGH SCHOOL PEDESTRIAN XING -
HAYWARD CA
CROSSING FEATURES

DRAWING NO.
SHEET NO.



CITY OF HAYWARD

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

File #: LB 26-003

DATE: February 3, 2026

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT

Residential Rent Stabilization and Tenant Protection Ordinance: Introduction of an Ordinance Amending Chapter 12, Article 1 of the Hayward Municipal Code to Extend the Arbitration Decision Deadlines and Include a Cost Recovery Process Consistent with Other Housing Program Fees

RECOMMENDATION

That the City Council introduces an Ordinance (Attachment II) amending Sections 12-1.07(j)(7) and 12-1.17 of Article 1, Chapter 12 of the Hayward Municipal Code that extends the arbitration decision deadline and includes a cost recovery process consistent with the process used for the Residential Rental Inspection Program (RRIP).

SUMMARY

The current Residential Rent Stabilization and Tenant Protection Ordinance (RRSO) requires a 20-day deadline for arbitrators to render a decision during the rent dispute resolution process and does not include an effective cost recovery process for the Rent Review Program. Specifically, arbitrators have raised concerns that the 20-day deadline does not provide sufficient time to render their decisions, and staff remains limited in its ability to ensure a full cost recovery from the program. To remedy these administrative issues, staff recommend modifying the RRSO to:

- Extend the arbitration decision deadline from its current 20-day deadline to a 30-day deadline; and
- Provide the City with authority to impose assessments on rental properties when landlords fail to pay their annual RRSO fee similar to the process for collecting late or unpaid fees for the RRIP thus allowing for a fully merged and combined billing process for all rental housing program fees.

Attachment II shows these changes with redlines to the existing RRSO.

ATTACHMENTS

File #: LB 26-003

Attachment I
Attachment II

Staff Report
Amended RRSO Redline Edits



DATE: February 3, 2026

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: Residential Rent Stabilization and Tenant Protection Ordinance: Introduction of an Ordinance Amending Chapter 12, Article 1 of the Hayward Municipal Code to Extend the Arbitration Decision Deadlines and Include a Cost Recovery Process Consistent with Other Housing Program Fees

RECOMMENDATION

That the City Council introduces an Ordinance (Attachment II) amending Sections 12-1.07(j)(7) and 12-1.17 of Article 1, Chapter 12 of the Hayward Municipal Code that extends the arbitration decision deadline and includes a cost recovery process consistent with the process used for the Residential Rental Inspection Program (RRIP).

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FISCAL IMPACT

This report proposes minor amendments that would not create a fiscal impact on the City's General Fund. Rather, it provides an opportunity to better recover costs for the Rent Review Program by aligning the fee collection process for all rental housing program fees. The alignment in rental housing program billings will create administrative efficiencies and better equip City staff in collecting outstanding delinquent fees.

BACKGROUND

On June 18, 2019,¹ the Council approved the introduction of a new RRSO to implement renter protections and improve housing stability for Hayward tenants. Staff and community partners conducted a comprehensive and community inclusive process, including specific direction provided by the Council on February 19, 2019,² a community workshop on April 6, 2019, and numerous subsequent then-Homelessness-Housing Task Force (HHTF) meetings, to develop the RRSO. Key components of the RRSO, passed in June 2019 and made effective on July 25, 2019, include:

- Mandatory mediation program with binding arbitration for tenants upon rent increases greater than five percent and applicable to all pre-1979 units except single-unit properties including condominiums consistent with State law;
- Provisions to protect Section 8 voucher holders from discrimination;
- Requirements that landlords file rent increase notices and eviction notices with the City to obtain data about rental housing activity;
- Tenant retaliation protection provisions; and
- Just Cause for tenant evictions.

On December 18, 2025, the Housing Policy & Resource Committee (HPRC) received an annual update regarding Hayward's Rental Housing Programs, including the RRSO/Rent Review Program.³ HPRC members agreed with staff's proposals to amend the Ordinance as proposed. During discussion about the item, a member of the HPRC inquired about considerations for other amendments to the RRSO, such as reexamining the five percent rent cap, banking provisions, and stronger enforcement of noticing requirements and suggested that discussions of those possible amendments could be paired with the administrative amendments proposed in this report. However, since the amendments in this report are minor, staff recommended that the City Council consider more significant policy issues and

¹ June 18, 2019, City Council Staff Report and Attachments:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3985848&GUID=52D1B678-D6BB-401A-AB3C-8990885C0CDD&Options=&Search=>

² February 19, 2019, City Council Staff Report and Attachments:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3863371&GUID=E3FF2A1F-D770-463F-ACC2-8EBEFC711CF3>

³ December 18, 2025, Housing Policy & Resource Committee:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=7783849&GUID=FA830759-E06F-419B-9553-821BB4B5A766&Options=&Search=>

amendments to the RRSO in the context of broader, structural changes to the RRSO in conjunction with the Rental Registration System (RRS), which is slated for consideration later this calendar year.

DISCUSSION

Staff propose that the City Council adopt two minor administrative amendments to the RRSO to minimize the burden on arbitrators and to ensure cost recovery for RRSO fees. Additional information about each amendment is provided below.

Extending Timeline for Arbitration Decisions

Tenants and landlords who file petitions to the Housing Division undergo the rent dispute resolution process, administered through Project Sentinel.⁴ Disputes may be referred to arbitration, in which the hearing officer (the arbitrator) renders a decision based on testimonies, submittal of evidence, review of applicable legislation and factual findings. Currently, the RRSO allows the arbitrator for up to 20 days following the closure of the hearing to complete their review of evidence and legislation and to render a decision. Staff received feedback from arbitrators that the 20-day timeline for issuing decisions is difficult to meet. Thus, staff recommend extending this timeline to 30 days to ensure adequate timeframes.

A 30-day deadline aligns with other Bay Area jurisdictions' rent review programs, including the Cities of San Jose, Alameda, Mountain View, and East Palo Alto, while Oakland does not impose a time limit. One member of the HPRC inquired about whether extending the deadline would negatively impact tenants by delaying the issuance of a decision. While a marginal impact is expected, staff do not believe that the ten-day extension will result in significant impacts to tenants. However, the extension will be consistent with other Bay Area jurisdictions and support the arbitrators who are handling these cases.

Fee Collection

Each year, landlords must pay \$66 per Covered Rental Unit and \$32 per non-covered Rental Units to fund all personnel and operational costs for implementing the Rent Review Program. In FY25, the Housing Division collected about \$900,000 in payments for the Rent Review Program. However, staff estimate that an additional \$160,000 remains outstanding.

While the current process imposes a late penalty on delinquent accounts, recovering these fees remains difficult because there is no enforceable penalty for property owners, thus limiting the City's ability to ensure full cost recovery for the Rent Review Program. To strengthen compliance, staff recommend amending the Ordinance to authorize the City to

⁴ See [HMC SEC. 12-1.07](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAMUCO_CH12HO_ART1RERESTTEPR_S12-1.07THREDIREPR) for more information about the rent dispute resolution process:
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAMUCO_CH12HO_ART1RERESTTEPR_S12-1.07THREDIREPR

place assessments on rental properties when landlords fail to pay their annual RRSO fee. Allowing assessments would provide a more reliable mechanism for collecting outstanding fees. In addition, the RRIP already authorizes the City to impose assessments for delinquent payments. Aligning the RRSO enforcement process with the RRIP would promote consistency and reduce administrative inefficiencies.

ECONOMIC IMPACT

This report provides an update on the implementation progress of Hayward's Rental Housing Programs that would have minimal economic impact to the community.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Preserve, Protect, and Produce Housing. This item is not specifically related to a project identified in the Strategic Roadmap.

PUBLIC CONTACT

The Housing Division has proposed these minor administrative amendments based on feedback from Project Sentinel and experience with administering the annual RRSO billing cycle. No additional stakeholder engagement has been conducted.

NEXT STEPS

If the proposed legislation is approved, the second reading will take place on February 17, 2026, and take effect thirty days after adoption.

Prepared by: Ayush Patel, Management Analyst II

Recommended by: Sara Buizer, AICP, Director of Development Services
Christina Morales, Deputy Director of Development Services
Leigha Schmidt, Principal Planner

Approved by:



Jennifer Ott, City Manager

ORDINANCE NO. 26-AN ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA AMENDING
CHAPTER 12, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE RELATING TO
RESIDENTIAL RENT STABILIZATION AND TENANT PROTECTION

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Sections 12-1.07(j)(7) and 12-1.17 of Article 1, Chapter 12 of the Hayward Municipal Code are amended to read as follows, with deleted terms shown in strikeout and added terms underlined:

ARTICLE 12
RESIDENTIAL RENT STABILIZATION AND TENANT PROTECTION ORDINANCE

SECTION 12-1.07(j)(7)

~~(7) The Arbitrator shall render his or her written decision within twenty (20) days of the close of the hearing by mail to the Rent Review Officer who shall forthwith distribute copies of the decision by mail to the Landlord and Tenant(s). The Arbitrator shall determine the amount of the Rent Increase if any, which is reasonable based upon all the provisions of this Ordinance, the evidence presented by the parties, and any previous decisions which are found relevant and persuasive.~~

(7) The Arbitrator shall render his or her written decision within thirty (30) days of the close of the hearing by mail to the Rent Review Officer who shall forthwith distribute copies of the decision by mail to the Landlord and Tenant(s). The Arbitrator shall determine the amount of the Rent Increase if any, which is reasonable based upon all the provisions of this Ordinance, the evidence presented by the parties, and any previous decisions which are found relevant and persuasive.

SECTION 12-1.17

- (a) Applicability. This section shall apply to Landlords for all Rental Units, including Covered Rental Units, subject to this Ordinance.
- (b) The costs of administration of this Ordinance shall be reimbursed in full to the Rental Housing Program Fund by imposition of a Rent stabilization administration fee chargeable against all Rental Units, including Covered Rental Units.
- (c) The fees imposed by this section shall be paid annually. The time and manner of payment, delinquency status, and assessment and collection of penalties for delinquent payment of the fees imposed by this section shall be as provided in Article 1 of Chapter 8 of the Hayward Municipal Code. The City Manager and Rent Review Officer shall recommend to the City Council the amount of such fee and time for payment and the City Council shall adopt such fee by resolution.

(d) For Covered Rental Units, the Landlord who pays these fees may pass through to the Tenant up to fifty (50) percent of those fees assessed against a Covered Rental Unit. The remaining fifty (50) percent of the fees assessed against a Covered Rental Unit shall not be passed on in any way to Tenants. A Landlord failing to pay fees required by this section shall not be entitled to collect any Rent Increase for a Covered Rental Unit otherwise authorized by this Ordinance from the Tenant nor to any increase that might otherwise be awarded by an Arbitrator, and such failure by the Landlord shall be a defense in any action brought by the Landlord to recover possession of a Covered Rental Unit or to collect any Rent Increase from the Tenant. A Landlord may cure the failure to pay the fees required by this section by paying such fees before initiating an action for possession of a unit or collecting any Rent Increase otherwise authorized hereunder.

If the Landlord elects to pass on a percentage of the fee, the Landlord shall send a notice to the Tenant in substantially the following form:

NOTICE TO TENANTS

Pursuant to the provisions of Section 12-1.17 of the City of Hayward's Residential Rent Stabilization and Tenant Protection Ordinance No. 19-12 C.S., as amended, Landlords are required to pay an administration fee to the City on an annual basis to defray the costs of administering the ordinance. The fee is charged against each Rental Unit subject to the ordinance in the City. The ordinance further provides that Landlords may collect up to 50 percent of this fee from the Tenants of a Rental Unit by assessing the fee to the Tenants as a Governmental-Utility Services cost pursuant to Section 12-1.05(d) of the ordinance.

The Rent stabilization fee imposed for ___ reflects costs incurred during the calendar year of ___. The fee for this year is ___ per Rental Unit. The Landlord has paid the full amount of the fee to the City and has decided to exercise the option to collect a portion of the fee from the Rental Unit Tenants. Your 50 percent share of this fee is ___. Please remit the full amount of ___ to _____ by an acceptable form of payment _____ with your next Rent payment.

(e) Failure to pay the fees as described in subsections (a)-(d) can result in the City imposing an assessment on the properties.

(1) The City Clerk shall post a copy of the report and lien/special assessment list on the bulletin board designated for the posting of agendas for City Council meetings together with a notice of filing thereof and of the time and place when and where it will be submitted to the City Council for confirmation by way of resolution. Notice shall also be published once in a newspaper of general circulation that is published and circulated within the City. The posting and first publication of the notice shall be made and completed at least ten (10) days before the time the report is considered by the City Council.

(2) After City Council confirmation of the annual report and lien/special assessment list, a copy shall be given to the City Director of Finance who may receive the amount due on the abatement cost and issue receipts at any time after the confirmation and until a list of unpaid liens/special assessments is sent annually

to the County Auditor for effecting collection on the tax roll at the time and in the manner of ordinary municipal taxes. The descriptions of the parcels reported shall be those used for the same parcels on the County Assessor's map books for the current year. All laws and ordinances applicable to the levy, collection, and enforcement of City taxes are hereby made applicable to such liens or special assessments and this lien or special assessment shall have priority of the taxes with which it is collected.

Section 2. California Environmental Quality Act. Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a "project" pursuant to the California Environmental Quality Act ("CEQA"), under Public Resource Code Section 21065 and CEQA Guidelines Section 15320, 15378, and 15061(b) (3) as there is no possibility that such action would cause either a direct, or reasonably foreseeable indirect, physical change in the environment.

Section 3. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. The effective date of this Article shall be thirty (30) days after its adoption by the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2026, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2026, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Mayor of the City of Hayward

DATE: _____

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward