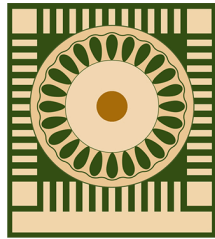


# **CITY OF HAYWARD**

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



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Tuesday, April 25, 2023**

**7:00 PM**

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

**City Council**

**CITY COUNCIL MEETING**

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

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

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

*Participate in the Council Chambers or click link below to join the meeting:  
<https://hayward.zoom.us/j/81668094657?pwd=NHFPemJaWlloNUdWMmUyM1UrWW40UT09>*

*Meeting ID: 816 6809 4657  
Password: CC4/25@7pm*

*or*

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

*Meeting ID: 816 6809 4657  
Password: 7767531615*

**CALL TO ORDER: Mayor Salinas****Pledge of Allegiance: Council Member Roche****AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION****ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PRESENTATIONS**

Arts, Culture and Creativity Month  
National Public Safety Telecommunicators Week  
Fair Housing Month

**PUBLIC COMMENTS**

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

**CITY MANAGER'S COMMENTS**

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

**ACTION ITEMS**

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

**CONSENT**

1. [MIN 23-052](#) Approve the City Council Minutes of the Special City Council Meeting on April 11, 2023

**Attachments:** [Attachment I Draft Minutes of 4/11/2023](#)

2.     [CONS 23-203](#)     Adopt a Resolution Rejecting all Bids, Approving Revised Plans and Specifications, and Calling for Bids for the Cesar Chavez Safe Routes to Schools Improvements Project, Project No. 05319

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

3.     [CONS 23-204](#)     Adopt a Resolution Authorizing the City Manager to Execute an Agreement With Foster + Freeman to Purchase the DCS®5 Fingerprint Imaging Workstation in an Amount Not-to-Exceed \$199,350

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

4.     [CONS 23-209](#)     Adopt a Resolution Awarding a Contract to Bay Cities Paving & Grading, Inc., for the FY23 Pavement Improvement Project, Project No. 05240, in the Amount of \$15,294,950 and Authorizing an Administrative Change Order Budget of \$855,050

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III List of Streets](#)  
                          [Attachment IV Bike Location Map](#)

5.     [CONS 23-210](#)     Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 5 Increasing the Professional Services Agreement with Pavement Engineering, Inc., by \$517,540, for a Total Not-to-Exceed \$2,273,035 to Provide Engineering Services for the FY24 Pavement Improvement Project No. 05242

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

6.     [CONS 23-216](#)     Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Purchase Agreement with San Leandro Ford to Purchase Two (2) Vehicles for the Hayward Evaluation and Response Team (HEART) Program

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

7. [CONS 23-225](#) Adopt a Resolution Authorizing the City Manager to Submit an Application to the Metropolitan Transportation Commission for Transportation Development Act Article 3 Funds in Fiscal Year 2023-2024 and Execute a Funding Agreement

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Exhibit I Findings](#)  
[Exhibit II Application](#)  
[Attachment III Resolution TDA Grant](#)

8. [CONS 23-226](#) Adopt Resolutions: (1) Approving Addenda Nos. 1, 2, and 3 and Awarding a Contract to DeSilva Gates Construction for the Mission Boulevard Corridor Improvements Phase 3 Project, Project No. 05287 in the Amount of \$15,742,743, and (2) Authorizing the City Manager to Execute Amendment No. 4 to the Professional Services Agreement with Mark Thomas & Company to Increase their Contract Amount by \$107,000, for a Total Not-to-Exceed Amount of \$1,626,180

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution - Award](#)  
[Attachment III Resolution Mark Thomas Amendment](#)  
[Attachment IV Location Map](#)

9. [CONS 23-228](#) Adopt a Resolution Authorizing the City Manager to Accept \$30,000 from the Moirao Family Trust - Surviving Spouse's Trust to Be Used by the Hayward Animal Shelter for the Continued Operation of the Community Cats Trap, Neuter, and Return Program and to Purchase Replacement Kennels for Small Animals

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

## WORK SESSION

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

10. [WS 23-014](#) Affordable Housing Bonds: Review and Discuss a Proposed Social Impact Bonds Program and Reallocation of \$2 Million in Housing ARPA Funds (Report from Assistant City Manager Claussen)

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

#### PUBLIC HEARING

11. [PH 23-020](#) Airport Rental Rate Adjustment: Adopt a Resolution Amending the FY24 Master Fee Schedule and Adjusting Hayward Executive Airport Hangar Rental Rates (Report from Public Works Director Ameri)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III Airport FY23 Budget Forecast](#)  
[Attachment IV Tenant Q&A and Proposal](#)

12. [PH 23-021](#) Community Agency Funding: Approval of FY 2024 Community Agency Funding Recommendations and the FY 2024 Annual Action Plan (Report from Assistant City Manager Youngblood)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II CAF Recommendations](#)  
[Attachment III Resolution Social Services](#)  
[Attachment IV Resolution Arts and Music](#)  
[Attachment V Resolution Special Events](#)  
[Attachment VI Resolution CDBG](#)  
[Attachment VII Resolution 2-1-1 Services](#)  
[Attachment VIII Public Comment](#)

#### LEGISLATIVE BUSINESS

13. [LB 23-016](#) Adopt a Resolution Accepting the Resignation of Mr. Ray Bonilla Jr., from the Planning Commission, and Consideration of Options for Filling the Planning Commission Vacancy (Report from City Clerk Lens)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution Accepting Resignation](#)  
[Attachment III Resolution Appointing Alternate](#)

**COUNCIL REPORTS AND ANNOUNCEMENTS**

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

**COUNCIL REFERRALS**

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

**ADJOURNMENT**

**NEXT MEETING, Closed Session, May 2, 2023**

**Regular Meeting Canceled.**

**PUBLIC COMMENT RULES**

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

**PLEASE TAKE NOTICE**

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

**PLEASE TAKE FURTHER NOTICE**

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

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

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

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





# CITY OF HAYWARD

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**File #:** MIN 23-052

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**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Approve the City Council Minutes of the Special City Council Meeting on April 11, 2023

**RECOMMENDATION**

That the Council approves the City Council meeting minutes of April 11, 2023.

**SUMMARY**

The City Council held a meeting on April 11, 2023.

**ATTACHMENTS**

Attachment I Draft Minutes of April 11, 2023



**SPECIAL CITY COUNCIL MEETING**  
**777 B Street, Hayward, CA 94541**  
**Council Chamber and Virtual Platform (Zoom)**  
<https://hayward.zoom.us/j/88379569567?pwd=OVlrMHdlTTZ1NVZhNmhVN1dkOWg0QT09>  
**Tuesday, April 11, 2023, 7:00 p.m.**

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The Special City Council meeting was called to order by Mayor Salinas at 7:00 p.m. The City Council held a hybrid meeting in the Council Chambers and virtually via the Zoom platform.

Pledge of Allegiance: Council Member Zermeño

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

Absent: None

**AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION**

Remote Participation Based on AB 2449 Just Cause **RPT 23-042**

Council Member Andrews participated via the Zoom platform under AB 2449 Brown Act teleconferencing “just cause” option as defined in Government Code section 54953(f)(2)(A)(i) and 54953(j)(2)(A).

Mayor Salinas acknowledged that former Council Member Márquez was not in attendance as she had been appointed to the Alameda County Board of Supervisors, District Two on April 4, 2023.

**PRESENTATION**

Mayor Salinas read a proclamation declaring the week of April 23-29, 2023, as National Crime Victims’ Rights Week. The proclamation was presented to the Alameda County District Attorney’s Office Victim Witness Division Program. Ms. Maninder Bains, Victim Advocate, accepted the proclamation on behalf of the Alameda County District Attorney’s Office and thanked the City for recognizing the efforts made to assist crime victims.

**PUBLIC COMMENTS**

Ms. Sharana Sabesan, Hayward Youth Commission (HYC) member, spoke about the HYC recruitment noting the application deadline was May 19, 2023, and highlighted the upcoming HYC conference on April 22, 2023, at the Downtown Hayward Library.

Ms. Phylis Essandoh, HYC member, provided additional information about the HYC conference including the topics, performances and prizes and encouraged all to participate.

Mayor Salinas highlighted the HYC conference was youth driven and would address current issues and urged youth in the community to register for the event.

## CITY MANAGER'S COMMENTS

There were none.

## CONSENT

1. Approve the City Council Minutes of the City Council Meeting on March 21, 2023 **MIN 23-042**

It was moved by Council Member Roche, seconded by Council Member Goldstein, and carried unanimously, to approve the minutes of the City Council Meeting on March 21, 2023.

2. Approve the City Council Minutes of the City Council Meeting on March 28, 2023 **MIN 23-043**

It was moved by Council Member Roche, seconded by Council Member Goldstein, and carried unanimously, to approve the minutes of the City Council Meeting on March 28, 2023.

3. Adopt an Ordinance Amending Chapter 10, Article 17 of the Hayward Municipal Code Regarding Affordable Housing Requirements for New Housing Developments **CONS 23-186**

Staff report submitted by City Clerk Lens, dated April 11, 2023, was filed.

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

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

Ordinance 23-04, "An Ordinance of the City of Hayward Amending Chapter 10, Article 17, of the Hayward Municipal Code Regarding Affordable Housing Requirements for New Housing Developments"

4. Adopt a Resolution Opposing Initiative 21-0042A1 on the November 2024 General Election Ballot, Entitled the "Taxpayer Protection and Government Accountability Act" and Authorizing the Mayor to Sign a Letter of Opposition to the Ballot Measure **CONS 23-167**

Staff report submitted by Assistant City Manager Claussen, dated April 11, 2023, was filed.



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**Tuesday, April 11, 2023, 7:00 p.m.**

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

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

Resolution 23-076, “Resolution Opposing Initiative 21-0042A1 on the November 2024 General Election Ballot, Entitled the “Taxpayer Protection and Government Accountability Act” and Authorizing the Mayor to Sign a Letter of Opposition to the Ballot Measure”

5. Adopt a Resolution Approving Plans and Specifications and Calling for Bids for Traffic Signal Modification on Jackson Street as Part of the Route 238 Corridor Improvement Phase 2 Project No. 05270 **CONS 23-182**

Staff report submitted by Director of Public Works Ameri, dated April 11, 2023, was filed.

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

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

Resolution 22-077, “Resolution Approving Plans and Specifications and Call for Bids for Traffic Signal Modification at Jackson Street Project, Project No. 05270”

6. Adopt a Resolution Approving the FY 2024 Measure B/BB Annual Paratransit Program Plan and Authorizing the City Manager to Execute FY 2024 Service Agreements for the Continued Provision of Measure B/BB Funded Paratransit Services **CONS 23-184**

Staff report submitted by Community Services Manager Lobedan and Assistant City Manager Youngblood, dated April 11, 2023, was filed.

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

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

Resolution 23-078, “Resolution Authorizing the City Manager to Implement an Annual Paratransit Plan and Negotiate and Execute all Documents Related to and in Support of Paratransit Activities Including the Administration of the Hayward Operated Paratransit (HOP) Program”

7. Adopt a Resolution Authorizing the City Manager to Execute the Cooperation Agreement for Fiscal Years 2024-2026 between the City of Hayward and the County of Alameda to Participate in the Alameda County HOME Consortium **CONS 23-185**

Staff report submitted by Assistant City Manager Claussen and Housing Manager Morales, dated April 11, 2023, was filed.

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

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

Resolution 23-079, “Resolution Authorizing the Continued Participation of the City of Hayward in the Alameda County Home Consortium for Home Funds and Authorizing Execution of the Necessary Documents to Maintain the Eligibility of the Consortium for Home Program Funds in Accordance with the National Affordable Housing Act of 1990”

8. Adopt a Resolution Accepting and Filing the Annual Comprehensive Financial Report for the Year Ended June 30, 2022, and of the Memorandum on Internal Control and Required Communications **CONS 23-198**

Staff report submitted by Finance Director Gonzales, dated April 11, 2023, was filed.



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**Tuesday, April 11, 2023, 7:00 p.m.**

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

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

Resolution 23-080, “Resolution Accepting the Comprehensive Annual Financial Report for the Year Ended June 30, 2022; and the Memorandum on Internal Control and Required Communications”

9. Adopt a Resolution Authorizing the City Manager to Appropriate \$88,598.89 from the Measure C Operating Fund (Fund 101) for the Purchase of (1) EagleAir® Model RVA15M3D4U RavenCFS Breathing Air Compressor System **CONS 23-200**

Staff report submitted by Fire Chief Contreras, dated April 11, 2023, was filed.

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

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

Resolution 23-081, “Adopt a Resolution Authorizing the City Manager to Appropriate and Expend \$88,598.89 from the Measure C Operating Fund (Fund 101) for the Purchase of (1) EagleAir® Model RVA15M3D4U RavenCFS Breathing Air Compressor System”

10. Adopt a Resolution Authorizing the City Manager to Appropriate \$640,894 from the Measure C Operating Fund (Fund 101) for the Purchase of Motorola Dispatch Console Equipment and Service Plans and to Execute an Agreement with Motorola for Purchase of those Products **CONS 23-201**

Staff report submitted by Fire Chief Contreras, dated April 11, 2023, was filed.

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

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

Ordinance 23-082, “Resolution Authorizing the City Manager to Appropriate \$640,894 from the Measure C Operating Fund (Fund 101) for the Purchase of Motorola Dispatch Console Equipment and Service Plans and to Execute an Agreement with Motorola for Purchase of those Products”

## **WORK SESSION**

### **11. Community Agency Funding: Fiscal Year 2024 Community Agency Funding Recommendations for Services, Arts & Music, Special Events, and Economic Development and Infrastructure and Overview of the FY 2024 Annual Action Plan **WS 23-011****

Staff report submitted by Assistant City Manager Youngblood, dated April 11, 2023, was filed.

Assistant City Manager Youngblood announced the item and introduced Community Services Manager Lobedan who indicated the work session was going to be separated into two sections to allow for the recusal of Council Member Zermeño from the Special Events funding recommendations. Community Services Manager Lobedan allowed members of the Council to state any disclosures of potential conflicts of interest related to the work session.

Mayor Salinas disclosed he is a St. Rose Foundation member and Council Member Goldstein shared he received a small campaign contribution from Michael Cobb, St. Rose Hospital Foundation Executive Director; it was stated the City Attorney confirmed they did not have to recuse from participating because St. Rose Hospital Foundation was not receiving any funds. Council Member Syrop disclosed his mother served on the Hayward Arts Council Board and had made contributions to his campaign, but he played no role in the deliberation or determination of the funding recommendations; therefore, he had confirmed with the City Attorney that he did not have to recuse himself from the work session. Council Member Zermeño disclosed he is a St. Rose Foundation member as well as a member of La Alianza de Hayward Board which was slated to receive some funding and therefore was going to recuse



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**Tuesday, April 11, 2023, 7:00 p.m.**

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himself from participating in the Special Events funding recommendations.

Community Services Manager Lobedan provided an overview of the first segment of the work session which included FY 2024 Annual Action Plan and the FY 2024 Community Agency funding recommendations in the categories of Economic Development and Infrastructure (CDBG source), Public Services (CDBG source), Social Services (General Fund source), and Arts and Music (General Fund source).

Mayor Salinas opened the public comment period at 7:26 p.m.

Ms. TJ, Hayward Concerned Citizens member, noted the funding recommendation of \$150,000 being allocated to Rebuilding Together Oakland and asked how the agency was related to Hayward.

Mayor Salinas closed the public comment period at 7:27 p.m.

In response to Council Member Syrop's request that staff address TJ's question, Community Services Manager Lobedan responded that while the administrative offices of Rebuilding Together Oakland was located in Oakland, the agency serves forty Hayward households annually with home repair services. In response to Council Member Syrop's inquiry about South Hayward Parish: Case Management Services project, Community Services Manager Lobedan noted the project was not funded because South Hayward Parish had submitted multiple applications and projects needed to be prioritized and staff was in communications with the agency to help determine other funding sources.

In response to Council Member Syrop's inquiry for the decrease in funding recommendation for Community Resources for Independent Living (CRIL) from \$20,000 last year to the recommended \$15,645 for current year, Community Services Manager Lobedan responded it was mainly due to competition in funding, increase in community need and funding availability.

Council Member Zermeño noted South Hayward Parish was doing a good job in serving South Hayward residents, and wondered if the funding recommendation could be reconsidered. In response to Council Member Zermeño's inquiry for the reason why St. Rose Hospital was not recommended to receive funds, Community Services Manager Lobedan responded the Community Services Commission (CSC) recommended the organization spend down current funding before allocating additional funds this year.

In response to Council Member Roche's inquiry about the reasoning for the recommendation for Spectrum Community Services: Meal Program for Seniors, noting they had requested \$50,000 but were recommended to receive \$33,000, Community Services Manager Lobedan noted it was mainly due to funding availability. In response to Council Member Roche's



inquiry about CRIL's current need related to services through the Annual Paratransit Program Plan, Community Services Manager Lobedan noted the Community Agency funding was a separate source than funding through the Paratransit Program. Council Member Roche emphasized that the goal was to keep working with CRIL.

In response to Council Member Andrews' inquiry about Love Never Fails' funding request and opportunities for securing additional funding for larger efforts, Community Services Manager Lobedan noted the allocation through Community Agency funding was limited and staff would incorporate suggestions for the agency around capital campaign fundraising.

Council Member Syrop commented he did not see the Alameda County Food Bank agency in the Community Agency funding recommendations report and inquired about CSC's thoughts about services that provide food security. Community Services Manager Lobedan shared the Alameda County Community Food Bank agency told the City they would not apply for funds this year, and staff would confirm that the agency would continue to provide services to the Hayward community. CSC Vice Chair Bruckner noted the same question was raised during CSC deliberations.

In response to Council Member Syrop's inquiry about Eden Information and Referral (EI&R) 2-1-1 service, Community Services Manager Lobedan indicated that CSC and City staff recommended to leave the competitive pool of funds as is and separately include \$50,000 in the budget process to support EI&R beginning FY 2025, and staff would verify if the contract included an outreach and marketing campaign. CSC Vice Chair Bruckner noted CSC supported the recommendation.

Council Member Goldstein shared that he was the Council Liaison to the CSC, expressed his appreciation for the great work CSC members do with a thoughtful and considerate approach to how they achieve balanced funding.

In response to Council Member Roche's question about Spectrum Community Services' funding, CSC Vice Chair Bruckner noted CSC discussed the funding and staff had addressed deliberations and funding allocations.

Mayor Salinas commented on Council Member Syrop's question about food security in Hayward noting there were organizations that distributed food such as through the Hayward Promise Neighborhood- Fresh Food for Families program and Tiburcio Vásquez Center; and closed the first segment of the work session.

Council Member Zermeño recused himself from discussion of the second segment and left the Council Chambers at 7:42 p.m.

Community Services Manager Lobedan provided an overview of the second segment of the work session which included FY 2024 Community Agency funding recommendations in the category of Special Events (General Fund source).

There being no public comment, Mayor Salinas opened and closed the public comment period



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**Tuesday, April 11, 2023, 7:00 p.m.**

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at 7:46 p.m.

In response to Council Member Roche's inquiry for the reasoning of why the Cinco de Mayo Festival was not considered a classic festival, Community Services Manager Lobedan noted the allocation was based on the total budget size and the requirement that no event should receive funding in excess of 20 percent of the event budget. In response to the inquiry about distribution of remaining funds, Ms. Lobedan noted staff plans to notify all applicants in the Special Events category, including the Cinco de Mayo Festival organizers, of the availability of one-time funds in the amount of \$3,000 which will be distributed on a first-come, first-serve basis.

Council Member Andrews was pleased with the clarification that Russell City Blues' request was included under the Special Events category; and asked if there was a formalized intake process for the use of City facilities for special events. Community Services Manager Lobedan responded that staff from different divisions were working on this. Council Member Andrews encouraged staff to have a fair process in place for everyone and for Library and City facilities to coordinate accordingly to mitigate any conflict.

Members of the City Council thanked and acknowledged City staff and Community Services Commissioners for their work on the funding recommendations. City Manager McAdoo also thanked City staff for their work in coordinating applications and acknowledged the CSC for its work advocating on behalf of the community.

Community Services Manager Lobedan noted a public hearing on FY 2024 Annual Action Plan and FY 2024 funding recommendations will be held on April 25, 2023.

Council Member Zermeño returned to the Council Chambers at 7:53 p.m.

## **LEGISLATIVE BUSINESS**

Prior to proceeding to the Legislative Business item, Mayor Salinas stated that on February 8, 2023, Alameda County Supervisor of District 2, Richard Valle, tragically passed away, which caused the Alameda County Board of Supervisors to launch a process to fill the vacated seat and announced that the individual appointed was former Council Member Márquez. As Alameda County Supervisor Márquez was in the audience, Mayor Salinas read a Certificate of Commendation presented to Elisa Márquez in honor of her commitment and dedication to the community of Hayward; and, on behalf of the City Council, congratulated the outgoing Council Member and incoming County Supervisor Elisa Márquez for her service and legacy of contributions that will continue to make Hayward a better place. Alameda County Supervisor Márquez thanked Mayor Salinas for the recognition, commented the present situation was due to the tragic loss of County Supervisor Valle, spoke of her service and commitment to the community over the years, indicated that Hayward was the best organization lead by a great

Council and City staff, and looked forward to partnering with the City to accomplish great things for Hayward and Alameda County.

## 12. Council Vacancy and Appointment: Adopt a Resolution Appointing a Candidate to Fill a Two-Year Term City Council Vacancy or Consider Alternative Options for Filling the Vacancy **LB 23-015**

Staff report submitted by City Manager McAdoo, City Attorney Lawson, City Clerk Lens, dated April 11, 2023, was filed.

City Manager McAdoo provided a synopsis of the staff report.

In response to Council Member Goldstein's inquiry if Council wished to take a different approach than the proposed voting recommendation and make a motion, City Manager McAdoo confirmed making a motion for one of the three remaining applicants was also an option for Council.

Council Member Zermeno indicated he was going to ask the same question and was ready for a motion.

Mayor Salinas opened the public comment period at 8:08 p.m.

Mr. Al Mendall, former Council Member, thanked County Supervisor Márquez for her many contributions on the City Council; and spoke in favor of appointing Mr. Ray Bonilla Jr. to the City Council noting he served Hayward for over twenty years and was the most qualified candidate.

Alameda County Supervisor Márquez spoke in favor of appointing Mr. Ray Bonilla Jr. to the City Council noting he was qualified, talented, dedicated, and would bring a lot of expertise to the City Council.

Ms. Suzanne Luther, Hayward Concerned Citizens member, expressed that with the unexpected death of Supervisor Valle, the City was taking a reactionary approach and requested that a full recruitment be conducted so that residents can be a part of the process.

Planning Commissioner Stevens expressed support for appointing Mr. Ray Bonilla Jr. to the City Council, stated he demonstrated a strong commitment to approving high quality development projects that have benefited the city, noted he has extensive knowledge of the city, and was confident that he would make a positive impact.

Dr. Santalynda Marerro shared she was Mr. Ray Bonilla's executive coach for over ten years; expressed he was the quintessential servant leader possessing qualities such as passion, heart, and intelligence; added he has political acumen and an understanding of the system and the larger picture; added he has empathy and passion for the community and is connected to his roots; and was proud to support him.



**SPECIAL CITY COUNCIL MEETING**  
**777 B Street, Hayward, CA 94541**  
**Council Chamber and Virtual Platform (Zoom)**  
<https://hayward.zoom.us/j/88379569567?pwd=OVlrMHdlTTZ1NVZhNmhVN1dkOWg0QT09>  
**Tuesday, April 11, 2023, 7:00 p.m.**

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Planning Commissioner Lowe shared she has served on the Planning Commission with Mr. Ray Bonilla Jr. where he provides keen insight only a longtime resident can provide; shared he was raised in Hayward and has served on several City commissions over the years; noted he advocates for equitable and affordable housing and is not afraid to encourage developers to go above and beyond providing the basic requirements such as more housing or more amenities; and highly recommended his appointment to the Council.

Mayor Salinas closed the public comment period at 8:18 p.m.

Council Member Goldstein stated that considering the thorough recruitment process done such a short time ago with a fantastic pool of candidates, and the over two dozen conversations he had with individuals who support Mr. Ray Bonilla Jr., he made a motion to appoint Mr. Ray Bonilla Jr. to the Council.

Council Member Zermeño seconded the motion, expressed support for replacing a Hayward born and educated Council person with a Hayward born and educated resident; and stated that Mr. Ray Bonilla Jr. had the ability and experience to join the City Council team and help move Hayward forward.

Council Member Andrews stated that she was prepared to nominate Community Services Chair Artavia Berry and Planning Commissioner Ray Bonilla Jr. for the first round of nominations. Mayor Salinas stated that there was a motion on the floor to appoint Mr. Ray Bonilla Jr. which had been seconded as well.

Council Member Roche agreed with her colleagues, added Mr. Ray Bonilla Jr. would hit the ground leading as he had demonstrated through his service on various commissions, commented she learnt from him on the commissions she has served on, emphasized she could not imagine someone more qualified than him at a time there is going to be four new members on Council, underscored it was critical to have a candidate with his level of experience and was pleased to support the motion.

Council Member Syrop acknowledged Mr. Sherman Lewis who had received the fourth highest number of votes in the 2022 General Municipal Election but was not interested in the appointment process, expressed his support of the motion noting it was significant to have a Council where almost half of its members were born and raised in Hayward, noted there was value in developing talent inhouse and bringing this on board would steer the City in the right direction, mentioned his decision was informed by the previous appointment process in which Mr. Ray Bonilla Jr. interviewed strongly and received the second highest number of votes, shared that an activist on housing matters gave shining praise to Mr. Bonilla Jr. for his role on the Planning Commission, thanked the other candidates for staying in the process, hoped that they would continue serve Hayward, and join them on the dais one day too.

Mayor Salinas indicated support of the motion, emphasized Hayward should be proud the City Council bench is deep, substantive, competent, qualified with talent grown locally, added the Council possesses the quality and expertise to perform the job well, shared that these qualities were evident in Planning Commissioner Ray Bonilla Jr. as demonstrated during his interview in January, expressed that Mr. Ray Bonilla Jr. is well acquainted with the city and its neighborhoods having lived in Hayward, and was confident that one could go to him with a concern or an issue knowing he is serving the city for the right reasons.

Council Member Andrews thanked all of the applicants and recognized Commissioners Ray Bonilla Jr., Artavia Berry, Aidan Ali-Sullivan, and Austin Bruckner for their efforts undergoing a public interview during the appointment process before the Council and their contributions to the community, was pleased to see her former Planning Commission colleague Mr. Ray Bonilla Jr. advancing forward and was elated for the opportunity to work together and to continue to move the needle forward on the Council, commented that Mr. Ray Bonilla Jr. is well respected in the community and expressed her support of the motion.

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

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

Resolution 23-083 “Resolution Appointing Ray Bonilla Jr. as Council Member for the City of Hayward”

Mayor Salinas called for a recess at 8:28 p.m., and reconvened the meeting at 8:36 p.m.

13. Stormwater Management and Urban Runoff Control Ordinance: Adopt a Resolution and Introduce Stormwater Ordinance Amendments Related to Municipal Regional (Stormwater) Permit-MRP 3.0 and Finding the Action is Exempt from CEQA Review **LB 23-014**

Staff report submitted by Public Works Director Ameri, dated April 11, 2023, was filed.

Mayor Salinas acknowledged City staff were ready to provide an overview of the report but requested to forgo the presentation and move to questions. Mayor Salinas asked about the impact the proposed ordinance may have on businesses under the permit.

Water Pollution Source Control Administrator Wilfong indicated the report included ordinance amendments requiring full trash capture devices for property owners who have trash issues and are unable to clean their property at a frequency that is compliant per the stormwater mandate to reduce trash by 100%. Water Pollution Source Control Administrator



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

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**Tuesday, April 11, 2023, 7:00 p.m.**

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Wilfong added there was potentially cost inferred if a property is asked or required to install a full trash capture device, mentioned there would be a cost for the device depending on its size and its maintenance noting that cleaning may be done by the property owner or by a company providing the service, and emphasized that the installation of the device was not a requirement if the property was able to contain the trash on the property and stay in compliance with the 100% reduction mandate.

In response to Council Member Zermeño's inquiry about the number of restaurants or businesses that have or are in need of trash capture devices, Administrator Wilfong responded that there were a fair amount of private property owners, including commercial and some large residential developments, that have full capture devices, noted there were approximately 400 to 500 businesses in the inventory that need to be addressed as their drainage was not allowing the City to treat them downstream, and noted it was difficult to gauge how many properties may require a device until an inventory is created and assessment performed.

Council Member Zermeño thanked staff for the response, noted that there were approximately 9,000 businesses in Hayward and indicated it would be interesting to know how many of these have trash capture devices.

There being no public comment, Mayor Salinas opened and closed the public hearing at 8:42 p.m.

Council Member Roche shared she heard the staff report as she served on the Council Sustainability Committee; commented that since Hayward has to achieve 100% trash reduction by July 2025, businesses will have to partner with the City in this effort, and hoped the City could work with businesses on bearing costs; and supported the proposed amendments demanding that everyone do their part to keep trash out of the stormwater.

It was moved by Council Member Goldstein, seconded by Council Member Syrop, and carried by the following roll call vote, to adopt the resolution and approve the introduction of the ordinance.

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

Resolution 23-084 "Resolution to Adopt Amendments to Chapter 11, Article 5, (Stormwater Management and Urban Runoff Control) of the Hayward Municipal Code in Response to the Municipal Regional Permit (MRP 3.0)"

Intro Ordinance 23- “An Ordinance Amending the Stormwater Management and Urban Runoff Control Ordinance (Chapter 11, Article 5 of the Hayward Municipal Code) in Response to the Municipal Regional Permit (MRP 3.0))”

## **PUBLIC HEARING**

14. Valley Street East of 4th Street to C Street: Adopt a Resolution Vacating Right-of-Way of Valley Street East of 4th Street to C Street Pursuant to the Provisions of California Streets and Highways Code Sections 8320 et. seq. **PH 23-017**

Staff report submitted by Public Works Director Ameri, dated April 11, 2023, was filed.

Mayor Salinas announced the report, stated members of the Council had reviewed the staff report, requested to forego staff’s presentation, and move to Council questions.

In response to Council Member Roche’s inquiry if the two properties would take over the street corner and if the street portion would remain a public right-of-way, City staff noted the property owner would be responsible for maintaining the entire parcel and the site would remain a public right-of-way.

Council Member Syrop shared that in looking at the map, it appeared there was no sidewalk that curved around the street, and asked if this would be converted into a sidewalk. Senior Civil Engineer Sharma responded that would not be accomplished as part of Council’s action; and added that the arrangement was once the adjacent property is acquired and lots are merged, there may be a plan to develop the combined lot with an additional home or expand the existing use, and the addition of a sidewalk would be a requirement of the lot development.

Mayor Salinas opened the public hearing at 8:47 p.m.

Ms. Joan Butler, C Street resident, wanted to know what will happen after the street is vacated and how long would it take for next steps, expressed concern the area is used by individuals to dump trash and mattresses, and supported the addition of a sidewalk on 4<sup>th</sup> Street.

Mayor Salinas closed the public hearing at 8:50 p.m.

Mayor Salinas asked staff to address the question posed by Ms. Butler. Public Works Director Ameri indicated that once the street right-of-way is vacated and the property transferred to the adjoining property owner, the new property owner will be responsible for maintaining the parcel and noncompliance of property maintenance will be handled by Code Enforcement; and anticipated the development of the property would create fencing and frontage improvements.



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**Tuesday, April 11, 2023, 7:00 p.m.**

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Mayor Salinas gave Ms. Butler another opportunity to address the Council. Ms. Butler wondered if she could have, for historical purposes, the old sign that indicates Valley and C Street. Mayor Salinas indicated the City Manager's office would work with Ms. Butler.

Council Member Syrop echoed the desire for the new development to be pedestrian friendly and hoped for this during City negotiations, shared that he lived near the area and wanted to ensure the area was walkable, rollable, accessible to community members, and help set a standard for walkability along 4<sup>th</sup> Street as there was a need for sidewalks.

In response to Council Member Syrop's inquiry for the timeframe Code Enforcement would address any potential non-compliance issues in the vacated lot, Public Works Director Ameri indicated that as soon as the property is transferred, the owner would be responsible for maintaining the portion of the property, and noted that when a situation arises, Code Enforcement would issue a notice to the property owner and if ignored, then the City could take further steps to bring the property into compliance.

Council Member Syrop offered a motion to move the item.

Council Member Zermeño noted there was an evident problem with litter in the area when he used to visit former residents; was glad the adjacent property owner would be taking over the proposed site; urged that Code Enforcement inspect the site to ensure that it is fenced, kept in good shape or a sidewalk is installed; and seconded the motion.

Regarding the Valley and 4<sup>th</sup> Street sign, City Attorney Lawson requested that it not be included as a friendly amendment to the motion but addressed offline.

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

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

Resolution 23-085 "Resolution Vacating the Right-of-Way of Valley Street East of 4th Street to C Street"



15. Hayward Hangars Airport Hangar Project TEFRA Hearing: Tax and Equity Fiscal Responsibility Act Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Approving the Issuance of Revenue Bonds by the Public Finance Authority in an Amount Not-to-Exceed \$5,512,000 to Finance or Refinance the Construction, Furnishing and Equipping of an Aircraft Storage Hangar Project Located at 20995 Skywest Drive, Hayward, California. **PH 23-019**

Staff report submitted by Assistant City Manager Claussen, dated April 11, 2023, was filed.

Assistant City Manager Claussen announced the item and introduced Mr. James Altschul, President of Hayward Hangars LLC, who provided a synopsis of the report.

In response to Council Member Roche's inquiry as to where on the airport property was Hayward Hangars located, City Manager McAdoo responded it was located farther away from Skywest.

Council Member Syrop thanked Mr. Altschul for the presentation and the continued support of Hayward Airport and asked if the item went before the Planning Commission. City Manager McAdoo responded the project did not require discretionary review by the Planning Commission and only required a building permit review, and added the project had been in the works for several years.

Council Member Syrop commented that since the project was over \$1 million and due to there being a Community Workforce Agreement in place, asked if there were conversations with trade unions about the proposed project. City Manager McAdoo indicated that the proposed project was exempt as the Community Workforce Agreement applied to City projects and the proposal was a private project. Mr. Altschul noted the project was small and added that his company employed a Hayward resident as well as two San Lorenzo residents.

There being no public comment, Mayor Salinas opened and closed the public hearing at 9:05 p.m.

Council Member Zermeño shared that he knew Mr. Altschul through his service on the airport committee, noted the project was good for the airport, and made a motion to move the item.

Council Member Goldstein seconded the motion.

Mayor Salinas thanked Council Members Zermeño and Syrop for their work on the Council Airport Committee.

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



**SPECIAL CITY COUNCIL MEETING**

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

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

<https://hayward.zoom.us/j/88379569567?pwd=OVlrMHdlTTZ1NVZhNmhVN1dkOWg0QT09>

**Tuesday, April 11, 2023, 7:00 p.m.**

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AYES: COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño  
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-086 "Resolution Approving the Issuance of Not to Exceed \$5,512,000 of Public Finance Authority Industrial Revenue Bonds (Hayward Hangars Project), Series 2023 for the Benefit of Hayward Hangars, LLC"

**COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Andrews recognized that it was Earth Month and announced the Keep Hayward Clean and Green Task Force was organizing a clean-up event at Weekes Park on April 22, 2023. Council Member Andrews asked City Manager McAdoo if it would be possible to have the Hayward Police Department provide an update on catalytic converters.

**COUNCIL REFERRALS**

There were none.

**ADJOURNMENT**

Mayor Salinas adjourned the special meeting at 9:09 p.m.

**APPROVED**

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Mark Salinas  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward



# CITY OF HAYWARD

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

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**File #:** CONS 23-203

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**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Rejecting all Bids, Approving Revised Plans and Specifications, and Calling for Bids for the Cesar Chavez Safe Routes to Schools Improvements Project, Project No. 05319

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) rejecting all bids for the Cesar Chavez Safe Routes to Schools Improvements Project (SR2S), approving the revised plans and specifications, and calling for bids to be received on May 9, 2023.

**SUMMARY**

On January 24, 2023, Council approved the plans, specifications and call for bids for the SR2S Project. The SR2S Program, funded by Alameda County Transportation Commission (ACTC), supports safe access and mobility to and from schools by funding sustainable transportation improvement for pedestrians, cyclists, and transit riders. In FY22, the City was successful in obtaining the SR2S Mini-Grant to fund improvements for Cesar Chavez Middle School (CCMS), including installation of paint and post curb extensions, yellow high-visibility crosswalks and signage among other enhancements. One bid was received for this project. After reviewing the bid proposal, staff deemed the bid unresponsive and is requesting Council reject the sole unresponsive bidder, approve the revised plans, specifications, and call for construction bids to be received on May 9, 2023.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

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## **BACKGROUND**

The California Department of Transportation made funding available for capital projects through the SR2S Program. This state legislated program has been active since 2000 and came into effect from the passage of an Assembly Bill and was subsequently extended. In February 2021, ACTC announced a funding opportunity to all cities and unincorporated areas in Alameda County for the SR2S Mini-Grant Program. The Program provided \$1.7 million in Measure B – Local Transportation funds and Congestion Management Agency

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<sup>1</sup> [CITY OF HAYWARD - File #: CONS 23-033 \(legistar.com\)](#)

Transportation Improvement Program funds. In July 2021, ACTC awarded the City \$162,000 for improvements at CCMS. On September 28, 2021<sup>2</sup>, Council adopted Resolution No. 21-188 authorizing the City Manager to accept the grant funds and appropriate a total budget of \$324,000 for the SR2S Program.

## **DISCUSSION**

The State SR2S project selects projects that are developed with community participation in order to make walking and bicycling to school a more appealing mode of transportation and also improving the overall quality of life and maintaining a sustainable environment.

CCMS is located near the South Hayward BART Station and borders an active railroad track. A six-foot tall chain-link fence separates the school from Tennyson Road and the railroad corridor. The only pedestrian and vehicle access to the school is located on Whitman Street. CCMS has a high proportion of students walking to and from school. Since walking is one of the simplest, most effective, and affordable strategies for kids and adults to include physical activity daily, this project aims to make it safer for all pedestrians and bicyclists to walk and bike to school. This project also provides equitable improvements to South Hayward, an area that has historically been underserved.

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

Council approved the plans and specifications and call for bids on January 24, 2023. At that time, Council members provided comments to revise the project plans to include a dedicated bike lane at the intersection of Whitman Street and Tennyson Road. Staff discussed these comments with the project consultant engineer and prepared revised bid documents as per Council's feedback. After incorporating the design changes, the project was advertised for bidding. The bid opening for this project was on March 7, 2023 and one bid was received. The Engineer's estimate for this project was \$213,100. The bid received from Central Pacific Engineering, Inc. (Central Pacific), was \$309,506, which is 45% higher than the engineer's estimate.

Staff reviewed the bid and found the bid amounts for several bid items were not in the typically acceptable range. Because only one bid was received, the Public Contract Code allows for direct negotiations with the contractor. Staff met with the contractor to negotiate bid items that staff considered were not in line with the current industry range and requested a revised bid. Central Pacific submitted a revised bid on March 15, 2023. The revised bid is still considered unresponsive and is 44% higher than the engineer's estimate.

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<sup>2</sup> [CITY OF HAYWARD - File #: CONS 21-482 \(legistar.com\)](#)

Because staff considers the revised bid also unresponsive, staff is requesting Council reject the bid.

The plans and specifications have been revised to better reflect the project needs and Staff seeks Council’s approval of the revised plans, specifications, and call for bids to be received by May 9, 2023.

**ECONOMIC IMPACT**

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

**FISCAL IMPACT**

The SR2S Project has a total appropriated budget of \$324,000 in the FY 2023 Adopted CIP Budget. The project is partially funded through an ACTC grant, which will reimburse up to fifty percent of the estimated construction cost (not-to-exceed \$162,000). The project budget is outlined below. This item has no impact on the General Fund.

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

**STRATEGIC ROADMAP**

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

Project N8(d): Implement Safe Routes to School

**SUSTAINABILITY FEATURES**

This item has no direct sustainability features.

**PUBLIC CONTACT**

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

**NEXT STEPS**

If Council approves this request, staff will republicize the project and collect bids on May 9, 2023. Staff will return to Council for award of the construction contract after bids have been received and reviewed. The following schedule has been developed for this project:

Receive Bids	May 9, 2023
Award Construction Contract	June 2023
Complete Construction	August 2023

*Prepared by:* Saeed Saebi, Associate Civil Engineer  
Kathy Garcia, Deputy Director of Public Works

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

*Approved by:*



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

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

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

RESOLUTION REJECTING THE BID AND APPROVING THE REVISED PLANS,  
SPECIFICATIONS AND ESTIMATES AND CALLING FOR BIDS FOR THE SAFE  
ROUTES TO SCHOOL (SR2S) PROJECT, PROJECT NO. 05319

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

WHEREAS, on January 24, 2023, the Council approved the plan and specifications for the project and authorized the project for bidding; and

WHEREAS, bids for the project were received on March 7, 2023; and

WHEREAS, one bid was received from Central Pacific Engineering, Inc.; and

WHEREAS, staff has deemed the sole bid received unresponsive; and

WHEREAS, staff recommends Council rejects the sole bid, approves the revised plans and specification and a calling for bids on May 9, 2023.

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

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

BE IT FURTHER RESOLVED, sealed bids will therefore be received by the City Clerk's Office at City Hall, 777 B Street, 1<sup>st</sup> Floor, Hayward, CA 94541, up to the hour of 2 PM on May 9, 2023, and immediately thereafter publicly opened and declared by the City Clerk in the Hayward City Hall Rotunda, located on the 1<sup>st</sup> Floor of City Hall, Hayward, CA; and

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



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

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



# CITY OF HAYWARD

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

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**File #:** CONS 23-204

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**DATE:** April 25, 2023  
**TO:** Mayor and City Council  
**FROM:** Acting Chief Bryan Matthews  
**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Execute an Agreement With Foster + Freeman to Purchase the DCS®5 Fingerprint Imaging Workstation in an Amount Not to Exceed \$199,350

## RECOMMENDATION

That the City Council adopts a resolution (Attachment II) authorizing the City Manager to execute an agreement with Foster + Freeman to purchase the DCS-5 Fingerprint Imaging Workstation for the Hayward Police Department Investigations Division in an amount not to exceed \$199,350.

## SUMMARY

The Hayward Police Department has identified a comprehensive fingerprint imaging system for the detection, capture, and enhancement of almost any type of fingerprint on any surface or background to ensure that maximum detail is revealed. This will greatly improve the Crime Scene Technician (CST) Unit's detection and capturing capabilities, which will help obtain higher quality latent print images for the Latent Print Examiner.

## ATTACHMENTS

Attachment I      Staff Report  
Attachment II     Resolution



**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Acting Chief Bryan Matthews

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Execute an Agreement With Foster + Freeman to Purchase the DCS®5 Fingerprint Imaging Workstation in an Amount Not to Exceed \$199,350

**RECOMMENDATION**

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The Hayward Police Department has identified a comprehensive fingerprint imaging system for the detection, capture, and enhancement of almost any type of fingerprint on any surface or background to ensure that maximum detail is revealed. This will greatly improve the Crime Scene Technician (CST) Unit’s detection and capturing capabilities, which will help obtain higher quality latent print images for the Latent Print Examiner.

**BACKGROUND**

The Hayward Police Department has identified a comprehensive fingerprint imaging system for the detection, capture, and enhancement of almost any type of fingerprint on any surface or background to ensure that maximum detail is revealed. The DCS®5 Fingerprint Imaging Workstation is a one-of-a-kind product, sold only by Foster + Freeman, a company at the forefront of forensic science technology. Use of this product will greatly improve the Crime Scene Technician (CST) Unit’s detection and capturing capabilities, which will help obtain higher quality latent print images for the Latent Print Examiner.

**DISCUSSION**

Foster + Freeman is an international company dedicated to improving the quality of forensic evidence, through the designing and manufacturing of innovative products and technologies used for the detection and examination of criminal evidence. One of the innovative products

they sell, which no other competitive companies sell, is the DCS®5 Fingerprint Imaging Workstation.

The DCS®5 Fingerprint Imaging Workstation includes the camera, computer, monitor, software, multiple alternate light source options, and a built-in Image Validation/Audit Trail that will record all steps taken that led to the final image. An integral part of the DCS®5 is the easy-to-use software that provides sophisticated image capturing and enhancement tools to uncover hidden detail within images, such as by removing surface texture or difficult backgrounds. This makes capturing visible, fluorescence, infrared, and reflective ultraviolet detected prints easy to capture, enhance, and record.

Another component of the DCS®5's hardware is the Cylindrical Surface Unwrapper, which enables 2D images of fingermarks to be extracted from narrow cylindrical items including bullets, casings, pens, batteries, glass vials, bottles, syringes, hand tools, and other similarly shaped objects. These hardware and software options will give the CSTs more capabilities in locating and capturing latent prints, which the CST Unit currently does not have.

The CST Unit is currently using the EOS Canon imaging program that comes standard with Canon cameras. With this equipment, the CSTs rely on a separate alternate light source and camera filter to capture latent prints on the EOS imaging program. The EOS imaging program offers no latent print specific enhancements or any of the components stated above.

For the Latent Print Examiner, successful latent print examinations require comparable quality latent prints. The ability to see ridge detail and characteristics in impressions is crucial to identifying the source of a print. When impressions are of poor quality or hidden by surface interference, the possibility of a "no value," a lesser degree of association, or inconclusive result is likely. This complexity also leads to more time spent on the capturing and examination process.

With the technology of the DCS®5 Fingerprint Imaging Workstation, the ability to enhance and capture latent impressions on evidence is increased, leading to a more efficient and successful examination process for the Latent Print Examiner, which leads to more cases being solved. The types of evidence this system will be used for (e.g., weapons, casings, paper, etc) are often from crimes against persons. A higher success rate in capturing images from these types of surfaces will result due to this technology.

## **FISCAL IMPACT**

The total cost to purchase the DCS®5 Fingerprint Imaging Workstation is \$185,177.56. To offset some of the cost to the City, the Hayward Police Department applied for and was awarded the Edward Byrne Memorial Justice Assistance Grant in the amount of \$73,662.03. In addition to using these grant funds, \$111,515.53 will be used from the Police Department's FY 23 CIP funds for this purchase.

It should be noted that HPD secured 2022 pricing until May 22, 2023. After this date, the product pricing will include the manufacture price increase of \$14,172 for a total cost of

\$199,350 for 2023. Staff recommends expediting the purchasing of the DCS®5 Imaging Workstation prior to this date to avoid the 2023 pricing increase. Staff is requesting authorization up to \$199,350 in case the contract cannot be executed in a timely manner to secure the 2022 pricing. Any unused funds will be returned to the CIP fund.

**STRATEGIC ROADMAP**

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

**NEXT STEPS**

If the Council authorizes this action, staff will enter into an agreement to purchase the DCS®5 Fingerprint Imaging Workstation from Foster + Freeman in an amount not to exceed \$199,350.

*Prepared by:* James Javier, Acting Captain Investigations Division

*Recommended by:* Bryan Matthews, Acting Chief of Police

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-\_\_\_

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FOSTER + FREEMAN TO PURCHASE THE DCS-5 FINGERPRINT IMAGING WORKSTATION IN AN AMOUNT NOT TO EXCEED \$199,350.00

WHEREAS, the Hayward Police Department has researched and identified the need to purchase the DCS®5 Fingerprint Imaging Workstation, sold only by Foster + Freeman, to enhance the Department's ability to capture latent impressions on evidence in order to increase solvability of property crimes and crimes against persons.

WHEREAS, the Hayward Police Department intends to purchase the new DCS®5 Imaging Workstation from Foster + Freeman for \$185,177.56, unless the 2022 pricing deadline on May 22, 2023 is missed, in which case the purchase cost would increase to \$199,350.00.

WHEREAS, the purchase will be funded with \$111,515.53 from the Police Department's CIP Fund and \$73,662.03 from The Edward Byrne Memorial Justice Assistance Grant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute an agreement with Foster + Freeman for the purchase of the DCS®5 Fingerprint Imaging Workstation.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



# CITY OF HAYWARD

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

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**File #:** CONS 23-209

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**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Awarding a Contract to Bay Cities Paving & Grading, Inc., for the FY23 Pavement Improvement Project, Project No. 05240, in the Amount of \$15,294,950 and Authorizing an Administrative Change Order Budget of \$855,050

**RECOMMENDATION**

That the Council adopts a resolution (Attachment II) approving Addendum No. 1 consisting of revisions to the plans and specification for the FY23 Pavement Improvement Project (PIP) and awarding the contract for the project to Bay Cities Paving & Grading, Inc., in the amount of \$15,294,950 and authorizing an administrative change order budget of \$855,050 for a total not to-exceed contract amount of \$16,150,000.

**SUMMARY**

The FY23 PIP calls for the rehabilitation of ninety-one (91) street segments and preventive maintenance of twenty (20) street segments for a total of one hundred and eleven (111) street segments (Attachment III). The proposed improvements will repair failed pavement segments and improve street surfaces.

On March 28, 2023, the project received four (4) bids. All bids were over the Engineer's Estimate of \$13,500,000. At \$15,294,950, the low bid received is \$1,794,950 or 13.3% over the Engineer's Estimate. The additional project funding will come from the FY22 and other Pavement Improvement Project cost savings, and a reduced administrative change order allocation.

Staff recommends award of the contract to the responsible low bidder, Bay Cities Paving & Grading, Inc., (Bay Cities) in the amount of \$15,294,950 and authorizing a potential administrative change order budget of \$855,050 to be used at the discretion of the Director of Public Works for potential change order work.

The project budget of \$16,800,000 is funded via the Gas Tax, Measure B, Measure BB, Vehicle Registration Fees, and anticipated Road Repair and Accountability Act (RRAA) (SB1) funds. This project will increase the citywide pavement condition index (PCI) from 70 to 74. The construction cost estimate for the FY23



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**File #:** CONS 23-209

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PIP is more than \$1,000,000; therefore, the City's Community Workforce Agreement applies to this project.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Lists of Streets
Attachment IV	Bike Location Map



**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT** Adopt a Resolution Awarding a Contract to Bay Cities Paving & Grading, Inc., for the FY23 Pavement Improvement Project, Project No. 05240, in the Amount of \$15,294,950 and Authorizing an Administrative Change Order Budget of \$855,050

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## BACKGROUND

On April 26, 2022<sup>1</sup>, staff recommended Council approve a project list for the SB1 FY23 PIP Funding. A resolution was required to submit an application to the California Transportation Commission (CTC) to receive \$3,000,000 in funding for pavement improvement.

On June 7, 2022<sup>2</sup>, staff recommended Council adopt a resolution authorizing the City Manager to execute Amendment No. 4 to the Professional Services Agreement (PSA) with Pavement Engineering, Inc., (PEI) for engineering services associated with the FY23 PIP. The scope of work for PEI is limited to engineering review, pavement evaluation, measurement of field quantities, curb ramp design, and construction support.

At the October 26, 2022<sup>3</sup>, Council Infrastructure Committee (CIC) meeting, staff presented the FY23 PIP including street selection criteria, treatment types, and budget allocations.

On February 28, 2023<sup>4</sup>, Council approved the plans and specifications for the FY23 PIP and called for bids to be received on March 28, 2023.

On March 28, 2023, four (4) bids were received, all above the Engineer's Estimate. At \$15,294,950, the low bid received by Bay Cities Paving & Grading, Inc., of Concord, is \$1,794,950, or 13.3%, above the Engineer's Estimate of \$13,500,000. MCK Services, Inc., of Concord, submitted the second lowest bid in the amount of \$15,331,605 which is 13.6% above the Engineer's Estimate.

The PIP involves one of four types of treatments:

### Pavement Rehabilitation:

- 1) Standard overlay of the existing street pavement with new Hot Mix Asphalt surfacing.
- 2) Cold-In-Place Recycling (CIR), which involves removing the top layer of asphalt, mixing the removed aggregates with a recycling agent and other additives on-site, replacing this pavement material onto the same roadway, then applying a Hot Mix Asphalt overlay.
- 3) Full Depth Reclamation (FDR), which consists of pulverizing and mixing distressed asphalt and underlying pavement materials with or without the addition of stabilizing agents; using the resulting material as a base for the renewed pavement structure and adding a new Hot Mix Asphalt cap.

### Preventive Maintenance:

- 4) Varying combinations of: crack sealing, 6" spot repair and micro-surfacing.

Street selection for the PIP is based on staff's analysis using several criteria described below:

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<sup>1</sup> [CITY OF HAYWARD - File #: CONS 22-252 \(legistar.com\)](#)

<sup>2</sup> [CITY OF HAYWARD - File #: CONS 22-331 \(legistar.com\)](#)

<sup>3</sup> [CITY OF HAYWARD - File #: ACT 22-100 \(legistar.com\)](#)

<sup>4</sup> [CITY OF HAYWARD - File #: CONS 23-082 \(legistar.com\)](#)

- **Technology** – The Pavement Management Program (PMP)<sup>5</sup> evaluates current and predicts future roadway conditions. It provides logical and efficient methods of identifying street rehabilitation needs. It also determines the most cost-effective allocation of funds to the street segments needing preventive maintenance, rehabilitation or reconstruction. Staff utilized the PMP to compile an initial list of recommended streets. This list is then revised to consider other criteria and project budget allocation parameters.
- **Social Equity** – Whether a particular area of the City has received its fair share of improvements in the past.
- **Internal Reports** - Reports from the City’s Maintenance Services staff on streets needing repair were considered.
- **Council Member Input** – Council member requests for selecting streets were considered.
- **Public Input** - Public requests for selecting streets were considered.
- **Geographic Location** – Selecting streets in close vicinity to help lower construction bids was considered.
- **Funding Availability** – Available funding and potential for obtaining outside grant funding was evaluated.

The Pavement Condition Index (PCI) is an overall rating of road conditions. The PCI of each arterial and collector street segment is evaluated by an independent third-party every other year, and each residential street segment is evaluated every five years.

<u>PCI Rating</u>	<u>Description</u>
100	This rating is given to newly constructed or rehabilitated roadways.
85 - 99	Highly functional roadway. No action required.
70 - 85	Roadway can be maintained ("preventive maintenance") with crack sealing, slurry seals, micro-surfacing, and some minor, localized pothole repairs. As the roadway pavement ages, preventive maintenance may not be effective after a few maintenance cycles.
40 - 70	Extensive "dig-outs," grinding, fabric, or asphalt overlays may be required to maintain (or "rehabilitate") roadways.

<sup>5</sup> The PMP is a Metropolitan Transportation Commission (MTC) recommended software program.

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0 - 40	Roadway requires complete reconstruction using full depth reconstruction, cold in place recycling, or hot in-place recycling methods. If a street deteriorates beyond certain points, it becomes progressively more expensive to bring that street back to the desired standard.
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As part of the 2018 Capital Improvement Program (CIP) agenda item at the September 26, 2017<sup>6</sup> CIP meeting, Council reviewed and agreed to the following budget allocations for annual pavement improvement projects:

- Minimum 20% for preventive maintenance (streets with PCI of 70-85).
- Minimum 15% for streets located in Industrial Hayward as recommended by the Economic Development Strategic Plan in 2014.
- Minimum 10% for deteriorated streets (streets with PCI of 0-30).

## DISCUSSION

The FY23 PIP calls for the rehabilitation of ninety-one (91) street segments and preventive maintenance of twenty (20) street segments for a total of one hundred and eleven (111) street segments. Based on staff's analysis using the criteria described above, the project parameters are as follows:

<b>Project Budget Allocation</b>	<b>Goal</b>	<b>Current Performance</b>	<b>Difference</b>
Preventive Maintenance Treatment	20% minimum	20%	0%
Streets Located in Industrial Hayward	15% minimum	25%	10%
Streets with PCI Less than 30	10% minimum	35%	25%

The project budget allocation this year is skewed towards streets in very poor condition (PCI less than 30) due to various reasons:

- Including streets in very poor condition with high number of resident and business requests in order to improve and increase equity in distribution of City services (Depot Rd, Tyrell Ave, Redbud Ln, Lester Ave).
- The establishment of the Old Highlands (OHHA) Assessment District requires the inclusion of streets from the area (Parkside Dr, Home Ave, Hillcrest Ave, Call Ave, Chronicle Ave).

This selection requires both judgement and experience. Staff has engaged an experienced consultant, PEI, to confirm the selection of street segments, the approximate level of treatment for each and provide engineering support services.

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<sup>6</sup> [CITY OF HAYWARD - File #: CONS 17-588 \(legistar.com\)](#)

12.2 lane miles of bike lane striping will be installed at the following locations as a result of this project:

- Cabot Blvd, Depot Rd to North End (2.9 miles)
- Campus Dr, Highland Blvd to Oakes Dr (0.4 miles)
- Depot Rd, Industrial Pkwy to West End (2.1 miles)
- Elmwood St, Fuller Wy to Amador St (0.7 miles)
- Longwood Ave, Hesperian Blvd to Klamath Rd (1.0 miles)
- Memorial Way, Westpark to Thelma St (0.3 miles)
- Nevada Rd, Longwood Ave to Stonewall Ave (0.9 miles)
- Royal Ave, A St to Memorial Way (0.2 miles)
- Skywest Dr, Sueirro St to West A St (0.7 miles)
- Stonewall Ave, Nevada Ave to End (0.6 miles)
- Thelma St, Memorial Wy to Longwood Ave (0.9 miles)
- Tyrrell Ave Schafer Rd to Tennyson Rd (1.5 miles)

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

On November 15, 2016, Council passed a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. The construction cost estimate for the FY23 PIP is more than \$1,000,000, the CWA agreement applies to this project.

### **ECONOMIC IMPACT**

Repaving City streets is beneficial for both residents and people travelling within the City, reducing damage to vehicles and creating an environment that is well maintained. This maintenance may spur further investment in the City.

### **FISCAL IMPACT**

Estimated project costs are as follows:

• Design and Contract Administration	\$400,000
• Construction Inspection and Testing	\$250,000
• Bay Cities Paving & Grading's Construction Bid	\$15,294,950
• Construction Contingency	<u>\$855,050</u>
	Total: \$16,800,000

The project is funded by City's CIP Program with Direct Local Distribution (Gas Tax, Measure BB, Measure B, and vehicle registration fees) and State RRAA (SB1) funds and there is no impact on the General Fund.

The estimated project funding sources are as follows:

• 210 - Gas Tax	\$3,470,000
• 211 – RRAA (SB1)	\$3,350,000
• 212 - Measure BB – Local Transportation	\$6,759,000
• 215 - Measure B – Local Transportation	\$1,391,000
• 218 – Vehicle Registration Fee	\$632,000
• 450 – Street System Improvements (Gas Tax Swap and Waste Management Street Impact fee)	<u>\$1,198,000</u>

Total: \$16,800,000

FY 2023 PIP Project No. 05240 currently has a total available budget of \$12,663,950, which includes approximately \$2,200,000 in unspent funds that will be transferred from the FY 2022 PIP Project No. 05239. The additional funds required to support the total project cost are included in the Recommended FY 2024 Capital Improvement Program, which will be brought before the City Council for consideration at a May 16, 2023 Work Session, and again during the Public Hearing and Adoption, tentatively scheduled for June 6, 2023.

### **STRATEGIC ROADMAP**

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

Invest in Multi-Modal Transportation

Project N5a: Maintain Pavement Condition Index (PCI) at 70.

Project N5c: Construct various OHHA Pavement Improvements

### **SUSTAINABILITY FEATURES**

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

This project is consistent with City’s Complete Streets Policy and improves travel for all users including:

- Improved pavement for motorists
- Additional bike lanes and sharrows for bicyclists
- More visible pavement markings for pedestrians, including near school zones
- New or upgraded curb ramps to meet the recently revised Caltrans standards for pedestrians

The project satisfies the following General Plan policies:

- PFS-7.10 Recycled Products or Processes for Capital Projects
- HQL-2.5 Safe Routes to School
- HQL-2.6 Education on Sharing the Road
- M-1.7 Eliminate Gaps (in pedestrian networks)

- M-3.1 Serving All Users
- M-5.1 Pedestrian Needs
- M-5.6 Safe Pedestrian Crossings
- M-6.2 Encourage Bicycle Use

## **PUBLIC CONTACT**

Immediately after the construction contract is awarded, a preliminary notice explaining the project will be posted and distributed to all residents and businesses along the affected streets. After the construction work has been scheduled, signs on barricades will be posted seventy-two hours prior to commencement of work indicating the date and time of work for each street. Residents will be advised to park their vehicles on side streets outside of the work area during the period when the streets are being treated.

## **NEXT STEPS**

May 2023	Start of Construction
October 2023	End of Construction

*Prepared by:* Yama Farouqi, Associate Civil Engineer  
Kathy Garcia, Deputy Director of Public Works

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

*Approved by:*



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Kelly McAdoo, City Manager



HAYWARD CITY COUNCIL

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

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE FY23  
PAVEMENT IMPROVEMENT PROJECT, PROJECT NOS. 05240 AND CALL FOR  
BIDS

WHEREAS, by resolution on February 28, 2022, the City Council approved the plans and specifications for the FY23 Pavement Improvement Project, Project No. 05240 and called for bids to be received on March 28, 2023; and

WHEREAS, on March 17, 2023, Addendum No. 1 was provided to revise the plans and specifications; and

WHEREAS, on March 28, 2023, four (4) bids were received, ranging from \$15,294,950 to \$16,066,845.00; Bay Cities Paving & Grading, Inc., of Concord, California submitted the low bid in the amount of \$15,294,950, which is 13.3% above the engineer's estimate of \$13,500,000; and

WHEREAS, the Administrative Change Order (ACO) or contingency budget of \$855,050 was not disclosed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Bay Cities Paving & Grading, Inc. is hereby awarded the contract for the FY23 Pavement Improvement Project, Project No. 05240, in the amount of \$15,294,950 in accordance with the plans and specifications adopted therefore and on file in the office of the City Clerk of the City of Hayward at and for the price named and stated in the bid of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the expenditure of \$855,050 for Administrative Change Orders is hereby authorized.

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

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

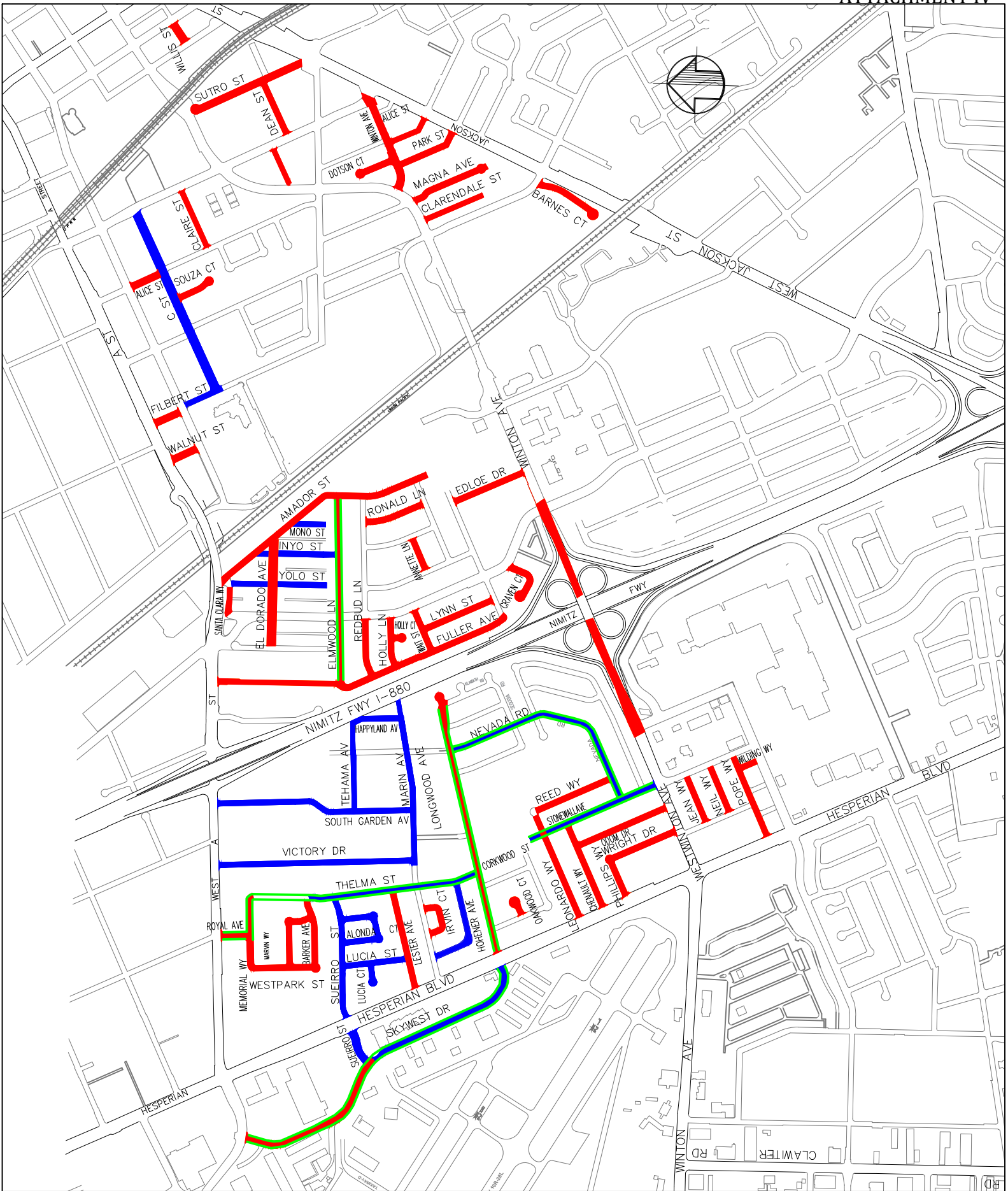
\_\_\_\_\_  
City Attorney of the City of Hayward

<b>FY23 PAVEMENT IMPROVEMENT PROJECT</b>			
<b>PREVENTIVE MAINTENANCE</b>			
<b>#</b>	<b>Street</b>	<b>Beg Location</b>	<b>End Location</b>
1	ALONDA CT	SUEIRRO ST	SUEIRRO ST
2	AMADOR ST	EL DORADO AV	NORTH END
3	C ST	GRAND ST	FILBERT ST
4	CAMPUS DR	HIGHLAND BLVD	OAKES DR
5	HAPPYLAND AV	TEHAMA AVE	MARIN AV
6	HOHENER ST	MARIN AV	THELMA ST
7	INYO ST	ELMWOOD LN	AMADOR ST
8	LUCIA CT	LUCIA ST	END
9	LUCIA ST	LESTER AV	SUEIRRO ST
10	MARIN AV	VICTORY DR	HAPPYLAND AV
11	MONO ST	AMADOR ST ST	END
12	NEVADA RD	LONGWOOD AV	STONEWALL AV
13	SOUTH GARDEN AV	MARIN AV	WEST A ST
14	STONEWALL AV	WINTON AV	END
15	SUEIRRO ST	HESPERIAN BLVD BLVD	SKYWEST DR
16	SUEIRRO ST	HESPERIAN BLVD FRONTAGE	THELMA ST
17	TEHAMA AVE	SOUTH GARDEN AV	HAPPYLAND AV
18	THELMA ST	BARKER AV	LONGWOOD AV
19	VICTORY DR	MARIN AV	WEST A ST
20	YOLO ST	END UNDER OVERPASS	BARRICADE

<b>REHABILITATION</b>			
<b>#</b>	<b>Street</b>	<b>Beg Location</b>	<b>End Location</b>
21	ALICE ST	WINTON AV	JACKSON ST
22	ALICE ST	B ST	C ST
23	ANNETTE LN	IDA LN	JORGENSEN LN
24	BARKER AV	WESTPARK ST	THELMA ST
25	BARNES CT	SOTO RD	END
26	BARRINGTON CT	CABOT BLVD	END
27	BERNHARDT ST	MCCONE AV	CABOT BLVD
28	BERYL PL	TYRRELL AV	END
29	CABOT BLVD	WINTON AV	LINCOLN
30	CABOT BLVD	LINCOLN	ACFC DITCH
31	CABOT BLVD	WINTON AV	END
32	CALL AVE	HAYWARD BLVD	CHRONICLE AVE
33	CALL AVE	CHRONICLE AV	TRIBUNE AVE
34	CARROLL AVE	TROY PL	GRESEL ST
35	CARROLL AVE	GRESEL ST	HOYLAKE PL
36	CAVANAGH CT	FOLEY ST	END

<b>REHABILITATION</b>			
<b>#</b>	<b>Street</b>	<b>Beg Location</b>	<b>End Location</b>
37	ALISON ST	WINTON AV	CABOT BLVD
38	CHENAULT WY	HESPERIAN BLVD FRONTAGE	STONEWALL
39	CHRONICLE AVE	HAYWARD BLVD	PARKSIDE DR
40	CIVIC AVE	HAYWARD BLVD	COTATI ST
41	CLAIRE ST	GRAND ST	ALICE ST
42	CLARENDALE ST	DEAD END	WINTON AV
43	CONNECTICUT ST	DEPOT RD	MCCONE AV
44	CRAVEN CT	CUL DE SAC	SANTA CLARA ST
45	DEAN ST	SUTRO ST	GRAND ST
46	DEPOT RD	INDUSTRIAL	EICHLER ST
47	DEPOT RD	EICHLER ST	WEST END
48	DOBBEL AV	COTATI ST	DRYDEN CT
49	DOTSON CT	WINTON AV	CUL DE SAC
50	EDLOE DR	WINTON AV	OCIE WY
51	EICHLER ST	DEPOT RD	MUNSTER ST
52	EICHLER ST	MUNSTER ST	END
53	EL DORADO AV	AMADOR ST	SONOMA ST
54	ELMWOOD LN	FULLER AV	AMADOR ST
55	FILBERT ST	A ST	B ST
56	FULLER AV	ELMWOOD LN	OCIE WY
57	FULLER AV	WEST A ST	ELMWOOD LN
58	HALDANE CT	TENNYSON RD	END
59	HALL RD	TRIPALDI WY	INDUSTRIAL PKWY
60	HILLCREST AV	END	TRIBUNE AVE
61	HOLLY CT	CUL DE SAC	HOLLY LN
62	HOLLY LN	FULLER AV	SANTA CLARA ST
63	HOME AV	HILLCREST	PARKSIDE DR
64	IRVIN CT	MARIN AV	MARIN AV
65	JEAN WAY	WRIGHT DR	DEAD END
66	KIDDER ST	CABOT BLVD	MCCONE AV
67	LEONARDO WAY	HESPERIAN BLVD FRONTAGE	REED WY
68	LESTER AV	HESPERIAN BLVD FRONTAGE	THELMA ST
69	LONGWOOD AV	HESPERIAN BLVD FRONTAGE	NEVADA RD RD
70	LONGWOOD AV	NEVADA RD RD	KLAMATH RD
71	LONGWOOD CT	KLAMATH RD	END
72	LYNN ST	OCIE WY	WAIT ST
73	MACK ST	W WINTON AV	SABRE ST
74	MAGNA AV	END	WINTON AV
75	MARVIN WAY	WESTPARK ST	BARKER AV
76	MCCONE AV	KIDDER ST	CONNECTICUT ST

<b>REHABILITATION</b>			
<b>#</b>	<b>Street</b>	<b>BegLocation</b>	<b>EndLocation</b>
77	NEIL WY	WRIGHT DR	END
78	MCCONE AV	CONNECTICUT	END
79	MEMORIAL WY	WESTPARK	THELMA ST
80	MUNSTER AV	CONNECTICUT ST	EICHLER ST
81	OAKWOOD CT	TEAKWOOD ST	CUL DE SAC
82	ODOM DR	WINTON AV	CHENAULT WY
83	PALOMERES DR	CITY LIMIT	CITY LIMIT
84	PARDEE CT	TYRRELL AV	END
85	PARK ST	WINTON AV	JACKSON ST
86	PARKSIDE DR	HAYWARD BLVD	HAYWARD BLVD
87	PHILLIPS WAY	HESPERIAN BLVD	WRIGHT DR
88	POPE WY	HESPERIAN BLVD	END
89	RADLEY CT	CABOT BLVD	CDS
90	REDBUD LN	FULLER AV	AMADOR ST
91	REED WY	NEVADA RD	LEONARDO WY
92	RONALD LN	JERILYNN LN	REDBUD LN
93	ROYAL AV	MEMORIAL WY	WEST A ST
94	SABRE ST	CORSAIR BLVD	STEARMAN AV
95	SANTA CLARA ST	SANTA CLARA ST	YOLO ST
96	SKYWEST DR	SUEIRRO ST	WEST A ST
97	SOUZA CT	CUL DE SAC	C ST
98	ST ANNES PL	CARROLL AVE	END
99	STEARMAN AV	SABRE ST	CORSAIR BLVD
100	SUTRO ST	MEEK AV	CHASE AVE
101	TRIPALDI WY	HESPERIAN BLVD	END
102	TYRRELL AV	SHEPHERD AV	SCHAFFER RD
103	TYRRELL AV	SHEPHERD AV	TENNYSON RD
104	WAIT ST	FULLER AV	SANTA CLARA ST
105	WALNUT	A ST	B ST
106	WEST WINTON AV	SOUTHLAND DR	SANTA CLARA ST
107	WESTPARK ST	BARKER AV	MEMORIAL WY
108	WILDING WY	POPE WY	END
109	WILLIS AV	ATHERTON PL	WATKINS ST
110	WINTON AV	D ST	GRAND ST
111	WHIPPLE AVE	CITY LIMITS	CITY LIMITS
112	WRIGHT DR	PHILLIPS WY	WINTON AV



### FY23 PAVEMENT IMPROVEMENT PROJECT

PROJECT NO. 05240

PAVEMENT REHABILITATION

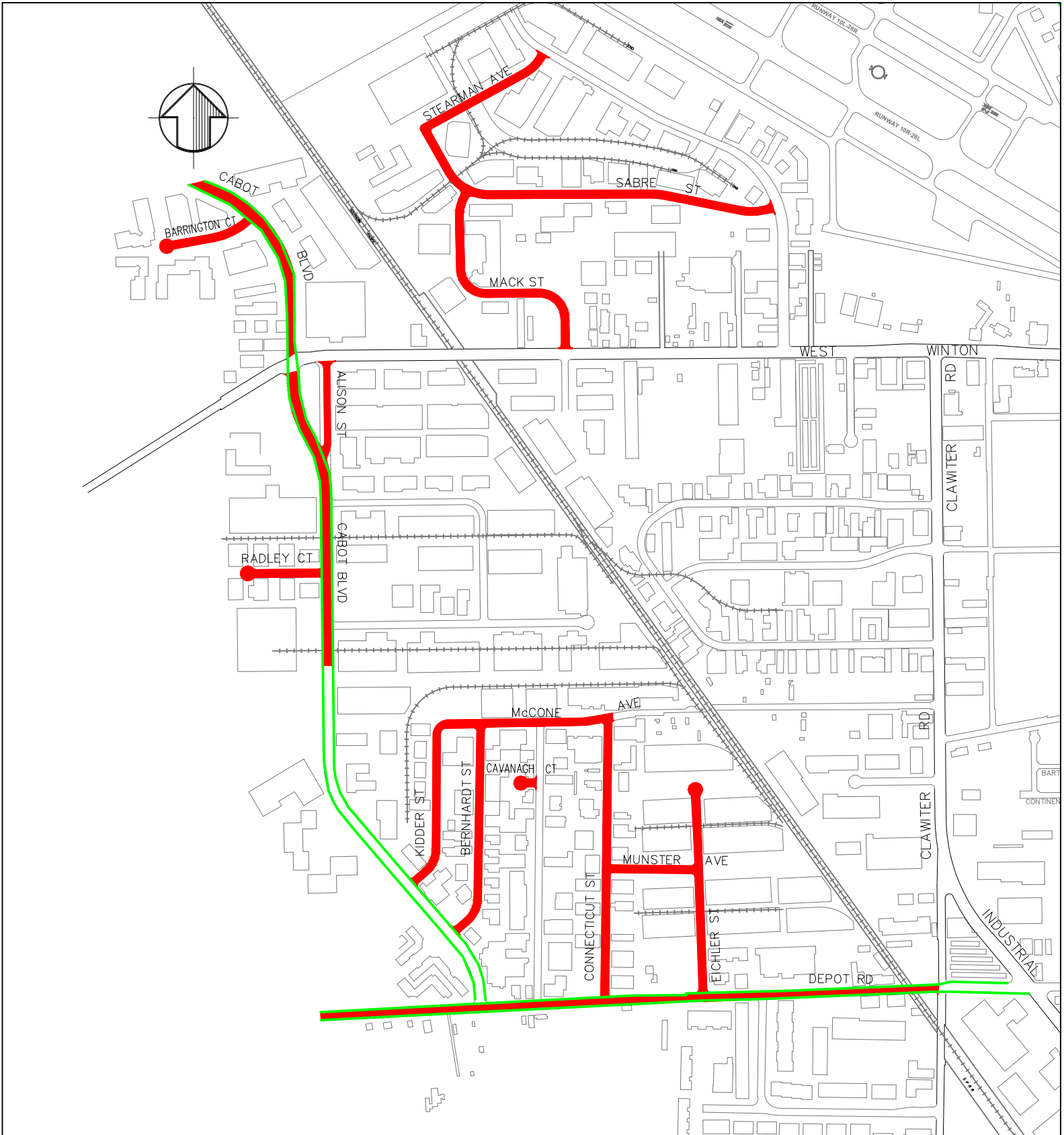


PREVENTIVE MAINTENANCE



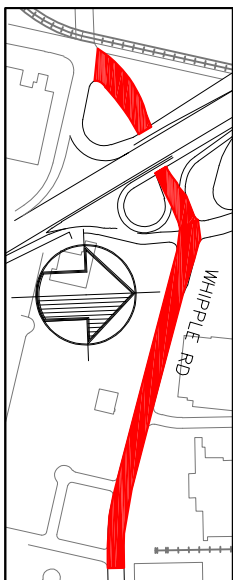
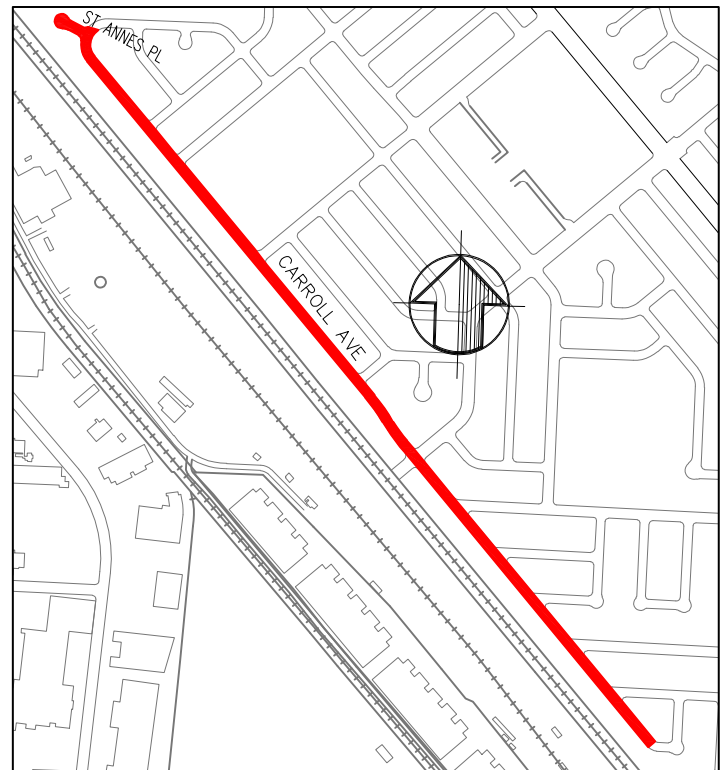
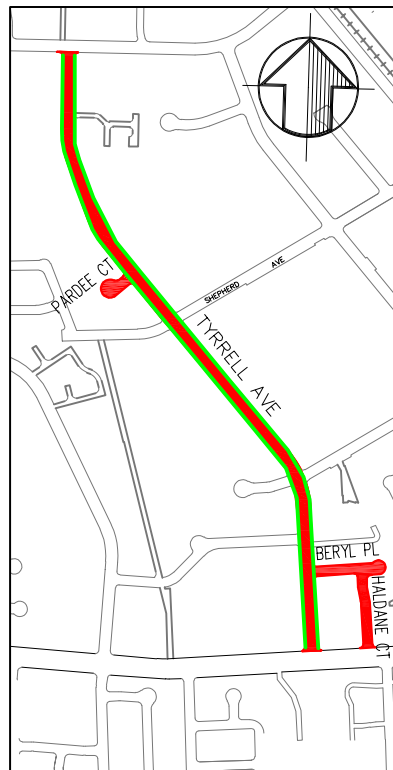
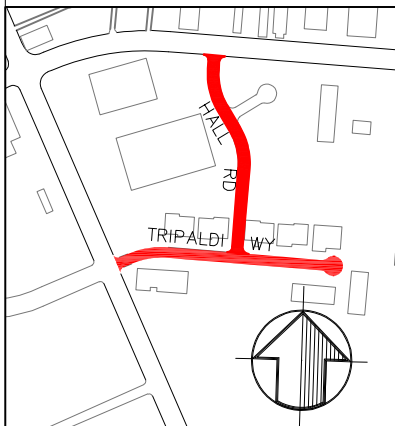
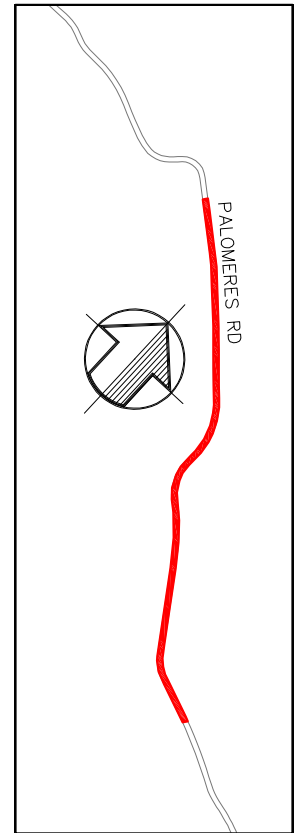
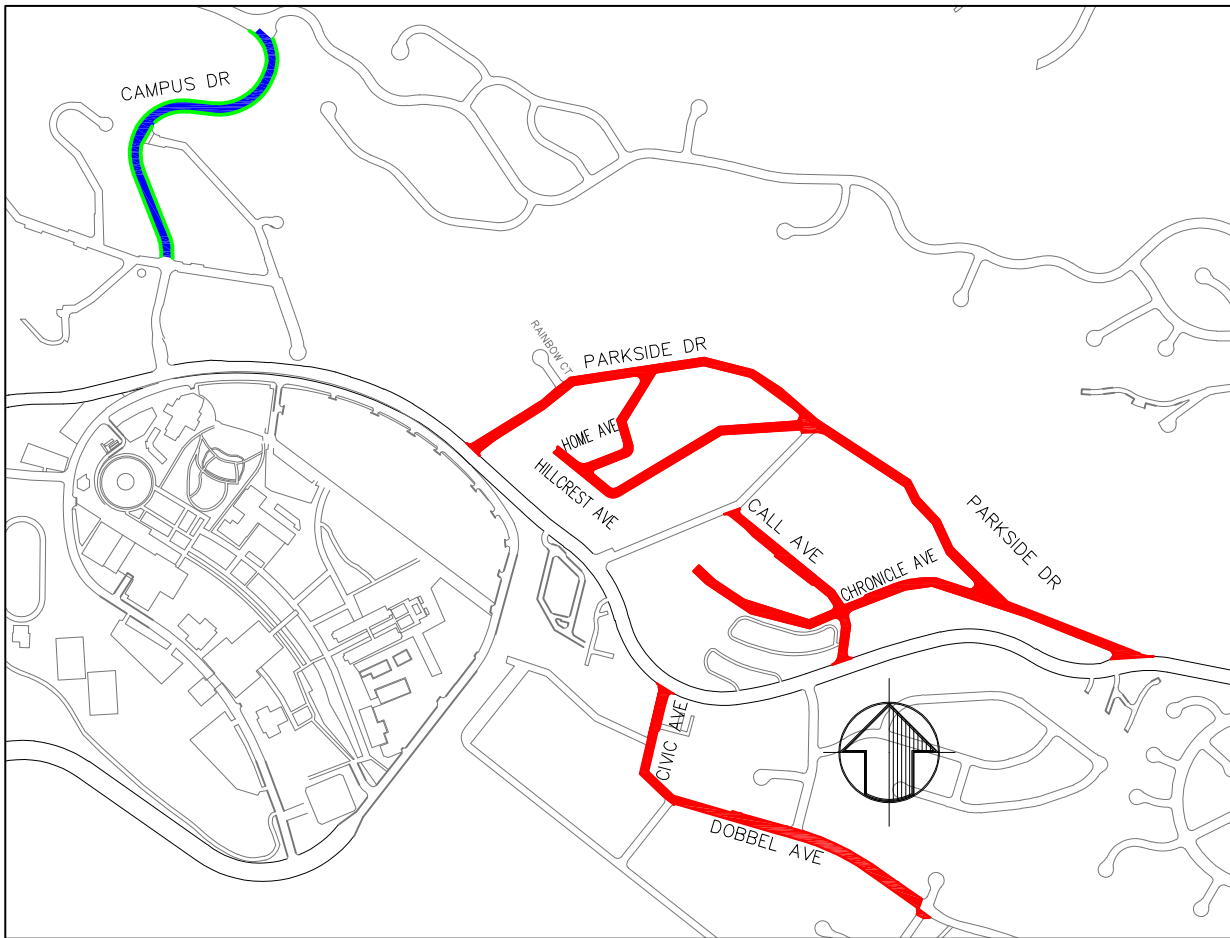
BIKE LANE





**FY23 PAVEMENT IMPROVEMENT PROJECT  
PROJECT NO. 05240**

- PAVEMENT REHABILITATION**
- PREVENTIVE MAINTENANCE**
- BIKE LANE**



**FY23 PAVEMENT IMPROVEMENT PROJECT  
PROJECT NO. 05240**

- PAVEMENT REHABILITATION 
- PREVENTIVE MAINTENANCE 
- BIKE LANE 





# CITY OF HAYWARD

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

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**File #:** CONS 23-210

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**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 5 Increasing the Professional Services Agreement with Pavement Engineering, Inc., by \$517,540, for a Total Not-to-Exceed \$2,273,035 to Provide Engineering Services for the FY24 Pavement Improvement Project 05242

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 5 to the Professional Services Agreement (PSA) with Pavement Engineering, Inc., (PEI), in an amount of \$517,540, for a total amount not-to-exceed \$2,273,035.

**SUMMARY**

Under the existing PSA, PEI provides engineering services for City pavement projects. An Amendment to the existing PEI PSA, is needed to extend the scope of the Agreement to include engineering services for the upcoming FY24 Pavement Improvement Project.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 5 Increasing the Professional Services Agreement with Pavement Engineering, Inc., by \$517,540, for a Total Not-to-Exceed \$2,273,035 to Provide Engineering Services for the FY24 Pavement Improvement Project 05242

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 5 to the Professional Services Agreement (PSA) with Pavement Engineering, Inc., (PEI), in an amount of \$517,540, for a total amount not-to-exceed \$2,273,035.

### **SUMMARY**

Under the existing PSA, PEI provides engineering services for City pavement projects. An Amendment to the existing PEI PSA, is needed to extend the scope of the Agreement to include engineering services for the upcoming FY24 Pavement Improvement Project.

### **BACKGROUND**

On May 22, 2018<sup>1</sup>, Council authorized the City Manager to execute a Professional Services Agreement with PEI in an amount not-to-exceed \$219,920 for engineering services for the FY19 Pavement Rehabilitation & Preventive Maintenance Project.

On July 9, 2019<sup>2</sup>, Council authorized the City Manager to execute Amendment No. 1 to PSA with PEI in an amount not-to-exceed \$652,455 for engineering services for the FY20 Pavement Improvement Project.

On June 2, 2020<sup>3</sup>, Council authorized the City Manager to execute Amendment No. 2 to PSA with PEI in an amount not-to-exceed \$1,014,705 for engineering services for the FY21 Pavement Improvement Project.

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<sup>1</sup> [CITY OF HAYWARD - File #: CONS 18-326 \(legistar.com\)](#)

<sup>2</sup> [CITY OF HAYWARD - File #: CONS 19-487 \(legistar.com\)](#)

<sup>3</sup> [CITY OF HAYWARD - File #: CONS 20-276 \(legistar.com\)](#)

On June 1, 2021<sup>4</sup>, Council authorized the City Manager to execute Amendment No. 3 to PSA with PEI in an amount not-to-exceed \$1,362,670 for engineering services for the FY22 Pavement Improvement Project.

On June 7, 2022<sup>5</sup>, Council authorized the City Manager to execute Amendment No. 4 to PSA with PEI in an amount not-to-exceed \$1,755,495 for engineering services for the FY23 Pavement Improvement Project.

Staff is currently undertaking the street selection for the FY24 Pavement Improvement Project where Pavement Condition Index (PCI), location equity, public input, and funding availability are considered. Staff recommends PEI to provide the engineering services for analysis, design, and construction support for the project.

## **DISCUSSION**

Amendment No. 5 to the existing PSA with PEI would allow continuation of engineering services for the FY24 Pavement Improvement Project.

PEI has extensive experience with City pavement management and rehabilitation projects including the following:

- FY23 Pavement Improvement Project
- FY22 Pavement Improvement Project
- FY21 Pavement Improvement Project
- FY20 Pavement Improvement Project
- FY 2019 Pavement Rehabilitation & Preventive Maintenance Project
- FY 2017 & FY 2018 Pavement Rehabilitation Project
- FY 2017 & FY 2018 Pavement Preventive Maintenance & Resurfacing Project

The scope of work for this Amendment No. 5 to PEI's Agreement consists of the following six tasks:

### Task 1 – Project Management/Coordination:

PEI will manage deliverables and overall project schedule in addition to ongoing communication with the City of Hayward.

### Task 2 - Street Investigation / Engineering Review:

PEI will visually evaluate the pavement condition of each of the proposed project streets. The review will confirm the appropriate pavement treatment for each street, such as pavement rehabilitation, preventive maintenance and resurfacing, among other options. This task will allow PEI to refine the project budgets and identify any specific problem areas.

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<sup>4</sup> [CITY OF HAYWARD - File #: CONS 21-293 \(legistar.com\)](#)

<sup>5</sup> [CITY OF HAYWARD - File #: CONS 22-331 \(legistar.com\)](#)

**Task 3 – Pavement Evaluation on Pavement Rehabilitation:**

PEI will perform a pavement evaluation on each street segment to determine the most cost-effective rehabilitation treatments based on structure requirements, reflective cracking requirements, longevity, and economy.

**Task 4 – Measurement of Field Quantities:**

PEI will provide field site evaluations for each of the locations identified on the project streets list to measure and record all pertinent field quantities, such as location of crack sealing, dig-outs, and other pavement repairs.

**Task 5 – Curb Ramp Design:**

PEI will assist the City with curb ramp designs related to this project. This task involves designing ADA ramps in the field to provide limits of removal and quantities of work.

**Task 6 – Construction Support / Mark Pavement Repairs:**

After the project bids and before construction begins, PEI will mark all required pavement repairs in the field. PEI will annotate any changed quantities and provide a revised quantity summary to the City at the completion of the field work.

PEI has provided a cost proposal of \$517,540 based on City staff’s estimated construction cost of \$13,500,000.

**ECONOMIC IMPACT**

The project is funded by Gas Tax, Measure B, Measure BB, Vehicle Registration Fees, State Road Repair and Accountability Act (SB1), and Street System Improvement.

This project will economically benefit the City by decreasing motorist travel time via reduced potholes, increase curb appeal and the desirability of residential neighborhoods, and attracting business to the City.

**FISCAL IMPACT**

The estimated project funding sources are as follows:

• 210 - Gas Tax	\$50,000
• 211 – RRAA (SB1)	\$4,000,000
• 212 - Measure BB – Local Transportation	\$6,550,000
• 218 – Vehicle Registration Fee	\$900,000
• 450 – Street System Improvements	\$1,500,000
• 406 – Measure C	<u>2,000,000</u>
Total:	\$15,000,000

Approximately \$198,000 in unspent funds from FY22 PIP Project 05239 has been transferred to FY24 PIP Project 05242 to support PEI's services through the end of the Fiscal Year. The remaining funds required to support PEI's services and other project costs are included in the Recommended FY24 Capital Improvement Program, which will be brought before the City Council for consideration at the May 16 Work Session, and again during the Public Hearing and Adoption, tentatively scheduled for June 6.

## **STRATEGIC ROADMAP**

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

Project 5, Part 5.a: Maintain Pavement Condition Index (PCI) at 70.  
Project 5, Part 5c: Construct various OHHA Pavement Improvements

## **SUSTAINABILITY FEATURES**

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

This project is consistent with City's Complete Streets Policy and improves travel for all users including:

- Improved pavement for motorists
- Additional bike lanes and sharrows for bicyclists
- More visible pavement markings for pedestrians, including near school zones
- New or upgraded curb ramps to meet the recently revised Caltrans standards for pedestrians

The project satisfies the following General Plan policies:

- PFS-7.10 Recycled Products or Processes for Capital Projects
- HQL-2.5 Safe Routes to School
- HQL-2.6 Education on Sharing the Road
- M-1.7 Eliminate Gaps (in pedestrian networks)
- M-3.1 Serving All Users
- M-5.1 Pedestrian Needs
- M-5.6 Safe Pedestrian Crossings
- M-6.2 Encourage Bicycle Use

## **PUBLIC CONTACT**

Immediately after the construction contract is awarded, a preliminary notice explaining the project will be posted and distributed to all residents and businesses along the affected streets. After the construction work has been scheduled, signs on barricades will be posted seventy-two hours prior to commencement of work indicating the date and time of work

for each street. Residents will be advised to park their vehicles on side streets outside of the work area during the period when the streets are being treated.

**NEXT STEPS**

Spring 2023	Begin design
Summer 2023	Complete design
Fall 2023	Call for bids & call for bids
Spring 2024	Begin construction
Fall 2024	Complete construction

*Prepared by:* Yama Farouqi, Associate Civil Engineer  
Kathy Garcia, Deputy Director of Public Works

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

*Approved by:*



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT WITH PAVEMENT ENGINEERING, INC., TO PROVIDE ENGINEERING SERVICES FOR THE FY24 PAVEMENT IMPROVEMENT PROJECT NO. 05242

WHEREAS, the City of Hayward and Pavement Engineering, Inc., entered into that certain Agreement for Professional Services on June 13, 2018 for engineering services for pavement rehabilitation and preventive maintenance; and

WHEREAS, the aforesaid parties have entered into that certain Amendment No. 1 to the Professional Services Agreement with Pavement Engineering, Inc., dated the 28th day of August 2019, for engineering services related to the FY20 Pavement Rehabilitation and Preventative Maintenance Project; and

WHEREAS, the aforesaid parties have entered into that certain Amendment No. 2 to the Professional Services Agreement with Pavement Engineering, Inc., dated the 22<sup>nd</sup> day of June 2020, for engineering services related to the FY21 Pavement Improvement Project; and

WHEREAS, the aforesaid parties have entered into that certain Amendment No. 3 to the Professional Services Agreement with Pavement Engineering, Inc., dated the 1<sup>st</sup> day of June 2021, for engineering services related to the FY22 Pavement Improvement Project; and

WHEREAS, the aforesaid parties have entered into that certain Amendment No. 4 to the Professional Services Agreement with Pavement Engineering, Inc., dated the June 7, 2022, for engineering services related to the FY23 Pavement Improvement Project; and

WHEREAS, the City and the Consultant desire to further amend the Agreement by extending the scope to include engineering services for the FY24 Pavement Improvement Project.

NOW, THEREFORE, BE IT RESOLVED NOW, by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute, on behalf of the City of Hayward, an amendment to the agreement with Pavement Engineering, Inc., for additional services of \$517,540 for a total amount not-to-exceed \$2,273,035 associated with the FY24 Pavement Improvement Project, in a form approved by the City Attorney.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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





# CITY OF HAYWARD

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

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**File #:** CONS 23-216

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**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT** Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Purchase Agreement with San Leandro Ford to Purchase Two (2) Vehicles for the Hayward Evaluation and Response Team (HEART) Program

## RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a purchase agreement with The Ford Store San Leandro for (2) Explorer Limited 4WD vehicles for a total purchase of approximately \$180,000, including outfitting of vehicles, for the HEART program.

## SUMMARY

During the April 19, 2022 City Council meeting, Council adopted Resolution 22-088, accepting and appropriating \$389,260 in funding from the California Department of Health Care Services. Staff are seeking authorization to spend \$170,000 from those grant funds to purchase two vehicles to further assist in the implementation of the HEART program. The HEART program model offers crisis support for community members experiencing mental illness, substance use disorders, and/or homelessness, while reducing police intervention. Both will be unmarked vehicles; one for the Mobile Integrated Health Unit (MIHU), and one for the Hayward Mobile Evaluation Team (HMET) to allow flexibility when a marked police vehicle or ambulance is not required and to provide a more discreet response to community members in need.

## ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Purchase Agreement with San Leandro Ford to Purchase Two (2) Vehicles for the Hayward Evaluation and Response Team (HEART) Program

### **RECOMMENDATION**

That the Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a purchase agreement with The Ford Store San Leandro for (2) Explorer Limited 4WD vehicles for a total purchase of approximately \$180,000, including outfitting of vehicles, for the HEART program.

### **SUMMARY**

During the April 19, 2022 City Council meeting, Council adopted Resolution 22-088, accepting and appropriating \$389,260 in funding from the California Department of Health Care Services. Staff are seeking authorization to spend \$170,000 from those grant funds to purchase two vehicles to further assist in the implementation of the HEART program. The HEART program model offers crisis support for community members experiencing mental illness, substance use disorders, and/or homelessness, while reducing police intervention. Both will be unmarked vehicles; one for the Mobile Integrated Health Unit (MIHU), and one for the Hayward Mobile Evaluation Team (HMET) to allow flexibility when a marked police vehicle or ambulance is not required and to provide a more discreet response to community members in need.

### **BACKGROUND AND DISCUSSION**

On May 18, 2021, Council approved the recommendations of the Public Safety Policy Innovation Workshop, authorized a budget allocation to support the projects, and directed staff to begin implementing nine of the pilot projects in FY 2022, including the creation of the HEART program. HEART is a partnership between the Hayward Fire Department (HFD), the Hayward Police Department (HPD), and the City Manager's Office that deploys two types of mobile response teams in the community as an alternative public safety response. The teams are: 1) The Hayward Mobile Evaluation Team (HMET), which pairs a specially trained HPD

District Command Police Officer with an Alameda County Behavioral Health clinician to respond to crisis calls when individuals may be a threat to themselves or others and 2) A Mobile Integrated Health Unit (MIHU), which pairs a HFD Community Paramedic and a mental health clinician to respond to pre-crisis and post-crisis calls where there is no imminent threat of harm, but community members are experiencing distress and at risk of escalation to crisis without connection to appropriate resources and referrals to ongoing services.

In December 2021, to support capacity building and infrastructure development for this project, the City applied for the California Department of Health Care Services (DHCS) Behavioral Health Justice Intervention Services (BHJIS) project, funded by the Substance Abuse Mental Health Services Administration (SAMHSA) through the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA). On February 28, 2022, the City received notice of award in the amount of \$389,260 for the project period from February 15, 2022 through February 14, 2023. The grant term was later extended through December 31, 2023. During the April 19, 2022 meeting, the City Council adopted Resolution 22-088, accepting and appropriating the BHJIS grant funding. This included funding for training, equipment, and vehicle acquisitions to support project implementation.

Staff are seeking authorization to purchase two (2) vehicles, for HEART team members to respond to calls for service that do not require a marked patrol vehicle or an ambulance. The vehicles will be Ford Explorers from the San Leandro Ford Store and will be outfitted by LEHR to comply with Title 13 requirements for law enforcement vehicles. The vehicles will support HEART program implementation by allowing a greater degree of flexibility to determine what level of response is necessary based on the type of call. In situations where a marked police vehicle or ambulance is not required, the unmarked vehicles will allow a more discreet response to community members in need. They will also provide a transportation option for the mobile mental health clinicians to respond and provide follow-up services when sworn police and fire department personnel are not needed.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of Enhance Community Safety and Quality of Life. Specifically, this item relates to Project Q5: Community Safety Public Engagement and Policy Innovation Workshop Pilots/Projects.

## **FISCAL IMPACT**

The purchase of the two vehicles for the HEART program will be funded by previously appropriated grant funds with no impact on the General Fund.

## **NEXT STEPS**

Upon Council authorization, staff will work to: 1) execute a purchase agreement with Ford Store San Leandro for two vehicles as well as the outfitting of vehicles from LEHR Auto Outfitters; and 2) utilize the vehicles to continue implementing the HEART program to

provide essential mental health, medical, and other social services to the Hayward community.

*Prepared by:* Perla O'Shea, Management Analyst I

*Recommended by:* Regina Youngblood, Assistant City Manager  
Jessica Lobedan, Community Services Manager  
Emily Young, Youth and Family Services Bureau Administrator

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

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

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PURCHASE AGREEMENT WITH SAN LEANDRO FORD TO PURCHASE TWO (2) VEHICLES FOR HAYWARD EVALUATION AND RESPONSE TEAM (HEART) PROGRAM

WHEREAS, the City of Hayward is committed to providing appropriate responses to community members experiencing mental illness, substance use disorders and homelessness;

WHEREAS, the Hayward Evaluation and Response Teams (HEART) program has been developed to more efficiently connect people who request emergency services to needed medical, mental health and other social services; and

WHEREAS, the City of Hayward intends to purchase Two (2) Ford Explorer vehicles to support HEART program implementation by offering an unmarked vehicle option for calls that do not require a marked patrol vehicle or ambulance to respond;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward hereby adopts this resolution and authorizes the City Manager to execute a purchase agreement with Ford San Leandro Store to purchase two (2) Ford Explorer vehicles and necessary outfitting for a total cost not to exceed \$180,000.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



# CITY OF HAYWARD

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

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**File #:** CONS 23-225

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**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Director of Maintenance Services

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Submit an Application to the Metropolitan Transportation Commission for Transportation Development Act Article 3 Funds in Fiscal Year 2023-2024 and Execute a Funding Agreement

**RECOMMENDATION**

That Council: 1) adopts a resolution (Attachment II) authorizing the City Manager to submit an application with the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) Article 3 funding in fiscal year (FY) 2023-2024 to be used for the procurement and maintenance of a fully electric, compact bike-lane street sweeper and to execute the funding agreement with MTC once grant funding is approved and 2) adopts a resolution (Attachment III) authorizing the acceptance and appropriation of grant funds in Gas Tax (Fund 210) for this project.

**SUMMARY**

Every year, TDA funds are made available to cities state-wide for construction and maintenance of bicycle and pedestrian projects. In the Bay Area, TDA Article 3 funds are allocated by MTC and require the submittal of a resolution by the City's governing body authorizing the submittal of the application for funding request. In April 2023, staff received approval from the City's Grant Review Committee for this opportunity. Staff is now requesting the authorization to submit the funding request application to procure a fully electric, compact bike-lane street sweeper, which is an eligible expense under TDA Article 3. Once approved, a funding agreement will be executed, and funds will be appropriated to Gas Tax (Fund 210). Per the City's accounting policies, all TDA Article 3 funded projects need to be recognized in this fund.

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**File #:** CONS 23-225

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**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Exhibit I	Findings
Exhibit II	Application
Attachment III	Resolution TDA Grant





**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Director of Maintenance Services

**SUBJECT:** Adopt A Resolution Authorizing the City Manager to Submit an Application to the Metropolitan Transportation Commission for Transportation Development Act Article 3 Funds in Fiscal Year 2023-2024 and Execute a Funding Agreement

### **RECOMMENDATION**

That Council: 1) adopts a resolution (Attachment II) authorizing the City Manager to submit an application with the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) Article 3 funding in fiscal year (FY) 2023-2024 to be used for the procurement and maintenance of a fully electric, compact bike-lane street sweeper and to execute the funding agreement with MTC once grant funding is approved and 2) adopts a resolution (Attachment III) authorizing the acceptance and appropriation of grant funds in Gas Tax (Fund 210) for this project.

### **SUMMARY**

Every year, TDA funds are made available to cities state-wide for construction and maintenance of bicycle and pedestrian projects. In the Bay Area, TDA Article 3 funds are allocated by MTC and require the submittal of a resolution by the City's governing body authorizing the submittal of the application for funding request. In April 2023, staff received approval from the City's Grant Review Committee for this opportunity. Staff is now requesting the authorization to submit the funding request application to procure a fully electric, compact bike-lane street sweeper, which is an eligible expense under TDA Article 3. Once approved, a funding agreement will be executed, and funds will be appropriated to Gas Tax (Fund 210). Per the City's accounting policies, all TDA Article 3 funded projects need to be recognized in this fund.

### **BACKGROUND AND DISCUSSION**

TDA funds are provided through statewide retail and gas taxes. City and county governments are required to request funding to support pedestrian and bicycle projects. The City currently has \$550,629 in eligible TDA Article 3 funding to request or roll over to the new fiscal year. In April 2023, staff received approval from the Grant Review Committee for this funding opportunity. Staff is requesting \$390,000 to purchase an electric, compact sweeper and the estimated annual costs for ongoing maintenance for the expected life of the vehicle (seven

years). The overall service intervals, maintenance schedules, and operational capabilities of this full EV sweeper are similar to that of the City's traditional fleet of full-size street sweepers.

Per the City's 2020 Bike and Pedestrian Master Plan, the City has 3.18 Class I, 50.96 Class II, and 69.04 Class III bike lane miles. The City's full-size sweepers are unable to access some of these bike lanes due to protected bike lane features, such as parking stalls, bollards, raised curbs, and landscaping improvements. To ensure all bike lane facilities are adequately maintained and free from debris, that can possibly harm bicyclists and impact storm drains, staff is interested in procuring a fully electric, compact bike-lane street sweeper. The full EV street sweeper staff selects will have zero carbon emissions, dust pollution, and harmful gasses remittance to the environment. It also has far less noise emissions than a traditional street sweeper which provides operational flexibility for staff, such as working at night when bike lanes are least used by cyclists.

Procurement of this item will also comply with the California Air Resources Board (CARB) proposed Advanced Clean Fleet regulations with the goal of achieving zero-emission by 2045. Per the new regulations, between 2024-2026, fifty percent of new additions to a city or county's fleet would need to be zero-emission. By 2027, all new additions must be zero-emission, municipalities may submit an exemption request for any vehicles that may be unavailable for purchase in full EV.

## **ECONOMIC IMPACT AND SUSTAINABILITY FEATURES**

This item has no direct economic impact. However, the procurement of this EV sweeper will help keep bike lanes clear from debris, providing a safer and cleaner City for all bicyclists, pedestrians, and vehicles. Since this will be done through the use of a zero-carbon emitting piece of equipment, there is also no harmful impact to the environment.

## **FISCAL IMPACT**

TDA grant funding will allow for the purchase of an electric compact sweeper, which would otherwise require funding from another source. There are no matching funds required for this application. Per the City's accounting policies, TDA Article 3 funded projects are required to be received and expensed in Gas Tax (Fund 210). Should the City be awarded the TDA grant funding, the appropriation of grant funds will be made to the Gas Tax fund (Fund 210).

## **STRATEGIC ROADMAP**

This item supports Council's Strategic Priority of Confront Climate Crisis since it will further the goal of transitioning at least 15% of total city fleet to EV/hybrid vehicles. Transitioning to EV/hybrid models provides a positive environmental impact as it provides for better air quality and less pollution. The equipment will also indirectly support projects listed in Invest in Infrastructure and Support Quality of Life.

## **PUBLIC CONTACT**

Staff attended the Alameda County Transportation Commission (ACTC) Bike and Pedestrian Advisory Committee (BPAC) meeting on April 20, 2023. After the meeting, ACTC will coordinate with MTC to process requests. MTC will then approve funding requests and request execution of funding agreements.

#### **NEXT STEPS**

Upon approval of TDA funding and execution of the funding agreement, staff will receive grant funds and appropriate them to a new project in Fund 210 and procure an electric, compact bike-lane sweeper.

*Prepared by:* Manny Grewal, Management Analyst  
Justin Temores, Fleet Manager

*Recommended by:* Todd Rullman, Director of Maintenance Services

Approved by:



---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

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

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

RESOLUTION SUPPORTING SUBMISSION OF A CLAIM TO THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR THE ALLOCATION OF FISCAL YEAR 2023-2024 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING FOR THE PROCUREMENT OF A FULLY ELECTRIC, COMPACT BIKE-LANE STREET SWEEPER

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108, Revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of Hayward desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Exhibit II to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows: that the City of Hayward declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and

FURTHERMORE BE IT RESOLVED, that there is no pending or threatened litigation that might adversely affect the project or projects described in Exhibit II to this resolution, or that might impair the ability of the City of Hayward to carry out the project;

FURTHERMORE BE IT RESOLVED, that the City of Hayward attests to the accuracy of and approves the statements in Exhibit I to this resolution; and

FURTHERMORE BE IT RESOLVED, that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

Re: RESOLUTION SUPPORTING SUBMISSION OF A CLAIM TO THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR THE ALLOCAITON OF FISCAL YEAR 2023-2024 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 PEDESTRIAN/BICYLCE PROJECT FUNDING FOR THE PROCUREMENT OF A FULLY ELECTRIC, COMPACT BIKE-LANE STREET SWEEPER

### Findings

1. That the City of Hayward is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Hayward legally impeded from undertaking the project(s) described in "Exhibit II" of this resolution.
2. That the City of Hayward has committed adequate staffing resources to complete the project(s) described in EXHIBIT II.
3. A review of the project(s) described in Exhibit II has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Exhibit II have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Exhibit II comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Exhibit II, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Exhibit II are for capital construction and/or final design and engineering or quick build project; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic and/or Class IV separated bikeway; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of Hayward within the prior five fiscal years.
8. That the project(s) described in Exhibit II which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.) or responds to an immediate community need, such as a quick-build project.

9. That any project described in Exhibit II bicycle project meets the mandatory minimum safety design criteria published in the California Highway Design Manual or is in a National Association of City and Transportation Officials (NACTO) guidance or similar best practices document.
10. That the project(s) described in Exhibit II will be completed in the allocated time (fiscal year of allocation plus two additional fiscal years).
11. That the City of Hayward agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Exhibit II, for the benefit of and use by the public.

### TDA Article 3 Project Application Form

1. <b>Agency</b>	CITY OF HAYWARD		
2. <b>Primary Contact</b>	MANNY GREWAL		
3. <b>Mailing Address</b>	24505 SOTO RD, HAYWARD, CA 94541		
4. <b>Email Address</b>	<a href="mailto:MANNY.GREWAL@HAYWARD-CA.GOV">MANNY.GREWAL@HAYWARD-CA.GOV</a>	5. <b>Phone Number</b>	510-583-2139
6. <b>Secondary Contact</b> (in the event primary is not available)	LIZ SANCHEZ		
7. <b>Mailing address</b> (if different) N/A <input type="checkbox"/>			
8. <b>Email Address</b>	<a href="mailto:LIZ.SANCHEZ@HAYWARD-CA.GOV">LIZ.SANCHEZ@HAYWARD-CA.GOV</a>	9. <b>Phone Number</b>	510-583-4822
10. <b>Send allocation instructions to</b> (if different from above):			
11. <b>Project Title</b>	CLASS IV COMPACT SWEEPER		
12. <b>Amount requested</b>	\$390,000	13. <b>Fiscal Year of Claim</b>	FY 23/24

**14. Description of Overall Project:**

This project will fund the purchase of a compact sweeper (\$302,500) and the ongoing maintenance for parts and service for the life of the vehicle (\$12,500 for seven (7) years).

**15. Project Scope Proposed for Funding:** (Project level environmental, preliminary planning, and ROW are ineligible uses of TDA funds.)

Scope of project is solely for the purchase of the vehicle and the ongoing maintenance for parts and services.

**16. Project Location:** A map of the project location is attached or a link to a online map of the project location is provided below:

This vehicle will be used throughout the City’s jurisdiction to maintain all bike lanes.



**Project Relation to Regional Policies** (for information only)

17. Is the project in an [Equity Priority Community](#)?

Yes  No

18. Is this project in a [Priority Development Area](#) or a [Transit-Oriented Community](#)?

Yes  No

**19. Project Budget and Schedule** (ETA – June 2024)

Project Phase	TDA 3	Other Funds	Total Cost	Estimated Complete (month/year)
Bike/Ped Plan				
ENV				
PA&ED				
PS&E				
ROW				
CON	390,000			June 30, 2024
<b>Total Cost</b>	<b>390,000</b>			

**Project Eligibility**

A. Has the project been reviewed by the Bicycle and Pedestrian Advisory Committee?

Yes  No

If "YES," identify the date and provide a copy or link to the agenda.

If "NO," provide an explanation). **Will attend the ACTC BPAC on 04/20.**

B. Has the project been approved by the claimant's governing body?

Yes  No

If "NO," provide expected date: Will request approval in late-April, after the BPAC meeting

C. Has this project previously received TDA Article 3 funding?

Yes  No

(If "YES," provide an explanation on a separate page)

D. For "bikeways," does the project meet Caltrans minimum safety design criteria

Yes  No

pursuant to [Chapter 1000 of the California Highway Design Manual](#)? N/A

E. 1. Is the project categorically exempt from CEQA, pursuant to CCR Section 15301(c),

Yes  No

Existing Facility?

2. If "NO" above, is the project is exempt from CEQA for another reason?

Yes  No

Cite the basis for the exemption. \_\_\_\_\_

N/A

If the project is not exempt, please check "NO," and provide environmental documentation, as appropriate.

F. Estimated Completion Date of project (month and year):

\_\_\_\_\_ N/A \_\_\_\_\_

G. Have provisions been made by the claimant to maintain the project or facility, or has

Yes  No

the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility, please identify below and provide the agreement.

H. Is a Complete Streets Checklist required for this project ?

N/A

Yes  No

If the amount requested is over \$250,000 or if the total project phase or construction phase is over \$250,000, a Complete Streets checklist is likely required. Please attach the Complete Streets checklist or record of review, as applicable. More information and the form may be found here:

<https://mtc.ca.gov/planning/transportation/complete-streets>



# ZERO EMISSIONS, 100% PERFORMANCE

Today, Dulevo International has designed the first fully electric street sweeper, guaranteeing an optimum performance and minimal environmental impact.

The new machine, named

the D.zero², has been created to comply with four fundamental characteristics that constitute its design philosophy and that make it a unique product within the sector:

ZERO EMISSIONS



ZERO MANOEUVRE PROBLEMS



ZERO LIMITATIONS



ZERO RISKS



TECHNICAL DATA		D.zero²	D.zero²Plus
Sweeping width			
- Minimum	in (mm)	69 (1750)	
- Maximum	in (mm)	126 (3200)	
- With third brush	in (mm)	n.d.	133,9 (3400)
Grosse volume capacity	ft² (m²)	2,75 (2.1)	
Dumping height	in (mm)	57 (1450)	
Maximum speed	mph (Km/h)	15,6 (25)	
Cleaning performance	ft²/h (m²/h)	271.152 (25.200)	361.536 (33.600)
Seats in the cabin	n°		2
Battery	Ah/V	600 / 96	800 / 96





Dulevo Americas Inc.  
7780 NW 56th Street Doral  
33166 Miami (FL) USA  
T: (305) 677-0555  
F: (305) 677-0555  
[www.dulevo.us](http://www.dulevo.us)

Dulevo Fayat Group  
Via Giovannino Guareschi, 1  
43012 Fontanellato (PR) ITALIA Tel:  
+39-0521-827711  
Fax: +39-0521-827795  
[www.dulevo.com](http://www.dulevo.com)





**D.zero<sup>2</sup>**

**100% ELECTRIC**

# DULEVO INTERNATIONAL: OUR COMMITMENT FOR A CLEAN WORLD

Dulevo International is the leading Italian manufacturer in the industrial and urban cleaning sector, thanks to its street sweepers and indoor and private floor care products. Present in over 80 countries worldwide, Dulevo International is a leading global manufacturer, boasting a state-of-the-art research and development facility and an annual production capacity in excess of 2,000 machines.

The world changes, cities change. Municipalities are paying more and more attention to the environment and the means to reduce the impact on both the land and its inhabitants to as great an extent as possible. Subsequently, when it comes to its own products, Dulevo International has always been committed to reducing

the harmful emissions associated with the best-performing machines. Through important partnerships and company-owned patents, it has perfected its dust filtration systems, thereby eliminating PM10 emissions

altogether. With the mechanical suction system, Dulevo International has obtained a significant reduction in the noise levels emitted by its machines, enabling the operators to work effectively without creating acoustic disturbances. Over the years, Dulevo International has designed a methane gas-powered sweeper, capable of ensuring emissions below the most stringent of limits enforced by the law.





Zero Zero Zero Zero Zero Zero Zero Zero

## EMISSIONS

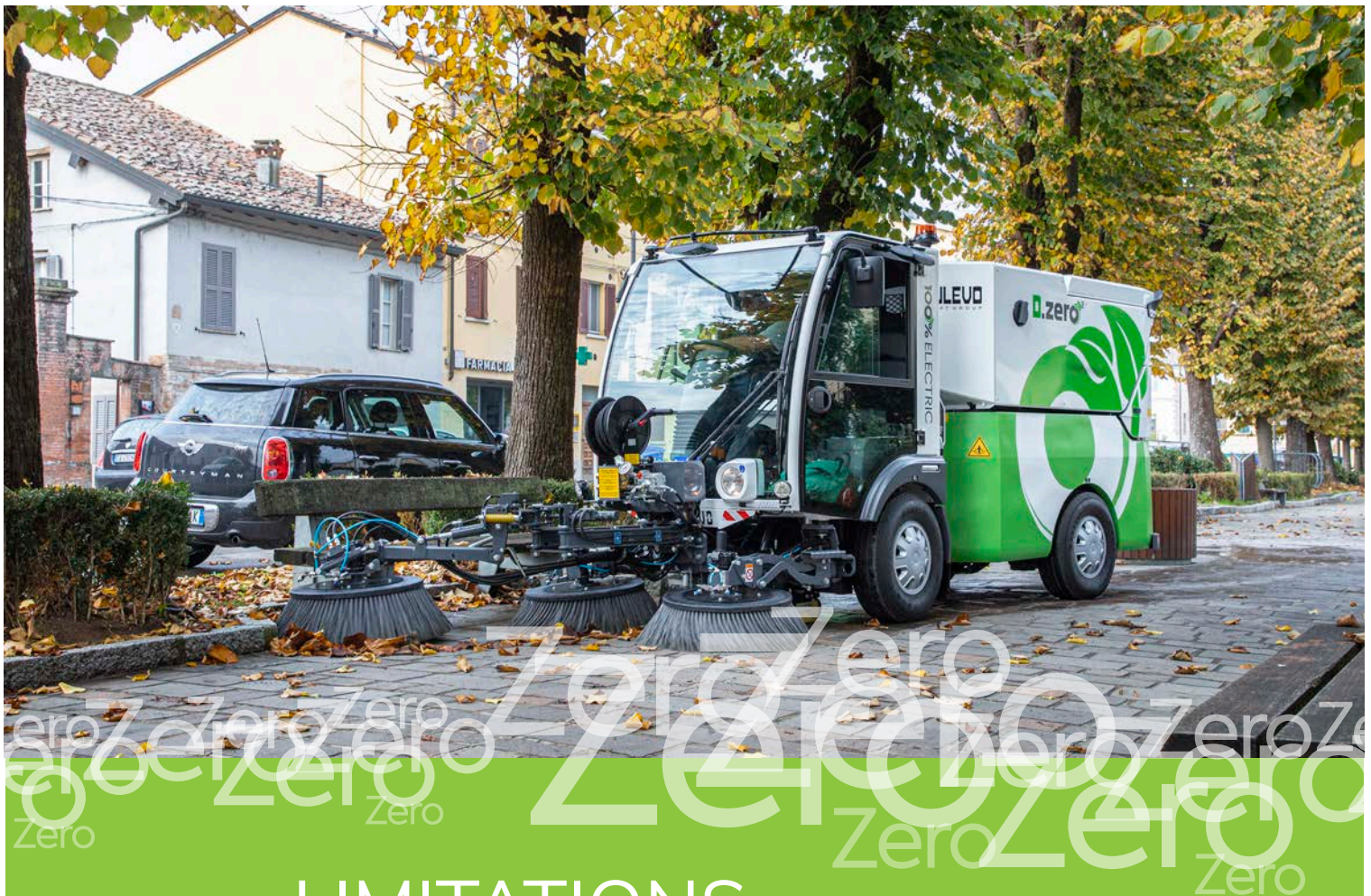


The new Dulevo electric street sweeper is characterised by the fact that zero dust pollution, Zero CO2 Emissions and zero harmful gases are re-emitted into the environment during the collection phase.

The various work functions, being electric and therefore not dependent on a traditional engine, reduce noise emissions by a staggering 30% with respect to traditional street sweepers. This particular characteristic enables the operators to make the most of the night shift, cleaning the streets without disturbing the peace.







## LIMITATIONS



Capable of replacing traditional machines with endothermic engines in terms of power and sweeping capacity, the new Dulevo ensures a full work shift, without having to reload the vehicle.

If on the one hand, the sweeping performance is on par with that of a traditional street sweeper, then on the other, the running and maintenance costs are drastically lower. In fact, the running costs of an electric sweeper are approximately 80% lower than those of a diesel-powered machine\*, working the same number of hours and shifts.

The maintenance costs are also lower. The battery life of the Dulevo electric sweeper is guaranteed up to 3,000 cycles\*.

\*\*Dulevo internal assessment



# Zero

## RISKS



Safety requirements regarding both the operator and other persons who frequently come into contact with the machine (maintenance technicians, personnel on the ground for joint operations etc.), has led us to adopt low-voltage technology, so as to nullify the risks associated with electric equipment.

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

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

RESOLUTION SUPPORTING THE ACCEPTANCE AND APPROPRIATION OF FISCAL YEAR 2023-2024 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 PEDESTRIAN/BICYLCE PROJECT FUNDING FOR THE PROCUREMENT OF A FULLY ELECTRIC, COMPACT BIKE-LANE STREET SWEEPER IN GAS TAX (FUND 210)

WHEREAS, per the City’s accounting policies, all TDA Article 3 funds are required to be accepted and expensed in Gas Tax (Fund 210), and

WHEREAS, staff applied to receive \$390,000 in TDA Article 3 funds for the procurement for a fully electric, compact bike-lane street sweeper, and

WHEREAS, there is no match required for the grant or a net impact to Gas Tax Fund.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows that the City Manager is authorized to accept \$390,000 in TDA Article 3 grant funds in Gas Tax (Fund 210) and appropriate the full amount to a new project to support the procurement and maintenance of a fully electric, compact bike—lane street sweeper.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



# CITY OF HAYWARD

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

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**File #:** CONS 23-226

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**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt Resolutions: (1) Approving Addenda Nos. 1, 2, and 3 and Awarding a Contract to DeSilva Gates Construction for the Mission Boulevard Corridor Improvements Phase 3 Project, Project No. 05287 in the Amount of \$15,742,743, and (2) Authorizing the City Manager to Execute Amendment No. 4 to the Professional Services Agreement with Mark Thomas & Company to Increase their Contract Amount by \$107,000, for a Total Not-to-Exceed Amount of \$1,626,180

**RECOMMENDATION**

That Council adopts resolutions: (1) approving Addenda Nos. 1, 2, and 3 for providing revisions to the plans and specifications, responses to clarification for the Mission Boulevard Corridor Improvements Phase 3 Project, awarding the construction contract to DeSilva Gates Construction, in the amount of \$15,742,743, and authorizing the Director of Public Works to spend up to \$23,205,017 for the total project cost (Attachment II); and (2) authorizing the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Mark Thomas & Company and increase the contract amount by an additional \$107,000 (Attachment III).

**SUMMARY**

Construction of Phase 1 of the Mission Boulevard Corridor Improvement Project from A Street to Industrial Parkway West including Foothill Boulevard from Mission Boulevard to Apple Avenue, was completed in January 2014. Construction of Phase 2 of the project from Industrial Parkway West to the south City limit at Blanche Street was completed in September 2020. Phase 3 of the project, from A Street to the north City limit at Rose Street is the last phase of the three-phase project to be constructed (Attachment IV for the location map).

On April 6, 2021, the project received two bids. Both bids were significantly over the engineer's estimate of \$10,127,039. These bids were subsequently rejected by Council on June 01, 2021, and City staff was authorized to rebid the project. After this time, staff applied for several grants including the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant for two consecutive years but were unsuccessful both times.

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**File #:** CONS 23-226

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At the bid opening on March 22, 2023, three (3) bids were received and analyzed by City staff. Staff recommends that Council award the contract to the responsible low bidder, DeSilva Gates Construction, LLC, in the amount of \$15,742,743 and authorizes the Director of Public Works to spend up to \$23,205,017 for the total project, including contingencies.

Staff also recommends that Council amend the Professional Services Agreement (PSA) for construction support and right-of-way services with Mark Thomas & Company to increase the contract \$107,000, for a total not-to-exceed amount of \$1,626,180.

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution - Award
Attachment III	Resolution - Mark Thomas Amendment
Attachment IV	Location Map



**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt Resolutions: (1) Approving Addenda Nos. 1, 2, and 3 and Awarding a Contract to DeSilva Gates Construction for the Mission Boulevard Corridor Improvements Phase 3 Project, Project No. 05287 in the Amount of \$15,742,743, and (2) Authorizing the City Manager to Execute Amendment No. 4 to the Professional Services Agreement with Mark Thomas & Company to Increase their Contract Amount by \$107,000, for a Total Not-to-Exceed amount of \$1,626,180

#### **RECOMMENDATION**

That Council adopts resolutions: (1) approving Addenda Nos. 1, 2, and 3 for providing revisions to the plans and specifications, responses to clarification for the Mission Boulevard Corridor Improvements Phase 3 Project, awarding the construction contract to DeSilva Gates Construction, in the amount of \$15,742,743, and authorizing the Director of Public Works to spend up to \$23,205,017 for the total project cost (Attachment II); and (2) authorizing the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Mark Thomas & Company and increase the contract amount by an additional \$107,000 (Attachment III).

#### **SUMMARY**

Construction of Phase 1 of the Mission Boulevard Corridor Improvement Project from A Street to Industrial Parkway West including Foothill Boulevard from Mission Boulevard to Apple Avenue, was completed in January 2014. Construction of Phase 2 of the project from Industrial Parkway West to the south City limit at Blanche Street was completed in September 2020. Phase 3 of the project, from A Street to the north City limit at Rose Street is the last phase of the three-phase project to be constructed (Attachment IV for the location map).

On April 6, 2021, the project received two bids. Both bids were significantly over the engineer's estimate of \$10,127,039. These bids were subsequently rejected by Council on June 01, 2021<sup>1</sup>, and City staff was authorized to rebid the project. After this time, staff applied for several grants including the Rebuilding American Infrastructure with Sustainability and Equity

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<sup>1</sup> [CITY OF HAYWARD - File #: CONS 21-248 \(legistar.com\)](#)

(RAISE) grant for two consecutive years but were unsuccessful both times.

At the bid opening on March 22, 2023, three (3) bids were received and analyzed by City staff. Staff recommends that Council award the contract to the responsible low bidder, DeSilva Gates Construction, LLC, in the amount of \$15,742,743 and authorizes the Director of Public Works to spend up to \$23,205,017 for the total project, including contingencies.

Staff also recommends that Council amend the Professional Services Agreement (PSA) for construction support and right-of-way services with Mark Thomas & Company to increase the contract \$107,000, for a total not-to-exceed amount of \$1,626,180.

## **BACKGROUND**

Below is a list of major milestones for the Mission Boulevard Corridor Improvement Project:

- November 2007: Council approved Phase 1 of the Route 238 Corridor Improvement Project, which covered roadway and street improvements on Mission Boulevard (from A Street to Industrial Parkway) and Foothill Boulevard (from Mission Boulevard to Apple Avenue) and certified the Final Environmental Impact Report (FEIR) for the project. Subsequently, Caltrans relinquished portions of State Routes 92, 185 and 238 to the City within the Phase 1 project limits.
- May 2010: Local Area Transportation Improvement Program (LATIP) funds totaling \$30M were approved by the California Transportation Commission (CTC) for use on the project.
- August 2010: Construction of the Phase 1 project began.
- August 2013: CTC allocated \$8.1M of the total \$30M for the Route 238 Phase 1 expenses.
- January 2014: Construction of the Phase 1 project was completed.
- August 2014: CTC allocated \$2M of the total \$30M for the design of Phases 2 and 3.
- August 2017: Alameda County Transportation Commission (Alameda CTC) obligated \$21.5M in Measure BB funds; \$10.6M for Phase 2 construction and \$10.9M for Phase 3 construction.
- October 2017: CTC allocated \$19.9M of the total \$30M for the construction of Phase 2.
- September 19, 2017<sup>2</sup>: Council approved plans and specifications and call for bids for the Phase 2 project.
- March 2018: Construction of the Phase 2 project began.
- July 2020<sup>3</sup>: Council approved plans and specifications and call for bids for the Phase 3 project when the utility companies provided their final drawings for undergrounding of the overhead utilities and property owners provided the temporary construction easements.
- September 2020: Completion of Phase 2 construction.
- January 26, 2021<sup>4</sup>: Council approved amendment to the Professional Services Agreement with Mark Thomas & Company for additional design services related to

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<sup>2</sup> [CITY OF HAYWARD - File #: CONS 17-567 \(legistar.com\)](#)

<sup>3</sup> [CITY OF HAYWARD - File #: CONS 20-386 \(legistar.com\)](#)

<sup>4</sup> [CITY OF HAYWARD - File #: CONS 21-016 \(legistar.com\)](#)

late design changes and to complete the bid documents.

- March 25, 2021: Original call for bids.
- April 6, 2021: Two bids received over the engineer's estimate.
- June 1, 2021<sup>5</sup>: Council adopted resolution rejecting all bids, approving revisions to plans and specifications, and calling for more bids to be received on September 14, 2021
- Staff applied for the RAISE grant in 2021 and 2022.
- February 07, 2023<sup>6</sup>: Council approved Plans and Specifications and Call for Bids.
- March 22, 2023: Three bids were received.

## DISCUSSION

### Addenda

Staff issued the following addenda:

On February 28, 2023, staff issued Addendum No. 1 which responded to bidder's clarifications.

On March 3, 2023, staff issued Addendum No. 2 which extended the bid opening date from March 14 to March 22, 2023. On March 16, 2023, staff issued Addendum No. 3 which responded to bidder's additional requests for clarifications.

### Bid Results

On March 22, 2023, three (3) bids were received. DeSilva Gates Construction (Desilva), LLC, of Dublin, CA, submitted the lowest bid in the amount of \$15,742,743, which is 19% higher than the Engineer's Estimate of \$13,202,329. Ghilotti Construction Company submitted the second lowest bid in the amount of \$17,117,311, which is 30% higher than the Engineer's Estimate. Redgwick Construction Company submitted their bid in the amount of \$17,791,693, which is 35% higher than the Engineer's Estimate.

Since the initial engineer's estimate of \$10,127,039 in 2021, supply demand and labor cost along with oil prices have increased significantly resulting in a much higher engineer's estimate of \$13,202,329. Compared to the prior bid opening (on April 06, 2021) for this Phase 3 work, several items stand out as noteworthy increases contributing to the higher bids.

- Roadway Excavation: Unit pricing received from the bidders in April 2021 was at least 67% higher than the Engineer's Estimate. Two of the three bids received in March 2023 were closer to the Engineer's Estimate (2% and 14% higher), however the low bidder's unit pricing was 185% higher.
- Joint Trench: In the April 2021 bid opening, the unit pricing received for joint trench for line items were primarily lower than the Engineer's Estimates. The March 2023 bid opening contains unit pricing in excess of the Engineer's Estimate by at least 20%.
- Irrigation: Bids received in April 2021 were 442% and 457% higher than the Engineer's Estimate (\$47,061). In March 2023, the Engineer's Estimate increased 471% to \$268,920. The bids received in March 2023 were still at least 20% higher than the Engineer's Estimate.

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<sup>5</sup> [CITY OF HAYWARD - File #: CONS 21-248 \(legistar.com\)](#)

<sup>6</sup> [CITY OF HAYWARD - File #: CONS 23-069 \(legistar.com\)](#)



### Local Business Contracting Equity (LBCE) Program

Since a portion of this project is funded by Measure BB, this project is required to meet LBCE goals. The participation goals are 60% for Local Business Enterprise (LBE) and 20% for Small Local Business Enterprise (SLBE) pursuant to the Alameda CTC Local Business Contract Equity (LBCE) Program. Staff performed an initial review of the bids and supporting documentation submitted and determined that DeSilva did not meet the SLBE contract goals for local business participation. Therefore, a Good Faith Effort Review was required under Alameda CTC's LBCE Program.

Alameda CTC's Contract Equity consultant, GCAP Services, Inc. (GCAP), performed an initial review of DeSilva's Good Faith Effort documentation. Pursuant to the procedures set forth in Alameda CTC's LBCE Program, GCAP's analysis was subsequently reviewed by an Interdisciplinary Review Team (IRT) appointed by the Alameda CTC Executive Director. The IRT concurred with GCAP's finding that DeSilva performed an adequate Good Faith Effort to meet the SLBE goal on this project. Bidders were provided with the report and given the opportunity to protest. No protests were received.

On November 15, 2016<sup>7</sup>, Council passed a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. Because the construction cost estimate for this Project is more than \$1,000,000, the CWA agreement does apply.

Staff recommends awarding the construction contract to the responsible low bidder, DeSilva Gates Construction, LLC, in the amount of \$15,742,743.

### Amendment of Mark Thomas & Company's PSA

On April 11, 2017, Council approved Resolution No. 17-127, authorizing the City Manager to enter into a Professional Services Agreement with Mark Thomas & Company for design services and technical support during construction in an amount not-to-exceed \$700,000.

On May 21, 2019, Council approved Resolution No. 19-376, adopting Amendment No. 1 to the PSA with Mark Thomas & Company, increasing the contract amount by \$475,000 with a total not-to-exceed amount of \$1,175,000.

On July 21, 2020, Council approved Resolution No. 20-386, adopting Amendment No. 2 to the PSA with Mark Thomas & Company, increasing the contract amount by \$150,000 with a total not-to-exceed amount of \$1,325,000.

On January 26, 2021, Council approved Resolution No. 21-016, adopting Amendment No. 3 to the PSA with Mark Thomas & Company, increasing the contract amount by \$194,180 with a

total not-to-exceed amount of \$1,519,180.

Temporary Construction Easements (TCE's) are needed prior to the start of construction. TCE's allow construction on private property. While the majority of the improvements will be within the City's right-of-way, there are some improvements such as the construction of sidewalks, driveways, and driveway conforms where the Contractor will need to have access on private properties.

The approximately fifty-six TCE's necessary for the Project had been previously secured via the right-of-way services provided by Mark Thomas. These TCE's have since expired and must be renewed. The right-of-way services entail (but are not limited to) contacting property owners and negotiating improvements on private properties all prior to the start of work. This along with construction support will require an amendment to Mark Thomas & Company's contract.

Therefore, staff also recommends execution of Amendment No. 4 to increase the value of the PSA with Mark Thomas & Company for construction support and right-of-way services by \$107,000 for a total not-to-exceed contract amount of \$1,626,180.

### **ECONOMIC IMPACT**

Since a portion of this project is funded by Measure BB, this project is required to meet LBCE Program goals. The participation goals are 60% for LBE and 20% for SLBE pursuant to the Alameda CTC Local LBCE Program. In addition to the LBCE goals, the City's Community Workforce Agreement is a requirement of the contract since the engineer's estimate is over \$1,000,000.

This project will contribute to the economic vitality of the City and County since this project is required to meet the LBCE goals. Additionally, completion of Phase 3 improvements would result in a complete street and positive economic benefits for businesses along the Mission Boulevard Corridor.

### **FISCAL IMPACT**

The estimated project costs for Phase 3 are as follows:

	Estimated Cost
Design	\$1,800,000
Construction	\$15,742,743
Construction Contingency (ACO)	\$1,574,274
Estimated PG&E Contract for Undergrounding	\$1,800,000
Construction Admin, Inspection, Testing	\$2,288,000
<b>Phase 3 Project Total</b>	<b>\$23,205,017</b>

The Adopted FY23 CIP Budget has appropriated a total of \$21.2M for this project. Of this amount, \$11.7M is currently eligible for reimbursement through the existing Project Funding

Agreement with ACTC. An additional \$1,662,000 in Measure BB grant funding will be available under the amended PFA. There is sufficient funding the FY23 CIP to cover the cost of the amendment with Mark Thomas.

**STRATEGIC ROADMAP**

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

Project 7c: Complete design of Mission Boulevard Phase 3 and construction

**SUSTAINABILITY FEATURES**

This project incorporates sustainability features as they relate to water, energy, and the environment. Additionally, improvements such as the cycle track and sidewalk will promote health through physical activity.

**PUBLIC CONTACT**

Community meetings were held on October 12, 2016, July 12, 2018, and February 20, 2019, at City Hall to provide updates to the project with emphasis on the cycle track during the last community meeting.

**NEXT STEPS**

The following is the tentative schedule for this project:

Begin Construction	May 2023
Complete Construction	Fall 2024

If Council approves, staff will route the construction contract to DeSilva Gates Construction, LLC, and the amendment to the Professional Services Agreement with Mark Thomas & Company.

*Prepared by:* James Damasco, Assistant Civil Engineer  
Kathy Garcia, Deputy Director of Public Works

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

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

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

RESOLUTION APPROVING ADDENDA NUMBERS 1, 2 AND 3 AND AWARDING A CONTRACT TO DESILVA GATES CONSTRUCTION FOR THE MISSION BOULEVARD CORRIDOR IMPROVEMENTS PHASE 3 PROJECT, PROJECT NO. 05287 IN THE AMOUNT OF \$15,742,743

WHEREAS, by Resolution No. 23-069, on February 07, 2023, the City Council approved the plans and specifications for the Mission Boulevard Corridor Improvements Phase 3, Project No. 05287, and called for bids to be received by March 14, 2023; and

WHEREAS, Addendum No. 1 was issued to respond to bidders' clarifications; and

WHEREAS, Addendum No. 2 was issued to amend the bid opening date from March 14, 2023 to March 22, 2023; and

WHEREAS, Addendum No. 3 was issued to respond to bidders' additional clarifications; and

WHEREAS, on March 14, 2023, three (3) bids were received ranging from \$15,742,743 to \$17,791,693. The low bid, submitted by DeSilva Gates Construction, is approximately 19% above the Engineer's Estimate of \$13,202,329.

WHEREAS, the Administrative Change Order (ACO) or contingency budget of \$1,574,274 was not disclosed.

NOW, THEREFORE, BE IT RESOLVED by the City Council that DeSilva Gates Construction, LLC of Dublin, CA is hereby awarded the contract for the Mission Boulevard Corridor Improvements Phase 3 Project, Project No. 05287, in accordance with the plans and specifications adopted therefore and on file in the office of the City Clerk of the City of Hayward, at and for the price named and stated in the final proposal of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute and agreement with DeSilva Gates Construction, LLC, on behalf of the City of Hayward, in an amount not to exceed \$15,742,743, including a construction contingency for administrative change orders, in a form to be approved by the City Attorney.

**ATTACHMENT II**

BE IT FURTHER RESOLVED by the City Council that the Director of Public Works is authorized to expend up to \$23,205,017 for construction, construction contingencies, construction administration, inspection, and testing to complete the project.

IN COUNCIL, HAYWARD, CALIFORNIA April 25, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MARK THOMAS & COMPANY, FOR CONSTRUCTION SUPPORT AND RIGHT-OF-WAY SERVICES FOR THE MISSION BOULEVARD CORRIDOR IMPROVEMENTS PHASE 3 PROJECT, PROJECT NO. 05287

WHEREAS, the aforesaid parties have entered into that certain Agreement dated 15th day of May 2017, entitled "Agreement for Professional Services between the City of Hayward and Mark Thomas & Company for Mission Boulevard Corridor Improvements Phase 3" in a not-to-exceed amount of \$700,000; and

WHEREAS, the City and Consultant amended that certain Agreement with Amendment No. 1 dated the 21st day of May 2019 increasing the Agreement to \$1,175,000; and

WHEREAS, the City and Consultant amended that certain Agreement with Amendment No. 2 dated the 21st day of July 2020 increasing the Agreement to \$1,325,000; and

WHEREAS, the City and Consultant amended that certain Agreement with Amendment No. 3 dated the 26th day of January 2021 increasing the Agreement to \$1,519,180; and

WHEREAS, the City and the Consultant desire to amend the Agreement in several aspects of the project by providing additional services for construction support and right-of-way services for the Mission Boulevard Corridor Improvements Phase 3 Project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hayward that the City Manager is hereby authorized to execute, on behalf of the City of Hayward, Amendment No. 4 to the agreement with Mark Thomas & Company for additional services in an amount not-to-exceed \$107,000, thereby increasing the total contract amount to a total not-to-exceed \$1,626,180 associated with the Mission Boulevard Corridor Improvements Phase 3 Project, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA April 25, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

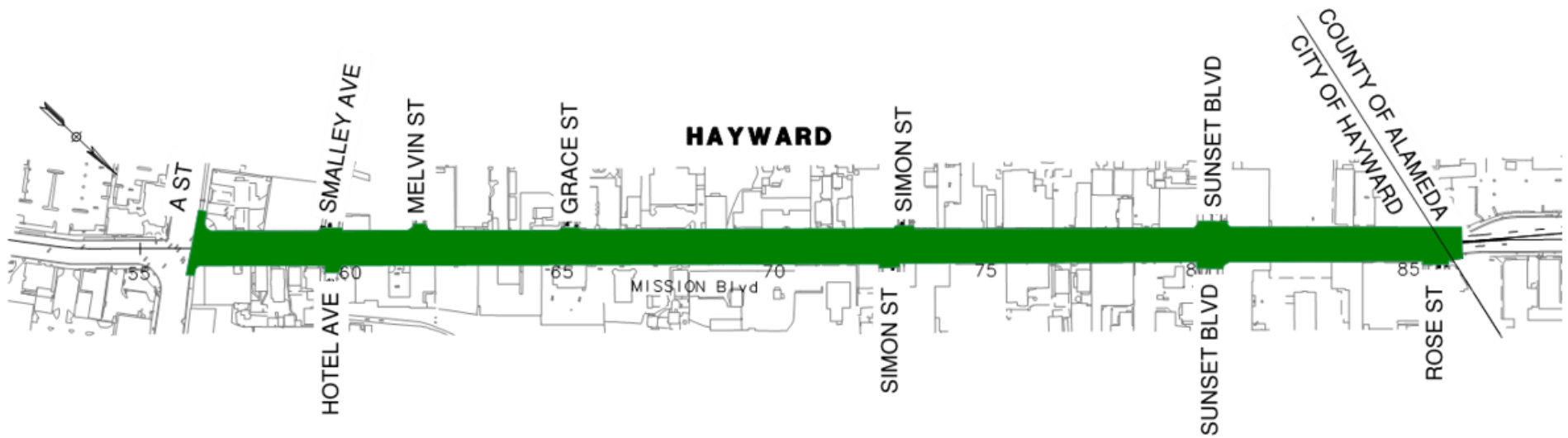
ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



Mission Boulevard Corridor Improvements Phase 3  
Location Map





# CITY OF HAYWARD

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

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**File #:** CONS 23-228

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**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Acting Chief of Police

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Accept \$30,000 From the Moirao Family Trust - Surviving Spouse's Trust to be Used by the Hayward Animal Shelter for the Continued Operation of the Community Cats Trap, Neuter, and Return Program and to Purchase Replacement Kennels for Small Animals

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept \$30,000 from the Moirao Family Trust - Surviving Spouse's Trust, to be used by the Hayward Animal Shelter (the Shelter) for the continued operation of the Community Cats Trap, Neuter, and Return Program, and to purchase replacement kennels for the Shelter's small animal room.

**SUMMARY**

The Hayward Animal Shelter has been named as a beneficiary of a cash gift from the Moirao Family Trust - Surviving Spouse's Trust (the Trust). Pursuant to the Trust, thirty thousand dollars (\$30,000) is to be given "to the City of Hayward, California strictly for the benefit of the Hayward Animal Shelter and the animals for which it provides care."

The Hayward Animal Shelter is proposing to use \$15,000 of the \$30,000 gift for the continued operation of the Community Cats Trap, Neuter, and Return program. The Shelter would like to use the other \$15,000 to purchase replacement kennels for the Shelter's small animal room. The Shelter plans to place a donor recognition plaque on the new bank of kennels to memorialize this wonderful gift the Moirao family has bestowed upon the City of Hayward, and the animals it serves.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Acting Chief of Police

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Accept \$30,000 From the Moirao Family Trust – Surviving Spouse’s Trust to be Used by the Hayward Animal Shelter for the Continued Operation of the Community Cats Trap, Neuter, and Return Program and to Purchase Replacement Kennels for Small Animals

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept \$30,000 from the Moirao Family Trust – Surviving Spouse’s Trust, to be used by the Hayward Animal Shelter (the Shelter) for the continued operation of the Community Cats Trap, Neuter, and Return Program, and to purchase replacement kennels for the Shelter’s small animal room.

**SUMMARY**

The Hayward Animal Shelter has been named as a beneficiary of a cash gift from the Moirao Family Trust – Surviving Spouse’s Trust (the Trust). Pursuant to the Trust, thirty thousand dollars (\$30,000) is to be given “to the City of Hayward, California strictly for the benefit of the Hayward Animal Shelter and the animals for which it provides care.”

The Hayward Animal Shelter is proposing to use \$15,000 of the \$30,000 gift for the continued operation of the Community Cats Trap, Neuter, and Return program. The Shelter would like to use the other \$15,000 to purchase replacement kennels for the Shelter’s small animal room. The Shelter plans to place a donor recognition plaque on the new bank of kennels to memorialize this wonderful gift the Moirao family has bestowed upon the City of Hayward, and the animals it serves.

**BACKGROUND**

The Hayward Animal Shelter, also referred to as the Hayward Animal Services Bureau, provides animal field and shelter services for the City of Hayward. The Shelter is open for adoptions, recovering lost pets, intake of stray dogs and cats, and other services. Two such services include the provision of the City of Hayward’s Community Cat Trap, Neuter and Return (TNR) program, and its small animal room, where the Shelter houses stray, lost or adoptable small animals.

## **(1) Community Cat Trap Neuter and Return (TNR) Program**

The Hayward Animal Shelter began the operation of its Community Cat Trap, Neuter, and Return (TNR) Program in 2014. Under the program, the Shelter is able to offer subsidized spay/neuter services to: (1) low-income caregivers who need assistance spaying or neutering community cats fed on their property; and (2) residents who would like to help reduce the cat population in their neighborhoods by trapping feral/free-roaming cats for purposes of spaying or neutering them, prior to being released back into the community they call home.

Pursuant to the TNR program, community cats are caught in humane traps by caregivers, neighborhood residents, or volunteers. The trappers then bring the cats to the Hayward Animal Shelter where the cats are then transported by volunteers to partner spay/neuter clinics for spay/neuter, "ear tipping", vaccinating, and microchipping (they are often provided other medical care as needed as well), before being returned to the same location in the community where they were found. The practice of ear-tipping is a universal sign indicating that the cat has been altered.

The purpose of the program is to decrease the number of feral/community cats living in neighborhoods by preventing their continued breeding of litters of kittens. Additionally, TNR reduces shelter intake and decreases euthanasia of unadoptable feral cats, and nursing kittens who need 24-hour care. The spay and neutering of community cats through the TNR program reduces nuisance behaviors in the cats that are often the basis of community complaints, helping them to become better neighbors and creating a less hostile environment for the community cats and residents to live in. Colony management protects the cat's continued well-being and fosters caring relationships between the residents, community cat caregivers, and the community cats they care for. TNR is the most humane and effective method for managing and reducing cat populations and is the method recommended and supported by the ASPCA, the Humane Society of the United States, and the National Animal Care and Control Association.

## **(2) Small Animal Kennels**

In addition to dogs and cats, the Hayward Animal Shelter receives throughout the year various species of small animals, most commonly rabbits, guinea pigs, and hamsters. The small animals are stray, lost, or surrendered to the shelter for care as they await redemption, adoption, or transfer to a rescue partner. The average length of stay for our small animals is 19 days, however, we have had several remain in our care for upwards of four months. Rabbits and guinea pigs are housed in cages that were originally manufactured to house cats. Four cages make up one bank. When the shelter is low on rabbits and guinea pigs, the cages can be opened to allow the pet to have two cages which provide the pet more space to perform natural habits and supports their improved mental and physical well-being. The two banks of cages currently in our small animal room are 23 years old and due to cage wear and tear, they are no longer conducive to disease control. Cage surfaces are cracked, and seam caulking has peeled leaving exposed material underneath that can't be properly sanitized. Plexiglass windows are scratched and cloudy. The banks of cages sit on the floor putting the pets in the lower cages at a level that can cause them increased stress and fear. This also makes the pets in the lower cages less visible to visitors, requiring them to bend over or kneel to see the pet.

## **DISCUSSION**

As indicated above, the Shelter's Community Cat TNR program is an indispensable program that benefits not only our community cats but our community residents. The Shelter believes that the use of \$15,000 of the \$30,000 gift towards the continued operation of its Community Cat TNR program, would assist in the TNR of at least 150 community cats. This means that those 150 cats trapped, would not only be spayed, and neutered preventing the increase of the cat colony population but these 150 cats would also be vaccinated, dewormed, microchipped, and potentially provided further medical care (as needed).

The Shelter proposes that the other \$15,000 of the \$30,000 gift from the Moirao family be used for the purchase of new kennels for the Shelter's small animal room. The Shelter believes that \$15,000 would allow the Shelter to purchase two banks of four cages each that would comfortably house anywhere from 4-10 small animals at a time and would ultimately house close to 100 small animals a year. These new cages are constructed using a new durable PVC material and have seamless insides. Additionally, the cage doors will be equipped with quiet close latches to reduce noise that causes the animals stress and support a Fear Free environment. The new banks of cages include drawers and cabinets to store our small animal supplies and raise the cages off the floor making them more visible to adopters and putting them at a less stressful height for the animals.

## **ECONOMIC IMPACT**

This agenda item will have an economic impact on the residents of Hayward since it will enable the Shelter to continue to provide subsidized TNR services to: (1) low-income caregivers who need assistance spaying or neutering community cats fed on their property; and (2) residents who would like to help reduce the cat population in their neighborhoods by trapping feral/roaming cats for purposes of spaying or neutering them, prior to being released back into the community they call home.

## **FISCAL IMPACT**

The \$30,000 donation from the Mairo Family Trust – Surviving Spouse's Trust will allow the Animal Shelter to fund projects to continue supporting its operational efforts. The donation will allow for the continued operation of the Community Cats Trap, Neuter, and Return program, as well as the purchase of replacement kennels for the Shelter's small animal room.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of Enhancing Community Safety & Quality of Life, Growing the Economy and Strengthening Organizational Health.

## **SUSTAINABILITY FEATURES**

The recommended action for this report will not directly result in physical development, purchase or service, new policy or legislation related to sustainability.

## **PUBLIC CONTACT**

No public contact was made for this item.

**NEXT STEPS**

If Council approves, the City will send a copy of the approved Staff Report and Resolution to the Trustee of the Moirao Family Trust – Surviving Spouse’s Trust, and execute a “Request for Distribution” of the \$30,000 gift, to be distributed and used as directed above.

*Prepared by:* Amy S. Rothman, Deputy City Attorney II  
Jennie Comstock, Animal Services Administrator

*Recommended by:* Jennie Comstock, Animal Services Administrator  
Bryan Matthews, Acting Chief of Police

Approved by:



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Kelly McAdoe, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

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

ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT \$30,000 FROM THE MOIRAO FAMILY TRUST – SURVIVING SPOUSE’S TRUST TO BE USED BY THE HAYWARD ANIMAL SHELTER FOR THE CONTINUED OPERATION OF THE COMMUNITY CATS TRAP, NEUTER, AND RETURN PROGRAM AND TO PURCHASE REPLACEMENT KENNELS FOR SMALL ANIMALS

WHEREAS, the Hayward Animal Shelter has been named a beneficiary of a \$30,000 gift from the Moirao Family Trust-Surviving Spouse’s Trust, to be used “strictly for the benefit of the Hayward Animal Shelter and the animals for which it provides care.”

WHEREAS, the Hayward Animal Shelter proposes to use \$15,000 of the \$30,000 gift for the continued operation of its Community Cat Trap, Neuter and Return Program, under which the Hayward Animal Shelter provides spay/neuter and other veterinary services to stray/feral community cats;

WHEREAS, the Hayward Animal Shelter proposes to use the other \$15,000 of the \$30,000 gift for the purchase of replacement kennels for the small animal room, which the Shelter uses to house small animals provided to the shelter as strays, lost pets, surrendered pets, or those waiting to be adopted; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Hayward hereby authorizes the City Manager to accept and appropriate \$30,000 (in the General Fund) from the Moirao Family Trust – Surviving Spouse’s Trust to be used by the Hayward Animal Shelter for the continued operation of the Community Cats Trap, Neuter, and Return Program and to purchase replacement kennels for small animals.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



# CITY OF HAYWARD

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

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**File #:** WS 23-014

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**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT**

Affordable Housing Bonds: Review and Discuss a Proposed Social Impact Bonds Program and Reallocation of \$2 Million in Housing ARPA Funds

**RECOMMENDATION**

That the City Council reviews and provides feedback on a proposed social impact bonds program and reallocation of \$2 million in ARPA funds designated for housing programs.

**SUMMARY**

On April 27, 2021, the City Council adopted a resolution authorizing the acceptance of \$38 million in federal stimulus allocation under the American Rescue Plan Act of 2021 (ARPA). On July 13, 2021, City Council approved the Hayward Federal Stimulus Expenditure Plan which included \$4.25 million for housing programs. Staff have already implemented the foreclosure prevention and the emergency relocation assistance programs but have yet to implement the wealth building and tax-defaulted property acquisition programs. All funds awarded through ARPA must be obligated no later than December 31, 2024.

On March 2, 2023, the City of Hayward Homelessness-Housing Task Force (HHTF) held a Work Session on a proposal for a new social impact bonds program and to reallocate \$3 million in remaining housing ARPA funding for down payment assistance for the social impact bonds program. HHTF members expressed interest in the social impact bonds program but directed staff to return to the City Council with an analysis of alternative funding uses.

Because of the anticipated need for anti-displacement legal resources for renters as the County's eviction moratorium is lifted, staff returned to City Council on March 28, 2023, with a recommendation to reallocate \$500,000 of remaining ARPA housing funds for a multi-agency legal assistance and anti-displacement program with Centro Legal de la Raza, Inc. (Centro Legal), which was approved by City Council. This staff report discusses the potential uses of the remaining ARPA housing funds as directed by the HHTF on March 2 and the proposed social impact bonds program.



1. Tenant right to counsel (RTC). To create a successful RTC program, City Council would have to both adopt right to counsel legislation and identify ongoing funding for the program. The City currently funds three programs that provide legal services for tenants through ARPA and CDBG but ARPA are one-time use funds and staff estimates that the current funding level for legal services is insufficient to support a RTC program in Hayward. The City should evaluate the demand for legal services and local resources to provide legal assistance before committing to legislation that may require substantial ongoing resources to implement and enforce.
2. Rental assistance. Staff do not recommend implementing additional rental assistance because federal requirements prevent households from receiving multiple assistance payments for the same period and it is difficult to mitigate the risks of duplication of benefit. Additionally, given the amount of funding provided by state and federal governments to provide rental assistance, staff recommends that recovery from the pandemic include programs that will help create generational wealth for low-income communities that were disproportionately impacted by the pandemic.
3. Tax-defaulted properties and community land trusts (CLT). When initially proposed, staff anticipated that there would be an increase in tax-defaulted properties that could be converted into ownership opportunities under the CLT model. Although CLTs can be a way to preserve affordable housing, it is a limited appreciation ownership model. Similar to a CLT, the City already provides limited appreciation ownership opportunities through its Affordable Housing Program so staff proposes reprogramming the ARPA funds to a down payment assistance program and exploring a social impact bonds (SIB) program to create ownership opportunities that have a greater potential for wealth building. Support for CLTs could be provided through the City's Affordable Housing Notice of Funding Availability (NOFA).
4. Social impact bonds program. This program would acquire and rehabilitate blighted and distressed properties without long-term affordability restrictions using bond proceeds. This program would achieve the goals of the two proposed housing ARPA programs intended to increase wealth building and create housing opportunities from distressed properties. Staff proposes using ARPA funds for down payment assistance to deepen the affordability level targeted. Funds can be recaptured upon sale of the property to support subsequent home purchasers.
5. Down payment assistance program. Staff proposes a down payment assistance program to provide community members access to wealth building through homeownership that can be recaptured for future home purchasers.

Of the proposed programs, staff recommends creating a down payment assistance program that could be used with a social impact bonds program if administrators can identify an investor or as a stand-alone program if there are no interested investors. Staff is seeking Council feedback on the programs discussed in this report.

## **ATTACHMENTS**

Attachment I      Staff Report



**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT:** Affordable Housing Bonds: Review and Discuss a Proposed Social Impact Bonds Program and Reallocation of \$2 Million in Housing ARPA Funds

## **RECOMMENDATION**

That the City Council reviews and provides feedback on a proposed social impact bonds program and reallocation of \$2 million in ARPA funds designated for housing programs.

## **SUMMARY**

On April 27, 2021, the City Council adopted a resolution authorizing the acceptance of \$38 million in federal stimulus allocation under the American Rescue Plan Act of 2021 (ARPA). On July 13, 2021, City Council approved the Hayward Federal Stimulus Expenditure Plan which included \$4.25 million for housing programs. Staff have already implemented the foreclosure prevention and the emergency relocation assistance programs but have yet to implement the wealth building and tax-defaulted property acquisition programs. All funds awarded through ARPA must be obligated no later than December 31, 2024.

On March 2, 2023, the City of Hayward Homelessness-Housing Task Force (HHTF) held a Work Session on a proposal for a new social impact bonds program and to reallocate \$3 million in remaining housing ARPA funding for down payment assistance for the social impact bonds program. HHTF members expressed interest in the social impact bonds program but directed staff to return to the City Council with an analysis of alternative funding uses.

Because of the anticipated need for anti-displacement legal resources for renters as the County's eviction moratorium is lifted, staff returned to City Council on March 28, 2023, with a recommendation to reallocate \$500,000 of remaining ARPA housing funds for a multi-agency legal assistance and anti-displacement program with Centro Legal de la Raza, Inc. (Centro Legal), which was approved by City Council. This staff report discusses the potential uses of the remaining ARPA housing funds as directed by the HHTF on March 2 and the proposed social impact bonds program.

1. Tenant right to counsel (RTC). To create a successful RTC program, City Council would have to both adopt right to counsel legislation and identify ongoing funding for the

program. The City currently funds three programs that provide legal services for tenants through ARPA and CDBG but ARPA are one-time use funds and staff estimates that the current funding level for legal services is insufficient to support a RTC program in Hayward. The City should evaluate the demand for legal services and local resources to provide legal assistance before committing to legislation that may require substantial ongoing resources to implement and enforce.

2. Rental assistance. Staff do not recommend implementing additional rental assistance because federal requirements prevent households from receiving multiple assistance payments for the same period and it is difficult to mitigate the risks of duplication of benefit. Additionally, given the amount of funding provided by state and federal governments to provide rental assistance, staff recommends that recovery from the pandemic include programs that will help create generational wealth for low-income communities that were disproportionately impacted by the pandemic.
3. Tax-defaulted properties and community land trusts (CLT). When initially proposed, staff anticipated that there would be an increase in tax-defaulted properties that could be converted into ownership opportunities under the CLT model. Although CLTs can be a way to preserve affordable housing, it is a limited appreciation ownership model. Similar to a CLT, the City already provides limited appreciation ownership opportunities through its Affordable Housing Program so staff proposes reprogramming the ARPA funds to a down payment assistance program and exploring a social impact bonds (SIB) program to create ownership opportunities that have a greater potential for wealth building. Support for CLTs could be provided through the City's Affordable Housing Notice of Funding Availability (NOFA).
4. Social impact bonds program. This program would acquire and rehabilitate blighted and distressed properties without long-term affordability restrictions using bond proceeds. This program would achieve the goals of the two proposed housing ARPA programs intended to increase wealth building and create housing opportunities from distressed properties. Staff proposes using ARPA funds for down payment assistance to deepen the affordability level targeted. Funds can be recaptured upon sale of the property to support subsequent home purchasers.
5. Down payment assistance program. Staff proposes a down payment assistance program to provide community members access to wealth building through homeownership that can be recaptured for future home purchasers.

Of the proposed programs, staff recommends creating a down payment assistance program that could be used with a social impact bonds program if administrators can identify an investor or as a stand-alone program if there are no interested investors. Staff is seeking Council feedback on the programs discussed in this report..

## BACKGROUND

On April 27, 2021, the City Council adopted a resolution authorizing the acceptance of \$38 million in federal stimulus allocation under the American Rescue Plan Act of 2021 (ARPA).<sup>1</sup> On July 13, 2021, City Council approved the Hayward Federal Stimulus Expenditure Plan, which included \$4.25 million for housing programs.<sup>2</sup> All funds awarded through ARPA must be obligated no later than December 31, 2024. Of the ARPA funded programs approved by City Council, staff have implemented the foreclosure prevention and emergency relocation assistance programs and have yet to implement the wealth building and tax-defaulted property acquisition programs. A summary of each of the remaining programs is provided below:

*Wealth building program.* Promote home ownership and wealth building by providing down payment assistance, home revitalization grants, other housing stabilization grants, commercial assistance grants or education assistance grants.

*Tax-defaulted property acquisition program.* Assist community members and/or mission driven organizations such as community land trusts or non-profit organizations acquire tax-defaulted or foreclosed properties.

On March 2, 2023, the City of Hayward Homelessness-Housing Task Force (HHTF) held a Work Session on a proposal for a new social impact bonds program and to reallocate \$3 million in remaining housing ARPA funding for down payment assistance for the social impact bonds program.<sup>3</sup> HHTF members expressed interest in the social impact bonds program but directed staff to return to City Council with an analysis of alternative funding uses, specifically an analysis on using the funds to assist community land trusts as initially proposed and providing more immediate support for renters who may be impacted by the upcoming termination of Alameda County's eviction moratorium.

However, because the Alameda County Board of Supervisors failed to extend their contract for legal assistance for tenants facing eviction, staff returned to City Council on March 28, 2023, with a recommendation to reallocate \$500,000 of remaining ARPA housing funds for a multi-agency legal assistance and anti-displacement program with Centro Legal de la Raza, Inc. (Centro Legal) which was approved by City Council.<sup>4</sup> This staff report discusses the potential alternate uses of the remaining ARPA housing funds as directed by the HHTF on March 2 and the proposed social impact bonds program.

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<sup>1</sup> April 27, 2021, City Council Meeting Agenda and Materials:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=4923169&GUID=F3B939CF-3D97-4F0A-A5AE-8F3A12255314>

<sup>2</sup> July 13, 2021, City Council Meeting Agenda and Materials:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5028015&GUID=E0215022-6A47-486F-81C4-9BFB2583AE10>

<sup>3</sup> March 2, 2023, Homelessness-Housing Task Force Meeting Agenda and Materials:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=6043172&GUID=829241C4-A440-48BA-BED7-CDDAE2CA39DC>

<sup>4</sup> March 28, 2023, City Council Meeting Agenda and Materials:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=6105689&GUID=1AA31089-FDF4-4CFB-9C3A-1C4A428C710C>

## DISCUSSION

The ARPA funds are intended to be used to help the community recover from the impact of COVID-19. Analysis shows that communities of color disproportionately experienced negative financial and physical impacts from the pandemic. The housing programs proposed to City Council were intended to provide support to the community in ways that were not already addressed by Alameda County programs, such as expanded legal services to prevent foreclosure and eviction and the Emergency Rental Assistance Program (ERAP), which provided rent and utility payments to tenants financially impacted by the virus. Through ERAP, the County provided approximately \$130 million in total assistance, with \$32.4 million going to Hayward residents. The City programs' focus was to help people retain or build wealth and to pilot a program to create housing opportunities from properties typically acquired by investors.

The originally recommended wealth building and tax-defaulted property acquisition programs were approved by City Council on July 13, 2021. The programs were meant to address gaps in Hayward's housing resources for homeownership and systemic inequities by providing wealth building opportunities and acquisition of tax-defaulted properties into housing opportunities for low- and moderate-income households. Council also adopted a foreclosure prevention program to support low-income homeowners with legal and financial assistance to prevent foreclosure and an emergency tenant relocation assistance program to support tenants displaced from their homes due to natural disasters, like fire. These two programs have been fully implemented.

On March 2, 2023, staff brought a proposed social impact bonds program and a recommendation to consolidate the remaining \$3 million in ARPA funding for the two remaining housing programs into one down payment assistance program that would complement the social impact bonds program and accomplish the same objectives (wealth building and acquisition of property) as the originally proposed programs for HHTF consideration. HHTF members expressed support for a social impact bonds program but directed staff to return to City Council with an analysis of alternative funding uses for the remaining ARPA funds. Since the March 2, 2023, HHTF meeting, City Council has approved reallocating \$500,000 of the remaining \$3 million ARPA funds for a legal assistance program for tenants.<sup>5</sup> Because the demand for legal assistance is unknown, staff recommend retaining an additional \$500,000 unencumbered to increase the legal services contract if necessary. Staff will return to Council with a recommendation for use of the remaining \$500,000 at a later date. For the purposes of this report, staff will focus on the potential uses for the remaining \$2 million ARPA funds. Staff recommends that the funds be reprogrammed for down payment assistance but are seeking feedback on the following housing program options as directed by the HHTF on March 2:

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<sup>5</sup> March 28, 2023, City Council Meeting Agenda and Materials:  
<https://hayward.legistar.com/LegislationDetail.aspx?ID=6105689&GUID=1AA31089-FDF4-4CFB-9C3A-1C4A428C710C>

1. Create tenant right to counsel legislation and funding for legal services to prevent eviction.
2. Provide additional rental assistance to support tenants and landlords with past due rent because of the pandemic.
3. Providing funding to Community Land Trusts (CLT) to acquire property (potentially distressed properties) to provide long-term ownership opportunities with limited appreciation.
4. Use social impact bonds to acquire and rehabilitate blighted and distressed properties without long-term affordability restrictions using ARPA funds for down payment assistance which can be recaptured for home purchasers.
5. Create a down payment assistance program to provide community members access to wealth building through homeownership that can be recaptured for future home purchasers.

### ***Tenant Right to Counsel***

Tenant right to counsel (RTC) programs are widely recognized as effective eviction diversion strategies. RTC guarantees free legal representation to qualifying renters (either all tenants or tenants who meet income eligibility criteria, depending on the program design) in eviction proceedings. Evictions have significant negative impacts on tenants, including limiting their options for future housing and increasing the likelihood of future homelessness. This can lead to substantial emotional, social, and financial instability, as families often have to leave their communities, schools, and jobs to find new housing. The risk of eviction is especially high for Black renters, with one recent study showing that average eviction rates are significantly higher for Black renters than for White renters. The eviction process is complex and moves very quickly. On average, 82% of landlords will have legal representation during an eviction proceeding, compared to only about 3% of tenants; therefore, legal services are one effective solution for preventing unnecessary evictions for tenants most at risk.<sup>6,7,8</sup> Evaluations of existing RTC programs suggest that improving access to legal representation increases tenants' ability to remain in their homes or successfully obtain new housing after an eviction filing.<sup>9</sup>

RTC programs require significant start-up time as well as ongoing funding sources to scale services to meet demand, even if the program restricts eligibility by income. Local legal services providers indicate that a good first step is funding legal services without a right to counsel requirement. This makes it easier to set-up tenant right to counsel programs for success in the long term because it allows partner providers to scale their operations, such as hiring enough staff and attorneys, before making the service a legal requirement. If the City chooses to enact

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<sup>6</sup> Peiffer, E. (2018). Why we need to stop evictions before they happen. *Housing Matters: An Urban Institute Initiative*. Retrieved March 15, 2023, from <https://housingmatters.urban.org/feature/why-we-need-stop-evictions-they-happen>

<sup>7</sup> Hepburn, P., Louis, R., & Desmond, M. (2020). Racial and gender disparities among evicted Americans. *Eviction Lab*. Retrieved March 15, 2023, from <https://evictionlab.org/demographics-of-eviction/>

<sup>8</sup> National League of Cities. *Using right to counsel as an eviction diversion strategy*. Retrieved March 14, 2023, from <https://www.nlc.org/article/2021/10/26/using-right-to-counsel-as-an-eviction-diversion-strategy/>

<sup>9</sup> Pollock, J. Using right to counsel as an eviction Diversion Strategy. *National League of Cities*, Retrieved March 6, 2023 from <https://www.nlc.org/article/2021/10/26/using-right-to-counsel-as-an-eviction-diversion-strategy/>

a tenant right to counsel program in the future, serious consideration will need to be given to how this type of program will be funded long term, as legislating a right to counsel program would require identifying and committing a sustainable funding source.

The City currently funds the following programs that provide resources and legal assistance to tenants:

1. **AC Housing Secure.** This program was established by the County in 2018 to provide legal assistance and eviction defense for tenants. The Alameda County Board of Supervisor's failed to pass additional funding for this program two months before the end of the eviction moratorium on April 29, 2023, so on March 28, 2023, Council adopted Resolution 23-071 to reallocate \$500,000 of the \$3 million unspent ARPA funds designated for housing programs to support Hayward tenants through the AC Housing Secure program. Centro Legal de la Raza administers the umbrella contract for this multi-agency legal assistance program for tenants.
2. **Centro Legal de la Raza Community Development Block Grant (CDBG) legal services program.** Each year, Council approves Community Services Commission recommendations for allocation of the City's CDBG entitlement award. For the current fiscal year, Council approved a \$93,998 award to Centro Legal to provide consultation and eviction defense. As of this report writing, they have expended 65% of this contract.
3. **Eden Council for Hope and Opportunity (ECHO) Fair Housing Services and Landlord/Tenant Counseling.** For FY 2023, Council authorized a \$25,000 CDBG agreement with ECHO to provide fair housing services, including prevention and response to housing discrimination. Council also authorized a \$15,000 General Fund social services agreement with ECHO to provide landlord/tenant counseling, which includes education, mediation, and negotiation of rent repayment plans, depending on the situation.

To create a successful RTC program, City Council would have to both adopt right to counsel legislation and identify ongoing funding for the program. One-time ARPA funds are insufficient to continually fund the services needed to implement RTC legislation. Staff estimates that the current funding level for legal services is insufficient to support a RTC program in Hayward based on pre-pandemic eviction defense costs paid for by Alameda County and estimates of eviction volume following the end of the eviction moratorium.<sup>10</sup> For comparison, the City and County of San Francisco RTC program has over \$16 million in funding. Staff recommends that the City continue to study the demand for legal services and local resources to provide legal assistance before committing to legislation that may require substantial ongoing resources to implement and enforce.

### ***Rental Assistance***

The City of Hayward allocated over \$2 million in federal CARES Act COVID-19 funding for one-time rental assistance payments to eligible households experiencing early financial impacts of

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<sup>10</sup> For more information on estimated eviction volume, see March 28, 2023, City Council Meeting Agenda and Materials: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6105689&GUID=1AA31089-FDF4-4CFB-9C3A-1C4A428C710C>

the pandemic. The program was in place from May 2020 through early 2021 and it served 670 households. Council did not authorize further funding for this program from ARPA, as an additional \$32.4 million in funding for the Emergency Rental Assistance Program (ERAP) became available through the County. The County is also considering implementing a foreclosure prevention program for landlords whose tenants are eligible for ERAP but still have unpaid rent.

Staff does not recommend implementing additional rental assistance for several reasons. First, federal requirements prevent households from receiving multiple assistance payments for the same period and it is difficult to mitigate the risks of duplication of benefit. Staff could request data from the ERAP provider but would need to determine if the prior ERAP provider has the capacity to administer a new program, including verifying eligibility for each applicant. Relatedly, there continue to be pending applications for ERAP funds and staff do not have a way to determine who has a pending application. Additionally, it is difficult to estimate the scale of the need for further rent relief, especially given the unknown quantity of pending applications. It is unclear what amount of rent relief would be impactful. Lastly, given the amount of funding provided by state and federal governments to provide rental assistance, staff recommends that recovery from the pandemic include programs that will help create generational wealth for low-income communities that were disproportionately impacted by the pandemic.

### ***Using Tax Defaulted Properties for Community Land Trusts***

Staff's initial proposal for the use of ARPA funds included a tax-defaulted property acquisition program. The original concept was to provide gap financing to owner-occupant buyers, non-profits or CLTs to acquire tax-defaulted properties. When initially proposed, staff anticipated that there would be an increase in tax-defaulted properties that could be converted into ownership opportunities under the CLT model. There are only a few tax-defaulted, single-family homes each year, which, based on public records, appear to be owner-occupied. To pursue these opportunities, staff would need the support of an experienced organization to identify properties that are not owner occupied and clear title if necessary. The proposed social impact bonds program discussed later in this report would be administered by a non-profit experienced in the acquisition of distressed properties but the social impact bonds model is to create generational wealth so properties acquired through this program would not be available to CLTs as the focus will be on owner-occupant buyers.

A CLT is an independent non-profit organization that preserves long-term affordable housing through land acquisition or through the acquisition of existing properties. A purchaser of a CLT unit only owns the home (improvements) and enters into a ground lease with the CLT for the use of the land. The ground lease contains certain restrictions on the use of the home and provides a resale formula that limits the amount that a home can be resold to subsequent homebuyers. Similarly, a CLT can also create affordable rental housing or lease land to affordable rental housing developers. Rents are restricted through a ground lease, ensuring long-term affordability of the units. By removing land from the market and holding it in perpetuity, a CLT can restrict purchase prices or rents on CLT owned land. In this way CLTs can buffer housing and other land uses from the volatility of the housing market.



Although CLTs can be a way to preserve affordable housing, CLTs require significant financial support from municipalities. To acquire property and sell or rent to lower income households, a CLT would require land contributions or financial assistance from the City to make the development of land or property acquisition feasible. Acquired properties may require additional financial investment to cure maintenance failures or code violations to bring the property up to habitable condition. However, acquisition is only the first step and even after a successful acquisition, CLTs face major ongoing funding challenges to grow the properties in a CLTs' portfolio as well as to support ongoing stewardship functions. These costs include building maintenance, overseeing home sales, screening potential buyers, linking buyers with lenders, and collecting lease fees, among others. Typically, the revenue that a CLT generates by charging small monthly ground lease fees, resale fees, or rents are not enough to support operations so CLTs tend to be dependent on external funding sources like grant sources from local governments and private donors. ARPA funds are one-time use funds and the City is not expected to receive any additional funding once these funds have been expended. Although the City could provide gap financing to a CLT to acquire a property, that does not address the ongoing financial needs of a CLT which the City does not have the resources to support at this time. Lastly, prior to committing funds to this type of project, the City would have to verify that the CLT has the resources to complete the acquisition and rehabilitation if necessary.

Similar to the goals of a CLT, the City already provides affordable ownership and affordable rental units that are restricted as affordable in-perpetuity through the City's Affordable Housing Program. The City gains these units when developers provide units to comply with the City's Affordable Housing Ordinance or when the City subsidizes the development of 100% affordable projects from collected in-lieu fees. Since the City already has a program that accomplishes the same goals as a CLT, staff recommends using the ARPA funds for other uses like down payment assistance to create ownership opportunities that provide wealth building in addition to long-term housing stability. Although staff is not recommending financing for CLTs at this time, it can provide an important housing resource if adequately funded. The City periodically issues an affordable housing NOFA to fund projects through the Inclusionary Housing Trust Fund and staff recommends that CLTs submit projects for funding consideration when the NOFA becomes available. Through this process, the City can compare proposed projects and evaluate the best use of limited resources.

### ***Social Impact Bonds***

In May 2022, representatives from the Richmond Community Foundation (RCF Connects) and Neighborhood Housing Services of the East Bay (East Bay NHS), both non-profit community development organizations, reached out to staff to discuss the use of social impact bonds to create affordable ownership housing from distressed properties (the "SIB Program").

On March 2, 2023, HHTF held a work session on a proposal for the SIB Program and a recommendation to reallocate remaining housing ARPA funding for down payment assistance that could be used with a social impact bonds program. Down payment assistance used in combination with a program like the SIB Program can achieve deeper income targeting to help lower income households successfully purchase a home. The premise of the SIB Program is that distressed properties can be acquired at favorable below market prices. The resale prices even after the additional expense to rehabilitate those properties are

still expected to be lower than market reducing the affordability gap to purchase the home and making them more affordable to lower-income households, especially when combined with price stabilizing programs like down payment assistance.

#### *Conversion of Distressed Properties to Affordable Housing Resources*

The social impact bonds program presented by RCF Connects is a strategy to create affordable housing opportunities from underutilized properties and has already been successfully implemented in the City of Richmond. The City would issue municipal bonds or partner with a Joint Powers Agency (JPA) to issue municipal bonds (social impact bonds) to provide the initial funding for the program and loan the bond proceeds to RCF Connects. RCF Connects would use the bond proceeds to acquire target properties from lenders (banks or mortgage pool trustees), or through tax sales or other means and rehabilitate the properties to bring them up to habitable and marketable standards. Since the target properties are likely in poor condition or being sold due to tax delinquency, the assumption is that these properties could be acquired at very favorable, below market prices. These properties would then be resold to eligible owner-occupants at an affordable price. Principal and interest on the social impact bonds would be paid solely from the proceeds generated from the program with no liability for repayment on the City's part. RCF Connects would work with local non-profits like East Bay NHS and the City to find eligible owner-occupant buyers for the properties acquired with bond proceeds.

#### *Wealth Building*

This program promotes wealth building in multiple ways.

1. **Equitable Development Initiative.** Developers who identify as racial or ethnic minorities are severely underrepresented in a market dominated by large global and national firms. These developers have historically faced significant barriers to entering the real estate industry due to the lack of access to capital, equity, and experience. The proposed program would include an equitable development initiative to help increase the development capacity of local developers of color. RCF Connects would engage local developers or contractors of color by providing the opportunity to provide rehabilitation services for properties acquired through the program helping them to gain experience and grow their business.
2. **Wealth Building through Home Equity.** The ownership model proposed by RCF Connects and NHS, would utilize the social impact bond strategy to sell acquired properties at cost with reasonable return for investors to enable sale at affordable prices without resale restrictions to buyers that intend to owner-occupy the home. Purchasers would have the benefit of market appreciation.
3. **Limited Wealth Building with Housing Stability.** The proposed down payment assistance program funded by ARPA discussed in more detail in the next section, could be paired with the SIB Program to help low-income buyers achieve the goal of homeownership by providing gap financing to make the purchase feasible. There would be recapture requirements but combining the two programs would stabilize housing costs for buyers making the transition from rental to ownership and start low-income buyers on the pathway to building generational wealth.

Staff recommends pursuing this program because it accomplishes the goals of the previously proposed programs and reduces the administrative burden of standing up two new programs. However, economic headwinds since that meeting, specifically the collapse of Silicon Valley Bank (SVB) on March 10, 2023, may make finding an investor for this program more challenging. If determined that the program is not feasible at this time, staff recommends using \$2 million in ARPA funds for a stand-alone down payment assistance program.

***Down Payment Assistance***

The City does not currently have a down payment assistance program. Funds invested in down payment assistance can be recaptured through loan repayments and can be used to assist a new homebuyer, creating a self-sustaining revolving loan fund. Many households struggle to save enough for a down payment on a home. The Bay Area’s high cost of living, tight housing market, and the disparate economic impacts of the pandemic on communities of color exacerbates the struggle, driving up prices on single-family homes and putting them even more out of reach for low- to moderate-income families. For many households, particularly lower-income families and people of color who have been historically excluded from the housing market, down payment assistance programs help to make homebuying more affordable and can reduce the racial wealth divide.

If approved by Council, the proposed program would be available to low-income households. Based on ARPA guidelines, the City would need to impose recapture requirements on these funds. Staff recommends a shared-equity model where the homebuyer receives the down payment in exchange for sharing a small portion of any appreciation of the home, in addition to repaying the original down payment loan. The shared appreciation model helps extend purchase capacity and provides the most stability in changing housing markets.

The amount of assistance provided depends on the target population the City intends to serve. Serving lower-income households as required by ARPA funding requirements will require higher assistance to make the purchase transaction feasible. Based on preliminary analysis, staff recommends providing an assistance amount between \$200,000 - \$300,000. The amount of assistance a purchaser will need will vary, but if this program is funded with \$2 million, the City can likely assist up to 10 households. According to Bay East Association of Realtor’s March 2023 report, the median sales price for a market rate condominium and detached single-family home in Hayward are \$642,000<sup>11</sup> and \$880,000<sup>12</sup> respectively. Even with \$300,000 assistance, there is still a gap for 80% AMI households to purchase a home at the lower median home price. *Table 1* provides the incomes for households at low-income levels.

*Table 1. 2022 California Department of Housing and Community Development Income Limits*

Household Size	1	2	3	4	5
Low Income	76,750	87,700	98,650	109,600	118,400

<sup>11</sup> BAYEAST Association of Realtors Market Activity Summary Hayward – Attached Single-Family Home: [https://bayeast.org/wp-content/uploads/hayward\\_attached.pdf](https://bayeast.org/wp-content/uploads/hayward_attached.pdf)

<sup>12</sup> BAYEAST Association of Realtors Market Activity Summary Hayward – Detached Single-Family Home: [https://bayeast.org/wp-content/uploads/hayward\\_detached.pdf](https://bayeast.org/wp-content/uploads/hayward_detached.pdf)

Acquired properties in the SIB Program are expected to be sold at favorable, below market rate prices so if used with this program, the amount of down payment assistance needed by low-income purchasers to bridge the affordability gap would be lower. Even if the SIB Program is not implemented, funding a down payment assistance program would still be beneficial to promote homeownership and address gaps in City resources. Additionally, the City's down payment assistance could possibly be layered with other financial assistance programs like CalHFA and AC Boost. Staff will continue to evaluate program parameters as more information becomes available.

### ***Conclusion***

Staff recommends that the City participate in a social impact bonds program and that it reallocates \$2 million in ARPA funds for down payment assistance to be used in conjunction with the social impact bond program or as a stand-alone program since \$2 million in City funding and another \$32.4 million in County ERAP funding has already been provided to assist tenants and landlords with rental assistance. Additionally, staff does not recommend implementing a right to counsel program without adequate funding and legal services providers to sustain the program and is no longer recommending the acquisition of tax-defaulted properties program due to limited inventory.

Using the ARPA funds to provide downpayment assistance creates a pool of funds that can be used by subsequent purchasers as loans get repaid. If the ARPA funds are used for downpayment assistance with the social impact bonds program, it will create wealth building opportunities for community members and rehabilitate distressed properties consistent with the intent of the originally proposed wealth building and tax-defaulted property acquisition programs. Staff is seeking Council feedback on the programs discussed in this report.

### **ECONOMIC IMPACT**

There is no immediate economic impact with the consideration of this report.

### **FISCAL IMPACT**

This item has no impact on the City's General Fund.

A social impact bonds program would be funded through proceeds from the sale of municipal bonds. Implementing a social impact bonds program to reduce the vacant and blighted property inventory in the City could mean positive fiscal impacts for the City because of increased tax revenue and reduced costs for code enforcement and law enforcement efforts to mitigate distressed properties.

Other programs discussed in this report would be funded by the reallocation of a portion of previously appropriated and unspent ARPA funds designated for housing programs.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of Preserve, Protect & Produce Housing. The purpose of the Preserve, Protect & Produce Housing Initiative is to house and support people experiencing homelessness, incentivize housing production for all and protect the affordability of existing housing. This item supports the following goals and objectives:

Goal 1: Incentivize housing production for all

Objective H4d: Explore program to convert tax-defaulted properties to affordable housing.

Goal 2: Protect the affordability of existing housing

Objective H11g: Wealth Building/Universal Income Program

Depending on Council feedback, the Strategic Roadmap may need to be modified.

## **PUBLIC CONTACT**

Staff received a public comment in support of a social impact bonds program at the March 2, 2023 Homelessness-Housing Task Force meeting.

## **NEXT STEPS**

Based on Council feedback, staff will further develop the programs supported by City Council and bring the item to City Council for consideration.

*Prepared by:* Doris Tang, Management Analyst  
Amy Cole-Bloom, Management Analyst

*Recommended by:* Christina Morales, Housing Manager  
Dustin Claussen, Assistant City Manager

Approved by:



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Kelly McAdoo, City Manager



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**File #:** PH 23-020

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**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Airport Rental Rate Adjustment: Adopt a Resolution Amending the FY24 Master Fee Schedule and Adjusting Hayward Executive Airport Hangar Rental Rates

**RECOMMENDATION**

That the Council adopts a resolution (Attachment II) authorizing an amendment to the FY24 Master Fee Schedule, which would increase monthly Airport hangar rental rates by 8.5%; and implements changes to the Master Fee Schedule for FY24, which would increase monthly rents associated with storage rooms, office spaces, and tiedown spaces by 8.5%.

**SUMMARY**

The Airport operates as an enterprise fund and relies solely upon the revenue it generates to fund its operating and capital improvement budgets. Accordingly, the Airport does not receive any financial support from the City's General Fund.

Airport staff regularly monitor the operating budget to reduce costs and adjust revenue so that the Airport can remain in good financial health. For example, commercial rents were increased in January of 2023 by the maximum-allowed amount of 7%. Staff has also been successful in applying for and receiving monetary grants from the Federal Aviation Administration (FAA) and California Department of Transportation (Caltrans) to fund capital projects, totaling approximately \$3 million over the past ten years. The objective, in conformance with Council directives and FAA standards, is to become and remain financially self-sufficient.

During 2017, a rental rate study was conducted by an independent consultant that determined rental rates were 51% below the market rate. Due to the findings from the study, staff recommended an annual increase of 10% per year over five years. However, after extensive discussions with tenants, an agreement was reached that considered annual increases of 2.5% to 5% per year during the next four fiscal years. On January 15, 2019, Council approved a series of annual rental increases for hangar tenants that reflected the revised percentages. Standard-sized hangars increased by 5% annually, and other types of hangars were increased by 2.5%. These increases were implemented over four fiscal years (from FY19

through FY22). Going forward, staff used objective criteria, past practice, a needs analysis, and current policies to establish new rental rates for FY23:

- Current hangar rental rates at nearby general aviation airports
- The cost of future capital projects to improve infrastructure and enhance safety
- Current and historical Consumer Price Index (CPI) rates for the San Francisco Bay Area (all consumers)

According to the latest data from October, the annual CPI increase for FY23 was 6.0% and 5.3% for FY24 (measured from February 2022 to February 2023). The CPI data was discussed with tenants during two meetings held in February and March. In order to lessen the financial impact to tenants, staff proposes a one-time increase of 8.5% effective July 1, 2023, that takes into consideration 75% of the CPI for FY23 (4.5%) and 75% of the CPI for FY24 (4%). The 4.5% increase for FY23 will not be collected.

In addition to hangar rent increases, Airport staff is also recommending adjustments to the FY24 Master Fee Schedule by 8.5% for hangar storage rooms, office spaces, and tie down spaces.

#### Discussion with Council Airport Committee and Members of the Hangar Tenant Community

This item was considered at the Council Airport Committee (CAC) meeting of January 26, 2023. While CAC members were generally supportive of the rate adjustments, they requested that Airport staff meet with the tenants to discuss the proposed increases.

On February 22, 2023, Airport staff held an online meeting with tenants to present the proposed rent increases and address questions and concerns. A follow-up meeting was held on March 21 to further discuss the rate increase. Tenants proposed a series of rent increases over the next five years that would vary between 2.3% and 3.0% per year and were tied to the future CPI forecast issued by the White House. However, this proposal is not in conformance with current policies related to CPI increases, which utilize year-over-year actual CPI changes for the San Francisco Bay Area to determine the adjustment.

#### **ATTACHMENTS**

- Attachment I Staff Report
- Attachment II Resolution
- Attachment III Airport FY23 Budget Forecast
- Attachment IV Tenant Q&A, March 21, 2023



**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Airport Rental Rate Adjustment: Adopt a Resolution Amending the FY24 Master Fee Schedule and Adjusting Hayward Executive Airport Hangar Rental Rates

### **RECOMMENDATION**

That the Council adopts a resolution (Attachment II) authorizing an amendment to the FY24 Master Fee Schedule, which would increase monthly Airport hangar rental rates by 8.5%; and implements changes to the Master Fee Schedule for FY24, which would increase monthly rents associated with storage rooms, office spaces, and tiedown spaces by 8.5%.

### **SUMMARY**

The Airport operates as an enterprise fund and relies solely upon the revenue it generates to fund its operating and capital improvement budgets. Accordingly, the Airport does not receive any financial support from the City's General Fund.

Airport staff regularly monitor the operating budget to reduce costs and adjust revenue so that the Airport can remain in good financial health. For example, commercial rents were increased in January of 2023 by the maximum-allowed amount of 7%. Staff has also been successful in applying for and receiving monetary grants from the Federal Aviation Administration (FAA) and California Department of Transportation (Caltrans) to fund capital projects, totaling approximately \$3 million over the past ten years. The objective, in conformance with Council directives and FAA standards, is to become and remain financially self-sufficient.

During 2017, a rental rate study was conducted by an independent consultant that determined rental rates were 51% below the market rate. Due to the findings from the study, staff recommended an annual increase of 10% per year over five years. However, after extensive discussions with tenants, an agreement was reached that considered annual increases of 2.5% to 5% per year during the next four fiscal years. On January 15, 2019<sup>1</sup>, Council approved a series of annual rental increases for hangar tenants that reflected the revised percentages. Standard-sized hangars increased by 5% annually, and other types of hangars were increased by 2.5%. These increases were implemented over four fiscal years

<sup>1</sup> [CITY OF HAYWARD - File #: PH 19-004 \(legistar.com\)](#)



(from FY19 through FY22). Going forward, staff used objective criteria, past practice, a needs analysis, and current policies to establish new rental rates for FY23:

- Current hangar rental rates at nearby general aviation airports
- The cost of future capital projects to improve infrastructure and enhance safety
- Current and historical Consumer Price Index (CPI) rates for the San Francisco Bay Area (all consumers)

According to the latest data from October, the annual CPI increase for FY23 was 6.0% and 5.3% for FY24 (measured from February 2022 to February 2023). The CPI data was discussed with tenants during two meetings held in February and March. In order to lessen the financial impact to tenants, staff proposes a one-time increase of 8.5% effective July 1, 2023, that takes into consideration 75% of the CPI for FY23 (4.5%) and 75% of the CPI for FY24 (4%). The 4.5% increase for FY23 will not be collected.

In addition to hangar rent increases, Airport staff is also recommending adjustments to the FY24 Master Fee Schedule by 8.5% for hangar storage rooms, office spaces, and tie down spaces.

#### Discussion with Council Airport Committee and Members of the Hangar Tenant Community

This item was considered at the Council Airport Committee (CAC) meeting of January 26, 2023. While CAC members were generally supportive of the rate adjustments, they requested that Airport staff meet with the tenants to discuss the proposed increases.

On February 22, 2023, Airport staff held an online meeting with tenants to present the proposed rent increases and address questions and concerns. A follow-up meeting was held on March 21 to further discuss the rate increase. Tenants proposed a series of rent increases over the next five years that would vary between 2.3% and 3.0% per year and were tied to the future CPI forecast issued by the White House. However, this proposal is not in conformance with current policies related to CPI increases, which utilize year-over-year actual CPI changes for the San Francisco Bay Area to determine the adjustment

## **BACKGROUND**

### Hangar Rent Increases

The Airport operates as an enterprise fund and relies solely upon the revenue it generates to fund its operating and capital improvement budgets. It does not receive financial support from the City's General Fund. Both the Council and the CAC have expressed a desire to make the Airport as financially self-sufficient as possible. The FAA has a similar policy objective for airports. A key element of self-sufficiency is to reduce costs and increase revenue whenever possible. On the cost side, for example, staff recently replaced a software package with a new one that provides more capabilities at a lower monthly cost, saving approximately \$25,000 over the life of the contract.

Staff also work to increase revenue by actively working to lease vacant parcels of land for commercial development, renegotiating existing commercial leases, as well as instituting rental increases for individual and commercial tenants.

A standing City policy for adjusting hangar rates was recommended by the CAC and later adopted by Council. At its meeting on May 25, 1999, a methodology was recommended to and approved by Council to increase rates every other year, on odd numbered years, by 75% of the CPI during the same period. In addition, staff were directed to conduct a market analysis every four years to ensure that hangar rents are consistent with prevailing market rates.

Because of adverse economic conditions and staff oversight, there were occasional deviations from this policy. For example, the last market rate study prior to 2017 was conducted in 2007. This benefited tenants, but it also contributed to widening of the gap between the hangar rents charged at Hayward in comparison with those at other airports in the long run. As a result, rental rates at Hayward did not keep pace, and that in turn created some budget challenges.

In March 2017, a market rate study was completed by an independent firm to determine whether the rents charged for hangar space at Hayward Executive Airport were commensurate with those at other similar airports. The firm identified comparable local airports and airports in other cities across the country. The results indicated that Hayward's rental rates for standard sized hangars were 51% below the market rate, while most other hangar sizes were below the market rate by up to 26%.

The FAA reviewed and supported this approach in a letter dated September 27, 2018.

To arrive at rental rates that would meet the Airport's financial needs and be acceptable to the hangar tenant community, City staff met four separate times with tenants to receive feedback. The net result was realized on January 15, 2019, when Council approved an annual standard sized hangar rent increases of 5% (and all other hangars by 2.5%) from fiscal year 2019 through fiscal year 2022. It should also be noted that Council took action at that meeting to rescind the rent increase policy adopted on May 25, 1999 suspending the use of CPI and rent studies as a basis for rent calculation through the end of FY 2022. However, no recommendation was provided to Council on how to adjust rates after FY 2022. Therefore, staff reviewed prior policies to eventually arrive at an equitable solution for FY 2023 and FY 2024 rent increases that utilized the prior practice of adjusting rates by 75% of CPI.

### Master Fee Schedule Updates

In addition to hangars, the Airport rents office space, storage rooms, and outdoor aircraft tie down space. Storage room rental rates were increased in FY 2019, the rates for offices and tiedown spaces now require adjustment to remain competitive.

## **DISCUSSION**

### Hangar Rent Increases

As noted earlier, Council approved a four-year series of hangar rent increases in 2019. That series of increases concluded on June 30, 2022. A decision was made to delay future rent increases for the first portion of FY 2023 until Airport staff could review the actual

revenues and expenditures for FY 2022. It was determined that to keep pace with inflation and meet the need for future capital improvements, such as paving and hangar repairs, rental increases are indicated through FY 2024. It should be noted that hangar occupancy rates have remained steady after implementing the prior rent increases and through the COVID-19 pandemic.

### *Justification*

It is important to clarify the reasons for the proposed rental increases and the methodology used for the adjustment. The Airport operates as a financially independent enterprise fund. Through the administration of fees and charges, the Airport finances all its operations including transfers to fund a Capital Improvement Program (CIP). The Airport does not receive revenue from the City's General Fund. The costs incurred to operate the airfield are noted under "expenditures" in the Airport's FY 2023 budget forecast (please refer to Attachment III).

Recent history shows that revenues are not keeping pace with the costs to maintain and manage the Airport. Personnel costs continue to increase due to a rise in retirement and medical costs. In addition, the Airport's yearly contribution to fund its capital improvements continues to increase as construction contracts and associated material (such as asphalt) become more expensive. For FY 2023, the Airport is expected to experience a shortfall of approximately \$1.1 million. Balanced budgets are not forecast until FY 2027, but this result is based on revenues from land leases that are currently under negotiation or capital projects that are under review by Council. Future development by commercial tenants will not be assured until negotiations are finalized, bank financing is secured, building permits are issued, and the projects are constructed.

In response, Airport staff has taken steps to reduce costs and improve revenue, such as signing long-term leases for vacant parcels, increasing commercial aeronautical rents by regularly scheduled CPI adjustments as outlined in their lease agreements, actively marketing vacant parcels, and aggressively pursuing federal and state grant opportunities to offset the use of airport funds for capital projects, among other initiatives.

In addition, Airport staff has undertaken several cost cutting measures:

- LED lighting in hangars, which, after the initial investment, reduces electrical consumption and cost.
- Use of infrastructure funding for pavement repairs
- Replacement of the transformer in each runway edge light
- Reducing the number of vehicle gates and associated maintenance
- Use of infrastructure funding for replacement of obsolete equipment, such as the fire alarm system.
- New inspection software, which standardizes inspections

### *Methodology*

Staff reviewed strategies employed in the past to make a recommendation for rental increases. Since an independent rental study was completed less than five years ago, consideration was focused on employing an increase tied to the Consumer Price Index (CPI).

The initial proposal presented to the tenants in February was to increase both FY 2023 and FY 2024 rents by 100% of CPI and to implement the FY 2023 increase on April 1 for the remaining three months of the fiscal year (June 30). However, after two meetings with the tenants, and in response to their feedback, this initial proposal was modified.

The revised proposal recommends that hangar rents be increased by 75% of CPI for both FY 2023 and FY 2024, with a one-time increase for FY 2024 to occur on July 1, 2023. This compromise allows rents to keep relatively close to the pace of inflation, while easing the impact of the rent increase on tenants and not subsidizing one group of airport users with another. In early FY 2024, staff will review the Airport's financial standing to determine what future CPI-related increases are needed, or some other form of rent adjustment would be preferable and present the findings to the CAC and Council. The concept of annual rent increases tied to CPI is used by many of the general aviation airports in the Bay Area, including Reid-Hillview, San Martin, Livermore, Palo Alto, and Buchanan Field.

Additional revenue benefits airport tenants through the completion of capital improvements that enhance safety and efficiency, such as outlined above.

For FY 2024, staff is recommending that the new rates be implemented by July 1, 2023. This time frame includes Council consideration of the item and, if approved, compliance with the following policies:

- Per Administrative Rule 1.21, at least sixty days must pass prior to enacting any revisions to the existing Master Fee Schedule
- Staff is required to notify tenants at least thirty days in advance of the rate change

The CPI for the Bay Area (all urban consumers/all goods) rose by 6% between October 2021 and October 2022, while the CPI to be utilized for FY 2024 rose by 5.3% between February 2022 and February 2023. 75% of the CPI FY 2023 amounts to 4.5% and the FY 2024 increase was 4%. This increase between both fiscal years of 8.5% will be applied to all monthly hangar rental rates at the airport for FY 2024.

In order to moderate this increase to hangar rental rates for FY 2023 and FY 2024 and to lessen the financial impact to tenants, this one-time adjustment will be implemented in July 2024 and not applied retroactively to July 1, 2022. Therefore, tenants were not subject to an increase for FY 2023 and were paying the same rate for two years in a row (FY 2022 and FY23). In addition, tenants will not be subject to the full amount of the CPI in either FY 2023 or FY 2024, which results in an annual savings of \$168 from the original proposal of 100% CPI for a standard hangar.

A summary of the rate changes per hangar type is highlighted below and are rounded to the nearest dollar:

Hangar Type	Current Rent/Month	FY 2024 Rent (Effective 7/1/23)	Increase/Month
Small	\$294	\$319	\$25
Standard	\$455	\$494	\$39
Large	\$566	\$614	\$48
Small Executive	\$982	\$1,065	\$83
Standard Executive	\$1,359	\$1,475	\$116
Large Executive	\$1,483	\$1,609	\$126

Updates to Master Fee Schedule

Each year, Airport staff evaluates other various fees associated with the Master Fee Schedule to ensure they are fair and reasonable in light of existing economic conditions and financial needs of the airport. The last update occurred in FY 2021 and focused on increases to staff costs to perform certain functions, such as ramp sweeping services and hangar cleaning performed by Maintenance staff after tenants vacate.

For FY 2024, staff is recommending changes to several rates by the same increase of 8.5% (rounded to the nearest dollar) that is proposed for the hangars:

- **Hangar storage rooms**

Storage Room Type	Current Rent/Month	FY 2024 Rent (Effective 7/1/23)	Increase/Month
Small	\$73	\$79	\$6
Medium	\$101	\$110	\$9
Large	\$196	\$213	\$17
Extra Large	\$250	\$271	\$21

- **Office spaces**

Current Rent/Month	FY 2024 Rent (Effective 7/1/23)	Increase/Month
\$650	\$705	\$55

- **Tie down spaces**

Current Rent/Month	FY 2024 Rent (Effective 7/1/23)	Increase/Month
\$60	\$65	\$5

**ECONOMIC IMPACT**

For FY 2024, a standard hangar tenant would pay an additional \$39 per month, or \$468 annually with the proposed 8.5% adjustment.

## **FISCAL IMPACT**

The rent increase is expected to generate approximately \$151,000 in additional revenue in the Airport Fund for FY 2024.

## **STRATEGIC ROAPMAP**

The additional rent generated from the increase will support the Strategic Roadmap to Invest in Infrastructure. Specifically, this item will support the following project:

Invest in City Facilities & Property

N12: Upgrade and maintain Airport infrastructure and facilities

N12a: Rehabilitate the Pavement in Phases

N12b: Design and Construct Capital Improvements to Airport Hangars

## **SUSTAINABILITY FEATURES**

This report does not pertain to any sustainability features.

## **PUBLIC CONTACT**

This item was considered at the CAC meeting on January 26, 2023. While CAC members were supportive, they requested that Airport staff meet with the tenants to discuss the proposed increases.

### Discussion with Members of the Hangar Tenant Community

On February 22, 2023, Airport staff conducted an online meeting with tenants (feedback collected was presented to the public at the CAC and in the staff report) to present and explain staff's initial approach to rate adjustments. Thirteen members of the larger tenant group attended the meeting and voiced concerns over using the full CPI to adjust rents. Staff noted that all of the tenant increases since FY 2019 have been reinvested back into the Airport through hangar, lighting, and pavement improvement projects.

On March 21, 2023, staff conducted a follow-up meeting attended by seventeen tenants to present the revised framework for the rent increase, which included utilizing 75% of the Bay Area CPI (all consumers) for both FY 2023 and FY 2024 to arrive at a one-time increase of 8.5% effective July 1, 2023. The tenants were appreciative of the effort staff made to lessen the rate but were still concerned about the size of the increase. The group proposed an alternative rate structure (Table 1 below) that established a series of set increases for the next five years that closely mirrored the future CPI forecast, which is a composite of various predictions and forecasts (see also Attachment IV).

**Table 1. Tenant Proposal**

<b>Hangar Type</b>	<b>Current Rent/Month</b>	<b>FY 2024 Rent (2.46% Increase)</b>	<b>FY 2025 Rent (2.46% Increase)</b>	<b>FY 2026 Rent (2.46% Increase)</b>	<b>FY 2027 Rent (2.46% Increase)</b>	<b>FY 2028 Rent (2.46% Increase)</b>
Small	\$294	\$301	\$309	\$316	\$324	\$331
Standard	\$455	\$466	\$478	\$489	\$501	\$514
Large	\$566	\$580	\$594	\$609	\$624	\$639
Small Executive	\$982	\$1,006	\$1,031	\$1,056	\$1,082	\$1,109
Standard Executive	\$1,359	\$1,392	\$1,427	\$1,472	\$1,498	\$1,535
Large Executive	\$1,483	\$1,519	\$1,557	\$1,595	\$1,634	\$1,675

The rationale behind this approach was to equate their increases with the rate schedule paid by commercial leaseholders, which allows for actual annual CPIs but capped at a maximum 7% increase every five years. The total increase to the monthly rent from FY 2024 to FY 2028 would be 12.3%, or 2.46% per year. While staff was appreciative of the proposal, they mentioned this would not be feasible as it runs counter to long-standing policy, which utilizes existing CPI data to determine future rent increases. Furthermore, as has occurred during the past year, the CPI can increase in short order, thereby rendering any forecasts invalid for rate setting purposes. In addition, commercial leaseholders are subject to a market rate study every ten years (with the next appraisal scheduled for 2028), which may increase rents by more than the CPI over the same timeframe. Finally, commercial tenants pay for their own utilities and maintenance, while those costs are included as part of the tenants' monthly rent.

A summary of comments from the March 21 meeting and responses from staff to those comments is included in Attachment IV.

A public hearing notice was published in the *Daily Review* on April 14, 2023. In addition, the agenda and staff report for this item have been posted on the City's website and distributed to interested parties.

### **NEXT STEPS**

If approved by Council, the new hangar rates will be effective on July 1, 2023, which exceeds the sixty-day window required under the City's Administrative Rule 1.21 for Master Fee Schedule changes. Pursuant to the adoption of the resolution revising the City's Master Fee Schedule, staff will distribute notices to all Hayward tenants with the heretofore mentioned effective date of July 1, 2023.

*Prepared by:* Doug McNeeley, Airport Manager

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

Approved by:

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

---

Kelly McAdoo, City Manager



HAYWARD CITY COUNCIL

RESOLUTION NO. 23-\_\_\_

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

RESOLUTION AMENDING THE MASTER FEE SCHEDULE AND  
APPROVING AIRPORT RATES AND CHARGES

WHEREAS, Section 15273 of the California Environmental Quality Act Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares and other charges by public agencies which the public agency finds are for the purpose of:

1. Meeting operating expenses, including employee wage rates and fringe benefits,
2. Purchasing or leasing supplies, equipment or materials,
3. Meeting financial reserve needs and requirements, or
4. Obtaining funds for capital projects necessary to maintain service within existing service areas.

WHEREAS, the City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions; and

WHEREAS, a study conducted in 2017 indicated that rental rates for Airport-owned standard-sized hangars were below market rate by up to 51%; and

WHEREAS, the same study conducted in 2017 indicated that rental rates for Airport - owned hangars other than standard sized were below market rate by between 10% and 26%; and

WHEREAS, on January 15, 2019 the City Council approved a series of 2.5% to 5% annual rate increases for FY 2019 through FY 2022; and

WHEREAS, considerations of future rent increases in order to keep pace with inflation commenced in early to mid-FY 2023; and

WHEREAS, City staff focused on employing increases tied to the Consumer Price Index (CPI), which is utilized by other general aviation airports throughout the Bay Area; and

WHEREAS, the change in CPI between October 2021 and October 2022 was 6%; and

WHEREAS, the change in CPI between February 2022 and February 2023 was 5.3%; and

WHEREAS, City staff met with airport tenants in February and March 2023 to arrive at an equitable and fair resolution to address the rent increase; and

WHEREAS, the City developed a rate structure that lessens the impact of the increases on the tenants, while allowing for the Airport to meet its rents-funded annual operating expenses, including needed capital improvements; and

WHEREAS, no rent increase was collected for FY 2023; and

WHEREAS, rates would be increased for FY 2024 by 75% of the change in CPI for both FY 2023 and FY 2024; and

WHEREAS, the total, one-time increase to the rate for FY 2024 would be 8.5% instead of the full CPI change for both FY 2023 and FY 2024, which would have been 11.3%; and

WHEREAS, this increase will be applied to all hangar sizes at the Airport for FY 2024; and

WHEREAS, the new rate will become effective on July 1, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby amends the Master Fee Schedule, and approves the Airport rates and charges as shown in the attached Exhibit "A", effective July 1, 2023.

BE IT FURTHER RESOLVED that the monthly FY 2024 rental rates, for all hangar types, are as shown:

Hangar Type	<u>FY 2024</u>
Row "A" T-Hangars	\$319
Standard T-Hangars	\$494
Large T-Hangars	\$614
Executive	\$1,065
Executive I Hangars	\$1,475
Executive II Hangars	\$1,609

BE IT FURTHER RESOLVED that the monthly FY 2024 rental rates for hangar storage rooms, office spaces, and tie down spaces, are as shown:

	<u>FY 2024</u>
Small Storage Room	\$79
Medium Storage Room	\$110
Large Storage Room	\$213
Extra Large Storage Room	\$271
Office Spaces	\$705
Tie Down Spaces	\$65

BE IT FURTHER RESOLVED that all language pertaining to CPI and market adjustments as noted under Airport Services, Sections A.1.f and A.1.g of the FY 2019 Master Fee Schedule, continue to be rescinded through FY 2024.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

## Exhibit A

**Engineering and Transportation Services**

## A. AIRPORT SERVICES

## 1 Monthly and Daily Fees for Aircraft Parking and Storage.

**Aircraft Hangar Waiting List Application Refundable Deposit of \$150.00**

	<u>Monthly Charges</u>
a. Hangar Space	
(1) Row "A" T-Hangars	\$319.00
(2) Standard T-Hangars	\$494.00
(3) Large T-Hangars	\$614.00
(4) Exec	\$1,065.00
(5) Executive I Hangars	\$1,475.00
(6) Executive II Hangars	\$1,609.00
b. Hangar Storage Rooms	
(1) Small	\$79.00
(2) Medium	\$110.00
(3) Large	\$213.00
(4) Extra Large	\$271.00
(5) Office Spaces	\$705.00
c. Tie Downs (Aircraft Gross Weight/Wing Span)	
(1) Single Engine 3,500 lb and Single Engine Helicopters	\$65.00
(2) Twin Engine 12,500 lb. less than 50 ft and Twin Engine Helicopters	\$75.00
(3) 12,501 - 25,000 lb. more than 50 ft	\$108.00
(4) 25,001 - 75,000 lb	\$161.00
(5) Excess of 75,000 lbs	\$216.00
d. Transient Overnight Tie Downs (Aircraft Gross Weight/Wing Span)	
First Four (4) Hours Free	
	<u>Daily Charge</u>
(1) Single Engine 3,500 lb. less than 40 ft	\$6.00
(2) Twin Engine 12,500 lb. less than 50 ft and all Helicopters	\$8.00
(3) 12,501 - 25,000 lb. more than 50 ft	\$12.00
(4) 25,001 - 75,000 lb	\$23.00
(5) Excess of 75,000 lbs	\$29.00

(6) Lighter-than air Airships \$20.00

- e. Effective July 1, 1997 a late charge of \$15.00 or 5% of the monthly rent per month, whichever is greater, shall be assessed if rent is not paid within ten (10) days of its due date (does not apply to daily rent).
- f. ~~Beginning July 1, 1999 and continuing every other year (biennially) on odd numbered years (e.g., July 2001, July 2003), all aircraft parking and storage charges, (excluding outside tiedowns), for the ensuing twenty four (24) month period shall be adjusted proportionally upward seventy five percent (75%) of the percentage increase in the All Urban Consumers Price Index (CPI) for the San Francisco-Oakland-San Jose area of the United States Department of Labor, Bureau of Labor Statistics, from December to two (2) years prior to December of the applicable year. The computed adjusted rates shall be rounded to the nearest dollar.~~
- g. ~~Every four (4) years, staff will conduct a market analysis to ensure that hangar rents are consistent with the prevailing market rates. If analysis demonstrates that hangar rents require modification, such shall be accomplished during the next hangar adjustment period. Such rates shall be charged unless otherwise directed by Council.~~
- h. Effective July 1, 1997, if the service of a member firm of the California Association of Photocopies and Process Servers must be utilized, a \$50 fee shall be charged to the individual or business necessitating said process service.
- i. The City shall charge a fee equal to the sum of the following: Five cents for each gallon of petroleum products delivered during the previous calendar month from the Leased Premises, or an amount equal to a 3 percent of the gross receipts (including fuel and gasoline taxes for which Lessee sold fuel products during the previous calendar month on or from the Airport, whichever amount is greater.
- j. All month-to-month Airport leases shall include a security deposit equal to one month's rent.

2 Permits

- a. Airport Annual Business Permit Annual \$120.00
- b. Taxiway Access Permit \$786.00

3	Airport Land Values Airport Land Value is on file in the Airport Administration Office and available for review.			
4	Gate Access Cards			
	Initial Issue for Airport Tenants			Free
	Initial Issue for non-direct Airport Tenants			\$35.00
	Replacement			\$25.00
5	Hangar Padlock Keys			
	Duplicate Key			\$5.00
	Re-key Padlocks			\$35.00
6	Chocks and Chains Replacement			\$60.00
7	Landing Fee Commercial aircraft operations (shall include landings of all non-based general aviation aircraft that conduct air taxi, charter or cargo operations under FAR Part 121 or Part 135) based on maximum certificated gross landing weight:			
		Per Landing	Daily	Monthly
	0 - 3,500 pounds	\$2	\$5	\$13
	3,501 - 6,250 pounds	\$4	\$10	\$26
	6,251 - 12,500 pounds	\$8	\$20	\$52
	12,501 - 25,000 pounds	\$16	\$40	\$104
	25,001 - 50,000 pounds	\$32	\$80	\$208
	50,001 pounds and above	\$64	\$160	\$416
8	Hangar Exchange Administration Fee for Exchange between Tenants (each Tenant)			\$85.00/tenant
	Administration Fee for Exchange into Vacant Hangar			\$85.00
9	Tie-Down Exchange Administration Fee to Exchange tie-down spaces			\$50.00

**ATTACHMENT II**

10	Vacated Hangar Cleanup	
	Cleanup and disposal of items, minimum charge of 2 hours	\$150.00
	Additional hours, hourly rate	\$75.00
11	Ramp Sweeping Services, hourly rate	\$125.00
12	Maintenance Staff Service Charge per hour	\$75.00 plus materials
13	Airport Administration Building Meeting Room	
	Non-profit Aviation organization charging no fee to the public	No Charge
	For-profit Aviation organization charging a fee to the public	\$200.00 /day
14	Airport Project Administration Fee	\$5,000

### Airport Operating Fund - Fund 620

	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimated	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected	FY 2028 Projected
<b>Beginning Fund Balance</b>	\$6,952,234	\$7,521,357	\$6,854,947	\$5,741,250	\$4,563,524	\$3,791,778	\$3,348,855	\$3,417,402
<b>Program Revenues</b>								
Interest & Tower Rent	104,412	(42,750)	86,000	125,689	125,689	125,689	125,689	125,689
Land Rent	1,862,258	1,997,476	2,133,000	2,177,728	2,619,514	2,964,572	3,481,739	3,481,739
Hangar Rent	1,233,153	1,308,764	1,307,000	1,452,625	1,496,204	1,541,090	1,587,323	1,634,942
Fees & Service Charges	54,701	53,214	48,000	50,000	50,000	50,000	50,000	50,000
Other Revenues	384,992	439,760	344,000	347,440	350,914	354,424	357,968	361,547
<b>Total Revenues</b>	<b>\$3,639,516</b>	<b>\$3,756,464</b>	<b>\$3,918,000</b>	<b>\$4,153,482</b>	<b>\$4,642,321</b>	<b>\$5,035,774</b>	<b>\$5,602,718</b>	<b>\$5,653,918</b>
<b>Expenditures</b>								
Personnel	1,663,245	1,997,759	1,975,455	2,071,473	2,154,332	2,218,962	2,274,436	2,331,297
Non-Personnel	1,783,357	588,121	909,395	498,608	498,608	498,608	498,608	498,608
Transfers Out	1,587,836	1,836,994	2,146,847	2,761,127	2,761,127	2,761,127	2,761,127	2,761,127
<b>Total Expenditures</b>	<b>\$5,034,438</b>	<b>\$4,422,874</b>	<b>\$5,031,697</b>	<b>\$5,331,208</b>	<b>\$5,414,067</b>	<b>\$5,478,697</b>	<b>\$5,534,171</b>	<b>\$5,591,032</b>
<b>Annual Surplus/(Shortfall)</b>	<b>(\$1,394,922)</b>	<b>(\$666,410)</b>	<b>(\$1,113,697)</b>	<b>(\$1,177,726)</b>	<b>(\$771,746)</b>	<b>(\$442,923)</b>	\$68,547	\$62,886
<b>Ending Fund Balance</b>	<b>\$7,521,357</b>	<b>\$6,854,947</b>	<b>\$5,741,250</b>	<b>\$4,563,524</b>	<b>\$3,791,778</b>	<b>\$3,348,855</b>	<b>\$3,417,402</b>	<b>\$3,480,288</b>

(1) projected ending working capital on budget basis.

(2) "Interest" reflects the change in the value of investment.





**Questions & Answers**  
**Airport Tenant Meeting**  
 FY24 Rent Increase Discussion  
 March 21, 2023

**Video Recording:** [Tenant Meeting, March 21, 2023](#)

**PowerPoint Presentation:** [PowerPoint Presentation, Tenant Meeting, March 21, 2023](#)

**City Staff:** Alex Ameri, Director of Public Works  
 Doug McNeeley, Airport Manager  
 Pamela Svrclin, Airport Operations Supervisor  
 Todd Strojny, Airport Business Supervisor  
 Amy Toste, Airport Senior Secretary  
 Jenny Feliciano, Airport Secretary

**Members of the public present:**

Seventeen members of the public were present at the Zoom webinar.

**Questions, Answers, and Tenant Comments**

Director Ameri began the meeting at 2:35 p.m. He welcomed everyone and addressed three questions from the previous Tenant Meeting pertaining to the FY23 and FY24 Rent Increases, hosted via Microsoft Teams on February 22, 2023.

1. **Why was depreciation added as a cost into the Airport Financial Statement?**  
 The Finance Department included that information in error and has since corrected it. The impact of the error was not significant.
2. **Is the combined FY23 and FY24 rent increase of 12% due to staff missing implementation of FY23 increase on July 1, 2023?**  
 No, staff did not miss it. We chose to not implement a rent increase on July 1, 2023, and any increase in FY23 rents will not be retroactive. The 12% you are referring to is a combination of about 6% proposed for the remainder of FY23 and a CPI increase for the entirety of FY24.
3. **Why was 75% of the CPI used in past calculations, and now, staff is using 100% CPI?**  
 We have decided to return to the old method of 75% of the CPI for the FY23 and FY24 rent increases. This means the CPI last year was 6%, and so the increase for FY23 is now only 4.5%. The CPI for this year is 5.3%, and so the increase for FY24 is only 4%. If you combine the two amounts, the total for FY23 and FY24 is now 8.5% instead of the 12% total originally presented.

Airport Manager Doug McNeeley presented changes made to the Airport budget and the new rent calculations for FY23 and FY24. The Airport has “transferred out” more funds for the FY24 budget to pay for needed improvements that will cause an operating deficit through FY26. A good portion of the estimated \$1.1 million deficit for FY23 is due to a water bond which was needed to build the Airport’s helipad. The depreciation entries were changed for FY20 and FY21 so there were no net impacts to the fund, and the fund balances have been updated. The proposal for rent increase is, now, to have only 1 rent increase on July 1, 2023, in the amount of 8.5%. Mr. McNeeley described how FY19-FY23 rent increases (\$140,600.00) were reinvested back into the airport. He opened the meeting to questions.

**August Ochabauer – The numbers in the Income & Expense Summary change every time there is a presentation. Why?**

Todd explained that the budget is constantly being updated by the Finance Department during budget season. In addition, the numbers changed due to the depreciation correction.

**August Ochabauer – On Average, the income has decreased by \$500,000 and expenses have increased \$1 million. Why have the expenses increased so much from the previous Financial Sheets?**

Business Supervisor Todd Strojny answered that staff has “Transferred Out” more money to the Capital Improvement Program (CIP) for paving and infrastructure needs that benefit tenants.

**August Ochabauer – Can we assume that Airport must fund 100% of pavement projects?**

- Todd advised, no. We have an unfunded need of \$20 million with \$10 million being Airport’s portion, and the FAA will provide about \$10 million.
- Doug discussed the Infrastructure Bill funding the Airport received, the amount that Centennial Airport received, and why.

**August Ochabauer – Estimates the Airport receives \$2 million/year in rent from the Airport’s non-aviation tenants, but the City of Hayward benefits far greater due to sales tax and property tax incomes. This financial structure is what makes our airport so unique. He was surprised to learn at the last meeting that the land lease tenants have a different rate structure than hangar tenants. Why? Our proposal is to consider treating the hangar tenant rent increases the same way as the land lease tenants. We want to know what the increase will be for the next 5 years.**

**August Ochabauer - Requested to share his screen to show an analysis of projected rent increases if Airport treated both types of tenants the same way. He emailed the document to Airport Operations Supervisor Pamela Svrclin for distribution.**

- Director Ameri appreciated the thoughts and presentation but advised that City rates are not based on forecasts and projections but rather real CPI figures. Because of this, we will proceed with what Council has approved and should they want to change the calculation method in the future, they can.
- Doug explained the different rate structures for individual and commercial tenants. The FAA sets the guidelines; tenants pay different rates because individual tenants do not incur the expense of construction and maintenance.

**Harry Shin – Considers the difference between land lease tenants and hangar tenants a question of fairness. He sees the hangar buildings that were constructed 40 years ago and thinks they are “paid off”. Why do hangar tenants receive a larger increase than land leases?**

**Curt Taylor – When money in the Airport budget is “transferred out”, what does that mean and where does it go?**

- Todd explained that it goes to 1) the Capital Improvement Program (CIP) for hangar repairs and pavement, and 2) Internal Service Fund (ISF) for other City departments (Information Technology, Maintenance Services, Fleet, etc.) for the services they provide to airfield facilities and staff.

**Curt Taylor – How are the FAA grants reflected in the revenues?**

- Todd explained they are in a separate budget, in the CIP, and grants are applied to specific projects.
- Doug offered to share the CIP budget with Curt Taylor.

**Brian Schott – If the City has a rent control policy for landlords at 5% per year, does the Airport look to follow that structure? Or can we expect CPI changes every time?**

- Alex answered that 75% of the CPI is the expectation for every year.

**August Ochabauer – He announced that he sent his spreadsheet to Pamela so that she could share it with everyone.**

- Alex confirmed and advised a link would be added to the CIP budget.

**Drew Detsch – Commented that hangar tenants are a diverse group of people from whom the City Council should hear. He’d like staff to review the tenants’ proposal and to not simply dismiss it. Mr. Detsch would like to see staff and tenants working together more for a better community. Also, he appreciates the revised offer that Staff made today.**

- Alex reiterated the importance of our tenants to the Airport and the ability for meetings to be more all-inclusive being held on a remote platform, especially on a rainy day. He encouraged tenants to attend more CAC meetings, especially since they have been virtual and staff is working to continue that practice. He further explained how basing increases on estimates vs. actual figures could potentially lead to higher than needed increases, and that doesn’t make sense to our tenants.
  - Mr. Detsch responded that the tenants would like to see a 5-year fixed rate like the land lease tenants.

**Shawn Azimi – A tenant of 43 years said he’s never seen such frequent and high increases in rents as have been implemented over the last few years. What makes the FY24 rent increase unfair is how sudden it was announced and the amount, even with the new calculation based off 75% of the CPI. He said that if he pays such a high rent, that he needs to see improvements to the hangars. Hangar Row Q has a bad sand issue from the deterioration of the pavement. This problem is so bad that he can’t**

**open the hangar doors. He feels that the 3% that the tenants presented today is a good compromise.**

- Alex verified that Mr. Azimi listened to the beginning of the meeting when Doug presented the ways in which the Airport has been reinvesting rents into improvements.
  - He did hear that part of the presentation and he wants to give staff his point of view. He will be happy to show Pamela the condition of the pavement around Hangar Q.

**Joe Wlad – Advocated for predictability of a 5-year plan like the tenants presented to Staff today. The 8.5% increase is a high, one-time increase.**

**Jerry LaJoie – Appreciates everyone’s effort but didn’t agree with the Director’s comment earlier about the rent increase being only 65 cents/day. This increase will have a big impact on the tenants who are on fixed incomes. He advocated for the 3% per year increase the tenants presented to City Staff today and asked that it not be completely dismissed by Alex. It should be presented to the City Council.**

- Alex said he will add the spreadsheet August Ochabauer presented today into the report that will be provided to City Council. He explained that he cannot recommend a rate increase based on predicted CPI when, currently, rates are based on actual CPI.

**Jerry LaJoie – Agreed with Mr. Azimi about the issue with sand around Hangar Row Q. He suggested a new seal coat on the pavement and asked for a new seal coat of better quality.**

- Doug said the sealcoat used in the past was per FAA specifications and that complaints were received about loose aggregate.
- Pam added that Airport Staff will be completing the Pavement Management Plan (PMP) in a few months. She said the FAA has recently certified different types of applications to fix pavement and will research the ability for the Airport to use those different applications around the hangar rows.
  - Mr. Lajoie asked for tenants to be asked for input in the selection of new applications. Pamela advised she is open to receiving tenant suggestions and feedback.

**Harry Shin – If there was no rent increase in July 2022, then he assumes it wasn’t needed. Why make it retroactive, now, with the 8.5% increase?**

- Alex feels that Mr. Shin’s question has already been answered.

**Maggie Cook – When is the CPI announced?**

- Todd advised that the CPI is released every other month for the San Francisco Bay Area - December, February, April, etc., six times per year.

**Maggie Cook – Which month do you choose when calculating fees?**

- Todd said that February was chosen this year because the April CPI would be too late and would not allow for proper notification to tenants or time needed for approvals to change the Master Fee Schedule.

**Maggie Cook – Are we increasing rent at 75% of the CPI for each year?**

- Todd said yes, that is the current proposal; 75% of the CPI.

**Maggie Cook – Next year, you will look at the CPI in February and then announce the rent increases to tenants in April?**

- Todd answered affirmatively.

Alex thanked everyone for their participation and comments. Staff will prepare the report for City Council and include the spreadsheet that the tenants provided.

\*\*\*NOTE: This information is provided by the tenants; staff has neither verified it nor is in support of using the projected CPI in lieu of actual CPI

Annual 3% Increase starting FY 2023-2024  
 2023-2024    2024-2025    2025-2026    2026-2027    2027-2028  
 1.0246 ← 5-year average of Whitehouse forecast CPI rates

Hangar Size	Number	2022-2023 Rate	2022-2023 Annual Income	Rental Rates Over 5 Years					2027-2028 Annual Income	% increase over 5 years
				2023-2024	2024-2025	2025-2026	2026-2027	2027-2028		
Small	10	\$ 294.00	\$ 35,280.00	\$ 301.23	\$ 308.64	\$ 316.24	\$ 324.01	\$ 331.99	\$ 39,838.26	13%
Standard	169	\$ 455.00	\$ 922,740.00	\$ 466.19	\$ 477.66	\$ 489.41	\$ 501.45	\$ 513.79	\$ 1,041,960.14	13%
Large T	12	\$ 566.00	\$ 81,504.00	\$ 579.92	\$ 594.19	\$ 608.81	\$ 623.78	\$ 639.13	\$ 92,034.51	13%
Small Executive	1	\$ 982.00	\$ 11,784.00	\$ 1,006.16	\$ 1,030.91	\$ 1,056.27	\$ 1,082.25	\$ 1,108.88	\$ 13,306.52	13%
Standard Executive	6	\$ 1,359.00	\$ 97,848.00	\$ 1,392.43	\$ 1,426.69	\$ 1,461.78	\$ 1,497.74	\$ 1,534.59	\$ 110,490.19	13%
Large Execitive	8	\$ 1,483.00	\$ 142,368.00	\$ 1,519.48	\$ 1,556.86	\$ 1,595.16	\$ 1,634.40	\$ 1,674.61	\$ 160,762.27	13%
Annual Income	Total		\$ 1,291,524.00						\$ 1,458,391.88	13%
Land lease incomde (data from Airport income/expense report)				\$ 1,753,903.00					\$ 1,876,676.21	7%

Hangar rent increase over 5 years  
 Land lease increase over 5 years

Note: We propose no increase for FY 2022-2023.

Link to Whitehouse Report

[Analytical Perspectives, Budget of the U.S. Government, Fiscal Year 2024 \(whitehouse.gov\)](https://www.whitehouse.gov/briefing-materials/2023/07/analytical-perspectives-budget-of-the-u-s-government-fiscal-year-2024/)

Year	CPI Increase
2023	3.00%
2024	2.40%
2025	2.30%
2026	2.30%
2027	2.30%
Average	<b>2.46%</b>

← This data is the highest forecast CPI from the 4 sources used in the Whitehouse Report

- 1 Whitehouse Economic Analysis
- 2 Blue Chip = Panel of professional forecasters
- 3 CBO = Congressional Budget Office
- 4 Federal Reserve

← This average used to calculate rent increases for 5 years







# CITY OF HAYWARD

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

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**File #:** PH 23-021

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**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT**

Community Agency Funding: Approval of Fiscal Year 2024 Community Agency Funding Recommendations and the FY 2024 Annual Action Plan

**RECOMMENDATION**

That the Council:

1. Affirms the Community Services Commission's FY 2024 Community Agency Funding recommendations as outlined in Attachment II, the Social Services, Arts and Music, and Special Events categories made within the context of the Council's FY 2024 budget to be adopted in June 2023 (Attachments III, IV, V); and
2. Adopts a resolution (Attachment VI) authorizing the City Manager to submit an application for the Community Development Block Grant (CDBG) Program for U.S. Department of Housing and Urban Development (HUD) Program Year 2023, including the City of Hayward FY 2024 Annual Action Plan with the FY 2024 CDBG funding allocations; and
3. Adopts a resolution (Attachment VII) approving and appropriating a separate allocation of General Fund dollars for 2-1-1 services starting in FY 2025.

**SUMMARY**

This report asks Council to take action on the following elements:

No.	Topic	Recommended Action
1.	FY 2024 Community Agency Funding Process	Approve the funding recommendations made by the Community Services Commission (CSC) and presented at the Council Work Session on April 11, 2023
2.	FY 2024 Annual Action Plan	Approve the FY 2024 Annual Action Plan
3.	General Fund Allocation for 2-1-1 Services	Approve and appropriate funding recommendation presented at the Council Work Session on April 11, 2023

The estimated funding available as part of the FY 2024 Community Agency Funding process is \$1,957,483. Through the Community Agency Funding process, the Community Services Commission (CSC) made recommendations for the allocation of \$1,270,533 in CDBG monies for public services, economic development, and infrastructure activities, \$626,959 in General Fund monies for social services, arts and music activities, and special event funding.

The proposed funding is summarized by category in Table 1 below and in detail in Attachment II. These funding recommendations have not changed from those presented to Council during the Work Session on April 11, 2023.

**Table 1. Summary of Recommended Funding Allocation by Category**

Funding Source	Category	Recipient	Amount
General Fund	Arts & Music	Community Agencies	\$105,301
General Fund	Special Events	Community Agencies	\$66,708
General Fund	Social Services	Community Agencies	\$454,950
CDBG	Public Services	Community Agencies	\$267,416
CDBG	Economic Development/Infrastructure	Community Agencies	\$653,120
<b>Total ARC Recommended Grants</b>			<b>\$1,547,492</b>
CDBG	HUD-Required Fair Housing Services	Community Agency	\$25,000
CDBG	Home Rehabilitation & Infrastructure Project Management	Community Agency	\$325,000
<b>Total Non-Competitive Grants</b>			<b>\$350,000</b>
<b>GRAND TOTAL FY 2024 RECOMMENDED FUNDING (ALL SOURCES)</b>			<b>\$1,897,492</b>

**The Annual Action Plan**

The FY 2024 Annual Action Plan summarizes the actions, activities, and financial resources to be used in FY 2024 to address the priority needs and goals identified in the FY 2021-2025 Consolidated Plan. Community input gathered during the Consolidated Planning process informed the development of these priority needs and goals.

Table 2 lists the proposed allocation of CDBG funding for the FY 2024 Annual Action Plan. It aligns with the FY 2024 CDBG funding recommendations presented in this report as part of the Community Agency Funding Process. FY 2024 equates to CDBG Program Year 2023.

**Table 2. 2023 (FY 2024) Estimated Annual Action Plan  
Summary Funding by Project Category**

<b>No.</b>	<b>Project Category</b>	<b>Program Year 2023 (FY 2024) Funding Allocation</b>
1.	Administration & Planning	\$375,560
2.	Public Facilities & Infrastructure	\$526,448
3.	Public Services	\$279,413
4.	Housing Programs	\$594,476
5.	Economic Development	\$676,147
<b>TOTAL</b>		<b>\$2,452,044</b>

**ATTACHMENTS**

- Attachment I      Staff Report
- Attachment II     CAF Funding Recommendations
- Attachment III    Resolution Social Services
- Attachment IV    Resolution Arts and Music
- Attachment V     Resolution Special Events
- Attachment VI    Resolution CDBG
- Attachment VII    Resolution 2-1-1 Services
- Attachment VIII   Public Comment



**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

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5.	Economic Development	\$676,147
<b>TOTAL</b>		<b>\$2,452,044</b>

<sup>1</sup> April 11, 2023, Staff Report and Attachments:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=6124951&GUID=60B16E82-C7CF-442C-BB5C-2344287F0E24&Options=&Search=>

## BACKGROUND

### The FY 2024 Community Agency Funding Process

Every year, the City funds social programs that serve the most vulnerable populations within the City through a combination of federally awarded CDBG funds and allocations from the City's General Fund. As the advisory body to the Hayward City Council on community service issues, the CSC makes recommendations to Council regarding the distribution of CDBG and General Fund monies for Infrastructure and Economic Development (CDBG), Public/Social Services (CDBG/General Fund), Arts and Music (General Fund) program funds, and Special Event (General Fund) funding through the annual Community Agency Funding process.

The Community Agency Funding process for FY 2024 opened with the publication of a Notice of Funding Availability (NOFA) on September 30, 2022. The Mandatory Bidder's Conference was held on November 1, 2022. Cumulatively, eligible applicants requested \$3,698,052.

The CSC reviewed all eligible applications, and the CSC Chairperson appointed three Application Review Committees (ARCs) by funding category to conduct applicant interviews prior to drafting funding recommendations presented in this report for Council review and approval. The three funding categories are:

1. **Infrastructure and Economic Development (CDBG):** Affordable housing (not including new construction); housing rehabilitation; nonprofit facility improvements; microenterprise business support; and capacity building. Funds must meet one of three national objectives: benefit low-moderate income Hayward residents; prevent or eliminate slum blight; or meet an urgent need (i.e., disaster).
2. **Arts & Music and Special Events (General Fund):** Arts and music programs that benefit Hayward residents, with an emphasis on activities that support youth education, and Special Event funds for eligible community events that encourage inclusion and celebrate diversity in the Hayward community.
3. **Public/Social Services (CDBG/General Fund):** Benefit low-moderate income Hayward residents through programs to provide food security, health services, homelessness and anti-displacement services, including job training; legal services; youth and education services.

Since the initial ARC interviews, the following public meetings have been held as part of the Community Agency Funding Process:

**Table 3. Community Agency Funding Process Public Meetings**

Meeting Date	Meeting Body	Description
February 15, 2023 <sup>2</sup>	CSC	The CSC discussed their initial funding recommendations and opened a public comment period.
March 15, 2023	CSC	While quorum was not met, through a hybrid informal meeting, the CSC received a presentation of

<sup>2</sup> February 15, 2023, Community Services Commission Staff Report and Attachment  
<https://hayward.legistar.com/LegislationDetail.aspx?ID=6021793&GUID=5EFD5D90-DD28-444C-8E84-3300746EA3BA&Options=&Search=>

		the FY2024 funding recommendations, received public comment, and closed the public comment period at the conclusion of the presentation.
April 3, 2023 <sup>3</sup>	CSC	The CSC held a special meeting, heard public comments, and unanimously voted to approve the FY2024 funding recommendations.
April 11, 2023 <sup>4</sup>	City Council	During a Work Session, Council heard public comments and discussed the funding recommendations from the CSC. The public comment period on the funding recommendations opened on April 4, 2023, and will close on May 4, 2023.

### **The FY 2024 Annual Action Plan**

HUD requires that the City update its Annual Action Plan each year. The Annual Action Plan carries out the Consolidated Plan, which is updated every five years. Council approved the current FY 2021-2025 Consolidated Plan on June 23, 2020.<sup>5</sup> The Consolidated Plan identifies: affordable housing, homelessness, housing preservation, and permanent supportive housing; community development of public facilities and public services; elderly, youth, and family education services; and economic development as priority needs for the City.

The FY 2024 Annual Action Plan summarizes the actions, activities, and financial resources to be used in FY 2024 to address the priority needs and goals identified in the 2021-2025 Consolidated Plan. The CDBG funded activities that are allocated through the Community Agency Funding Process are outlined as a portion of the Annual Action Plan. Activities

## **DISCUSSION**

### **The FY 2024 Community Agency Funding Process**

On April 11, 2023, Council received a presentation of the CSC FY 2024 funding recommendations which includes a direct allocation to Eden Information and Referral (EIR) for 2-1-1 services, separate from the CAF process, starting in FY 2025. While Council discussed the funding recommendations, there were no directed modifications made to the recommendations. In addition to some clarifying questions, Council expressed interest in the methodology used in the development of the funding recommendations. Several Councilmembers expressed interest in understanding the reason behind partial funding or no funding being recommended to several agencies and special event applicants. Council generally accepted that limited funding, funding caps as adopted by Council, and timely use of funds largely impacted the funding recommendations. Furthermore, Council expressed concern that Alameda County Community Food Bank (ACCFB), a long-time CAF grant recipient, did not apply for FY 2024 funding. Staff reached out to ACCFB and received confirmation that their decision not to apply for FY 2024 funding will not impact services to partner agencies in Hayward.

<sup>3</sup>April 3, 2023, Community Services Commission Staff Report and Attachment  
<https://hayward.legistar.com/MeetingDetail.aspx?ID=1089126&GUID=8E017774-4895-4444-8728-317C6F36E55F&Options=info&Search=>

<sup>4</sup> April 11, 2023, City Council Staff Report and Attachment  
<https://hayward.legistar.com/MeetingDetail.aspx?ID=1089126&GUID=8E017774-4895-4444-8728-317C6F36E55F&Options=info&Search=>

<sup>5</sup> June 23, 2020 Staff Report and Attachments:  
<https://hayward.legistar.com/LegislationDetail.aspx?ID=4576644&GUID=7D9A237D-8934-4D4A-94FA-CFF24B9589CA&Options=&Search=>

Council also expressed a desire to identify additional ways that the City can support applicants outside of the CAF process, such as improving the Special Event coordination across various City departments and making recommendations to agencies regarding capital campaigning.

**The FY 2024 Annual Action Plan**

The City’s Annual Action Plan is developed each year in accordance with the housing and community development goals and objectives articulated in the Consolidated Plan. The Annual Action Plan serves the following purposes:

- Identifies projects and activities to receive CDBG funds,
- Serves as an application for HUD funding, and
- Certifies the City’s compliance with a variety of federal regulations.

Action Plan projects include activities such as expanding affordable housing, housing preservation, and permanent supportive housing; community development of public facilities and public services; homelessness, elderly, youth, and family education services; and economic development by way of small business grants and loans and extending technical assistance to small businesses.

In early March, the City was notified of its FY 2024 CDBG entitlement amount of \$1,527,801. The anticipated resources for FY 2024, including the annual entitlement allocation, anticipated program income from revolving loan fund repayments, and prior year resources, amounts to \$2,452,044.

For the CDBG program, entitlement cities may allocate funds as follows:

- **Administration:** up to 20% of annual allocation
- **Public Services:** up to 15% of the annual allocation plus program income
- **Infrastructure and Economic Development:** all remaining funds

Staff proposes to allocate funding for FY 2024 (i.e., CDBG Program Year 2023):

**Table 7. CDBG 2023 Annual Action Plan**

No.	Project Category	Program Year 2023 Estimated Funding Allocation
<b><i>Capped Categories (35%)</i></b>		
1.	Administration & Planning (20%)	\$375,560
2.	Public Services (15%)	\$279,413
<b><i>Uncapped Categories: Infrastructure and Economic Development (65%)</i></b>		
3.	Public Facilities and Infrastructure	\$526,448
4.	Housing Programs	\$594,476
5.	Economic Development	\$676,147
<b>TOTAL</b>		<b>\$2,452,044</b>



On April 4, 2023, staff published a draft of the FY 2024 Annual Action Plan<sup>6</sup> for public comment, with a Public Hearing for comment and Council recommendation for approval on April 25, 2023. The City's public comment period will conclude on May 4, 2023 and staff will submit the report to HUD no later than Friday, May 12 2023.

## **ECONOMIC IMPACT**

The proposed programs funded through CDBG and the General Fund's Social Services programs have a collective positive economic impact on the community, as they will increase food security; provide vital support services to help individuals and families maintain and obtain housing, such as legal aid, fair housing services, shelter, and home rehabilitation; infuse capital through grants and loans, and provide training for local small businesses.

## **STRATEGIC ROADMAP**

These funding allocation recommendations support several of the City's Strategic Roadmap priority areas, including Preserve, Protect, & Produce Housing; Grow the Economy; Improve Infrastructure; and Support Quality of Life.

## **FISCAL IMPACT**

The CDBG Program has a neutral impact on the City's General Fund, as a portion of CDBG funds (up to 20%) may be used to pay for eligible Planning and Administration of the Program. Potential reductions to the City's CDBG grant size and unpredictable program income will result in equivalent reductions to available funds and to the administrative cap. The CDBG program remains an administratively complex undertaking requiring enhanced dedication of resources from recipients and subrecipients to meet federal reporting standards.

Social Services, Arts & Music, and Special Event funds are General Fund-based and subject to Council discretion. If other General Fund obligations require reductions to Social Services, Arts & Music, or Special Event funding, individual grants would be adjusted on a percentage basis accordingly. Historically, Council has acknowledged Social Services grants support "safety net" services (i.e., food, housing, support services for low-income people, and information and referral) and has refrained from reducing or eliminating funding based on fiscal impact.

A direct allocation to EIR to fund 2-1-1 services, separate from the CAF competitive process funding, would result in a \$50,000 impact on the General Funding starting in FY 2025.

## **PUBLIC CONTACT**

The Public Comment period for the FY 2024 recommended funding allocations, FY 2024 Annual Plan, and the revised Community Participation Plan is in place from April 4, 2023, through May 4, 2023. Public comment on the Community Agency Funding Process, Annual Action Plan, and the City of Hayward CDBG Community Participation Plan will be heard at the Public Hearing on April 25, 2023. Additionally, prior to this item, the public had the

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<sup>6</sup> Draft FY 2024 Annual Action Plan

<https://www.hayward-ca.gov/sites/default/files/pdf/COH-CDBG-2022-2023-Action-Plan-Draft.pdf>

opportunity to provide public comment on the CAF process during the public comment period and at the CSC's February 15, 2023, March 15, 2023, and Special April 3, 2023, meetings. Public comment can be reviewed in Attachment VII.

## **NEXT STEPS**

Next steps include the following:

- On Thursday, May 4, 2023, the City's public comment period will conclude.
- Staff will address public comments and will submit the FY 2024 Annual Action Plan to HUD no later than May 12, 2023.

Recommendations for all funding categories will be finalized following the April 25, 2023, Council meeting.

*Prepared by:* Carol Lee, Management Analyst

*Recommended by:* Jessica Lobedan, Community Services Manager  
Regina Youngblood, Assistant City Manager

Approved by:



---

Kelly McAdoo, City Manager

COMMUNITY SERVICES COMMISSION COMMUNITY AGENCY FUNDING RECOMMENDATIONS FY 2024					
CATEGORY	AGENCY	PROJECT	FY 2023 FUNDING	FY 2024 REQUESTS	FY 2024 RECOMMENDATIONS
<b>CDBG - ECONOMIC DEVELOPMENT &amp; INFRASTRUCTURE</b>					
Economic Development	Centro Community Partners	Technical Assistance Programs and Services for Small Businesses and Underserved Entrepreneurs	\$ 45,445	\$ 50,000	\$ 50,000
Economic Development	Downtown Streets Inc	Hayward Downtown Streets Team*	\$ 206,920	\$ 208,297	\$ 208,297
Infrastructure-Neighborhood Facilities	Community Child Care Council (4-Cs) of Alameda County	Child Care Initiative Project	\$ 45,000	\$ 45,000	\$ 45,000
Infrastructure-Neighborhood Facilities	First Presbyterian Church of Hayward dba South Hayward Parish	South Hayward Parish Critical Infrastructure Upgrade	\$ 193,800	\$ 123,500	\$ 123,500
Infrastructure-Neighborhood Facilities	Habitat for Humanity East Bay/Silicon Valley, Inc.	Home Repair Program	\$ 224,500	\$ 175,000	\$ 175,000
Infrastructure-Neighborhood Facilities	Love Never Fails	IT Biz	\$ 127,000	\$ 332,340	\$ 142,850
Infrastructure-Neighborhood Facilities	Love Never Fails	I AM Launch House	\$ -	\$ 554,000	\$ -
Infrastructure-Neighborhood Facilities	Rebuilding Together Oakland	Rehabilitation and Repair	\$ 150,000	\$ 150,000	\$ 150,000
Infrastructure-Neighborhood Facilities	Ruby's Place	Program Enhancement: Tiny Homes on Wheels	\$ 250,419	\$ 250,419	\$ 83,473
Infrastructure-Neighborhood Facilities	St. Rose Hospital Foundation	Sub Acute Facility	\$ 49,599	\$ 259,400	\$ -
<b>TOTAL CDBG ECONOMIC DEVELOPMENT &amp; INFRASTRUCTURE</b>			<b>\$ 1,292,683</b>	<b>\$ 2,147,956</b>	<b>\$ 978,120</b>
<b>CDBG - PUBLIC SERVICES</b>					
Information & Referral	Love Never Fails	Community Engagement Center	\$ -	\$ 62,190	\$ -
Housing and Homelessness	A-1 Community Housing Services	Housing Counseling	\$ -	\$ 27,795	\$ 27,795
Housing and Homelessness	Abode Services	Alameda County Impact	\$ 49,124	\$ 54,786	\$ 41,090
Housing and Homelessness	Centro Legal de la Raza	Tenant Rights	\$ 93,998	\$ 100,000	\$ 85,069
Housing and Homelessness	Eden Council for Hope and Opportunity	Tenant/Landlord Services	\$ 15,000	\$ 15,000	\$ 15,000
Housing and Homelessness	Ruby's Place	Shelter and Children	\$ 45,141	\$ 45,141	\$ 45,141
Housing and Homelessness	The Alliance for Community Wellness dba La Familia	FESCO Les Marquis House - Emergency Shelter	\$ 45,141	\$ 57,665	\$ 53,318
Housing and Homelessness	Eden Council for Hope and Opportunity	Fair Housing Services**	\$ 25,000	\$ 25,000	\$ 25,000
<b>TOTAL CDBG PUBLIC SERVICES</b>			<b>\$ 273,404</b>	<b>\$ 387,577</b>	<b>\$ 292,413</b>
<b>GENERAL FUND - SERVICES</b>					
Food Security	05 Sikh Seva*	Feed the Hayward Community*	\$ -	\$ 18,250	\$ 10,000
Food Security	First Presbyterian Church of Hayward (FPCH) dba South Hayward Parish	South Hayward Parish Food Pantry*	\$ -	\$ 50,000	
Food Security	Mercy Retirement & Care Center	Mercy Brown Bag Program	\$ 25,000	\$ 20,000	\$ 14,665
Food Security	Spectrum Community Services	Meal Program for Seniors	\$ 25,000	\$ 50,000	\$ 33,693
Health	Bay Area Community Health (BACH)	HIV Program - Early Intervention Services	\$ -	\$ 25,000	\$ 12,994
Health	Crisis Support Services of Alameda County	Expanding Mental Health and Suicide Prevention Services in Hayward	\$ 25,000	\$ 34,000	\$ 21,036
Housing and Homelessness	Building Opportunities for Self Sufficiency (BOSS)	South County Homeless Project (SCHP)	\$ 18,000	\$ 50,000	\$ 30,833
Housing and Homelessness	Community Resources for Independent Living (CRIL)	Hayward Housing Services	\$ 20,000	\$ 25,000	\$ 15,645
Housing and Homelessness	Family Violence Law Center	Family Violence and Homelessness Prevention Project	\$ 59,745	\$ 60,000	\$ 41,858
Housing and Homelessness	First Presbyterian Church of Hayward (FPCH) dba South Hayward Parish	South Hayward Parish Shelter & Resource Center*	\$ -	\$ 100,000	\$ 69,565
Housing and Homelessness	First Presbyterian Church of Hayward (FPCH) dba South Hayward Parish	South Hayward Parish: Case Management Services	\$ 55,000	\$ 74,412	
Legal Services	Immigration Institute of the Bay Area	Legal Services for Immigrants	\$ 20,000	\$ 30,000	\$ 17,076
Legal Services	Legal Assistance for Seniors (LAS)	Legal Services & Education to Hayward Seniors	\$ 14,450	\$ 30,000	\$ 20,065
Youth & Education	East Bay Agency for Children (EBAC)	Hayward HUB Family Resource Center	\$ 40,000	\$ 50,000	\$ 31,315
Youth & Education	Eden United Church of Christ	Newcomer Navigation Center	\$ 50,000	\$ 75,000	\$ 49,235
Youth & Education	Eden Youth and Family Center	Eden Youth and Family Center	\$ 22,500	\$ 50,000	\$ 33,083
Youth & Education	El Puente Comunitario*	Parents In Action For Education*	\$ -	\$ 38,500	\$ 10,000
Youth & Education	Hayward Area Historical Society	Filipino Asian Basketball*	\$ -	\$ 50,000	\$ 10,000
Youth & Education	Horizon Services, Inc.	Lambda Project	\$ 35,000	\$ 50,000	\$ 33,887
<b>TOTAL SOCIAL SERVICES</b>			<b>\$ 409,695</b>	<b>\$ 880,162</b>	<b>\$ 454,950</b>
<b>GENERAL FUND - ARTS &amp; MUSIC</b>					
Arts & Music	Hayward Area Historical Society	Photograph and Collections Digitization	\$ 12,444	\$ 20,000	\$ 20,000
Arts & Music	Hayward Arts Council	Hayward Arts Council	\$ 13,500	\$ 20,000	\$ 20,000
Arts & Music	Love Never Fails	Healing Arts	\$ 10,615	\$ 56,062	\$ 25,000
Arts & Music	Pacific Chamber Orchestra	Discover Music educational assemblies for the HUSD Elementary Schools	\$ 6,750	\$ 20,000	\$ 16,506
Arts & Music	Ruby's Place***	Sun Gallery	\$ 14,000	\$ 20,000	\$ 20,000
Arts & Music	Youth Orchestra of Southern Alameda County (EBO)	Hayward Scholarships/Stipends	\$ 3,795	\$ 3,795	\$ 3,795
<b>TOTAL ARTS &amp; MUSIC</b>			<b>\$ 61,104</b>	<b>\$ 139,857</b>	<b>\$ 105,301</b>
<b>GENERAL FUND - SPECIAL EVENTS</b>					
Special Events	100K Trees for Humanity*	100K Trees for Humanity - Hayward*		\$ 10,000	\$ 10,000
Special Events	Building Opportunities for Self Sufficiency (BOSS)	Wellness Party & Resource Fair*		\$ 10,000	\$ 2,000
Special Events	Hayward Area Historical Society***	Hayward Municipal Band		\$ 7,500	\$ 7,085
Special Events	Hayward Business Association*	Latin Jazz Festival*		\$ 5,000	\$ 5,000
Special Events	Hayward Business Association*	Vintage Alley Car Show*		\$ 7,000	\$ 5,795
Special Events	Kuma Hula Association of Northern California*	Hawaiian May Day Festival 2024*		\$ 10,000	\$ 10,000
Special Events	La Alianza De Hayward*	Annual Cinco De Mayo Festival*		\$ 7,000	\$ 3,858
Special Events	West Coast Blues Society	Russell City Awareness Concert Series & Juneteenth Celebration		\$ 5,000	\$ 3,000
Special Events	The Alliance for Community Wellness DbA La Familia	La Familia - Building Community through Culture*		\$ 5,000	\$ 5,000
Special Events	The Araminta Ross Foundation*	Community Resource Fair		\$ 10,000	\$ 3,000
Special Events	Treasures Unleashed*	Treasures Unleashed*		\$ 6,000	\$ 1,970
Special Events	Velda Goe*	Kwanzaa: An-African American Cultural Tradition*		\$ 10,000	\$ 10,000
<b>TOTAL SPECIAL EVENTS</b>				<b>\$ 92,500</b>	<b>\$ 66,708</b>

\*New agency/program applying for funds

\*\*Non-competitive award

\*\*\*Fiscal Sponsor

All amounts are preliminary and subject to change. Final award amounts will be authorized by Hayward City Council in June 2023. CDBG awards are dependent upon FY 2023 federal funding allocations and GF awards are subject to available budgetary funding.

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

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

RESOLUTION APPROVING AND APPROPRIATING THE COMMUNITY AGENCY FUNDING RECOMMENDATIONS FOR FISCAL YEAR 2024 IN THE SOCIAL SERVICES FUNDING CATEGORY

WHEREAS, the City of Hayward has allocated a portion of its General Fund to a competitive funding process for organizations serving the Hayward community,

WHEREAS, the City Council has considered public testimony and the funding recommendations prepared by staff and the Community Services Commission, a copy of which is attached and hereby referred to for further particulars; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby approves and appropriates the Community Agency Funding recommendations for Fiscal Year 2024 in the Social Services Funding Category, as shown in Exhibit A, in a total amount not to exceed \$454,950 which is incorporated by reference herein.

BE IT FURTHER RESOLVED that except as may be otherwise provided, any and all expenditures relating to the objectives described in the Community Agency budget are hereby approved and authorized and payments therefore may be made by the Director of Finance of the City of Hayward without further action of Council.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

## Exhibit A

COMMUNITY SERVICES COMMISSION			
FY 2024 COMMUNITY AGENCY FUNDING RECOMMENDATIONS			
GENERAL FUND - SOCIAL SERVICES			
CATEGORY	AGENCY	PROJECT	FY 2024 RECOMMENDATIONS
<b>GENERAL FUND - SERVICES</b>			
Food Security	05 Sikh Seva*	Feed the Hayward Community*	\$ 10,000
Food Security	First Presbyterian Church of Hayward (FPCH) dba South Hayward Parish	South Hayward Parish Food Pantry*	
Food Security	Mercy Retirement & Care Center	Mercy Brown Bag Program	\$ 14,665
Food Security	Spectrum Community Services	Meal Program for Seniors	\$ 33,693
Health	Bay Area Community Health (BACH)	HIV Program - Early Intervention Services	\$ 12,994
Health	Crisis Support Services of Alameda County	Expanding Mental Health and Suicide Prevention Services in Hayward	\$ 21,036
Housing and Homelessness	Building Opportunities for Self Sufficiency (BOSS)	South County Homeless Project (SCHP)	\$ 30,833
Housing and Homelessness	Community Resources for Independent Living (CRIL)	Hayward Housing Services	\$ 15,645
Housing and Homelessness	Family Violence Law Center	Family Violence and Homelessness Prevention Project	\$ 41,858
Housing and Homelessness	First Presbyterian Church of Hayward (FPCH) dba South Hayward Parish	South Hayward Parish Shelter & Resource Center*	\$ 69,565
Housing and Homelessness	First Presbyterian Church of Hayward (FPCH) dba South Hayward Parish	South Hayward Parish: Case Management Services	
Legal Services	Immigration Institute of the Bay Area	Legal Services for Immigrants	\$ 17,076
Legal Services	Legal Assistance for Seniors (LAS)	Legal Services & Education to Hayward Seniors	\$ 20,065
Youth & Education	East Bay Agency for Children (EBAC)	Hayward HUB Family Resource Center	\$ 31,315
Youth & Education	Eden United Church of Christ®	Newcomer Navigation Center	\$ 49,235
Youth & Education	Eden Youth and Family Center	Eden Youth and Family Center	\$ 33,083
Youth & Education	El Puento Comunitario*	Parents In Action For Education*	\$ 10,000
Youth & Education	Hayward Area Historical Society	Filipino Asian Basketball*	\$ 10,000
Youth & Education	Horizon Services, Inc.	Lambda Project	\$ 33,887
<b>TOTAL SOCIAL SERVICES</b>			<b>\$ 454,950</b>

\*New agency/program applying for funds

All amounts are preliminary and subject to change. Final award amounts will be authorized by Hayward City Council in June 2023. CDBG awards are dependent upon FY 2023 federal funding allocations and GF awards are subject to available budgetary funding.

HAYWARD CITY COUNCIL

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

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

RESOLUTION APPROVING AND APPROPRIATING THE COMMUNITY AGENCY FUNDING RECOMMENDATIONS FOR FISCAL YEAR 2024 IN THE ARTS AND MUSIC FUNDING CATEGORY

WHEREAS, the City of Hayward has allocated a portion of its General Fund to a competitive funding process for organizations serving the Hayward community,

WHEREAS, the City Council has considered public testimony and the funding recommendations prepared by staff and the Community Services Commission, a copy of which is attached and hereby referred to for further particulars; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby approves and appropriates the Community Agency Funding recommendations for Fiscal Year 2024 in the Arts & Music Funding Category, as shown in Exhibit A, in a total amount not to exceed \$105,301 which is incorporated by reference herein.

BE IT FURTHER RESOLVED that except as may be otherwise provided, any and all expenditures relating to the objectives described in the Community Agency budget are hereby approved and authorized and payments therefore may be made by the Director of Finance of the City of Hayward without further action of Council.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

## Exhibit A

COMMUNITY SERVICES COMMISSION FY 2024 COMMUNITY AGENCY FUNDING RECOMMENDATIONS GENERAL FUND - ARTS & MUSIC			
CATEGORY	AGENCY	PROJECT	FY 2024 RECOMMENDATIONS
<b>GENERAL FUND - ARTS &amp; MUSIC</b>			
Arts & Music	Hayward Area Historical Society	Photograph and Collections Digitization	\$ 20,000
Arts & Music	Hayward Arts Council	Hayward Arts Council	\$ 20,000
Arts & Music	Love Never Fails	Healing Arts	\$ 25,000
Arts & Music	Pacific Chamber Orchestra	Discover Music educational assemblies for the HUSD Elementary Schools	\$ 16,506
Arts & Music	Ruby's Place***	Sun Gallery	\$ 20,000
Arts & Music	Youth Orchestra of Southern Alameda County (EBO)	Hayward Scholarships/Stipends	\$ 3,795
<b>TOTAL ARTS &amp; MUSIC</b>			<b>\$ 105,301</b>

\*\*\*Fiscal Sponsor

All amounts are preliminary and subject to change. Final award amounts will be authorized by Hayward City Council in June 2023. CDBG awards are dependent upon FY 2023 federal funding allocations and GF awards are subject to available budgetary funding.

HAYWARD CITY COUNCIL

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

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

RESOLUTION APPROVING AND APPROPRIATING THE COMMUNITY AGENCY FUNDING RECOMMENDATIONS FOR FISCAL YEAR 2024 IN THE SPECIAL EVENTS FUNDING CATEGORY

WHEREAS, the City of Hayward has allocated a portion of its General Fund to a competitive funding process for organizations serving the Hayward community,

WHEREAS, the City Council has considered public testimony and the funding recommendations prepared by staff and the Community Services Commission, a copy of which is attached and hereby referred to for further particulars; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby approves and appropriates the Community Agency Funding recommendations for Fiscal Year 2024 in the Special Events Funding Category, as shown in Exhibit A, in a total amount not to exceed \$ \$66,708 which is incorporated by reference herein.

BE IT FURTHER RESOLVED that except as may be otherwise provided, any and all expenditures relating to the objectives described in the Community Agency budget are hereby approved and authorized and payments therefore may be made by the Director of Finance of the City of Hayward without further action of Council.

IN COUNCIL, HAYWARD, CALIFORNIA\_\_\_\_\_, 2023. ADOPTED BY THE

FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



## Exhibit A

COMMUNITY SERVICES COMMISSION FY 2024 COMMUNITY AGENCY FUNDING RECOMMENDATIONS GENERAL FUND - SPECIAL EVENTS			
CATEGORY	AGENCY	PROJECT	FY 2024 RECOMMENDATIONS
<b>GENERAL FUND - SPECIAL EVENTS</b>			
Special Events	100K Trees for Humanity*	100K Trees for Humanity - Hayward*	\$ 10,000
Special Events	Building Opportunities for Self Sufficiency (BOSS)	Wellness Party & Resource Fair*	\$ 2,000
Special Events	Hayward Area Historical Society***	Hayward Municipal Band	\$ 7,085
Special Events	Hayward Business Association*	Latin Jazz Festival*	\$ 5,000
Special Events	Hayward Business Association*	Vintage Alley Car Show*	\$ 5,795
Special Events	Kuma Hula Association of Northern California*	Hawaiian May Day Festival 2024*	\$ 10,000
Special Events	La Alianza De Hayward*	Annual Cinco De Mayo Festival*	\$ 3,858
Special Events	West Coast Blues Society	Russell City Awareness Concert Series & Juneteenth Celebration	\$ 3,000
Special Events	The Alliance for Community Wellness DbA La Familia	La Familia - Building Community through Culture*	\$ 5,000
Special Events	The Araminta Ross Foundation*	Community Resource Fair	\$ 3,000
Special Events	Treasures Unleashed*	Treasures Unleashed*	\$ 1,970
Special Events	Velda Goe*	Kwanzaa: An-African American Cultural Tradition*	\$ 10,000
<b>TOTAL SPECIAL EVENTS</b>			<b>\$ 66,708</b>

\*New agency/program applying for funds

All amounts are preliminary and subject to change. Final award amounts will be authorized by Hayward City Council in June 2023. CDBG awards are dependent upon FY 2023 federal funding allocations and GF awards are subject to available budgetary funding.

HAYWARD CITY COUNCIL

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

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

RESOLUTION APPROVING AND APPROPRIATING THE COMMUNITY AGENCY FUNDING RECOMMENDATIONS FOR FISCAL YEAR 2024 IN THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CATEGORY AND AUTHORIZING THE CITY MANAGER TO APPLY FOR FEDERAL ASSISTANCE UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AND UPDATING THE CDBG CITIZEN PARTICIPATION PLAN.

WHEREAS, the Housing and Community Development Act of 1974 makes funds available to qualified cities for certain community development activities, and the City of Hayward is qualified to receive certain funds pursuant to said act; and

WHEREAS, the City Council has considered public testimony and the CDBG Program recommendations and Citizen Participation Plan updates prepared by staff and the Community Services Commission, a copy of which is attached and hereby referred to for further particulars; and

WHEREAS, the Council has considered the environmental impact of the program and hereby finds and determines that the program is composed of projects that are categorically excluded from the National Environmental Protection Act or will be subject to later environmental review and finds and determines that the activities funded by the program are either not subject to the California Environmental Quality Act or will be subject to later environmental review; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby approves the Community Development Block Grant Program and authorizes the City Manager on behalf of the City of Hayward to execute and submit the required applications and all implementing documents in connection therewith.

BE IT FURTHER RESOLVED that the City Council of Hayward hereby approves and appropriates the Community Agency Funding Community Development Block Grant recommendations for Fiscal Year 2024 as shown in Exhibit A, in a total amount not to exceed \$1,270,533 which is incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Council of Hayward hereby approves and appropriates the Community Development Block Grant funding allocations recommendations for Program Year 2023 as shown in Exhibit B, in a total amount of \$2,452,044, including \$1,270,533 in recommended funds as part of the Fiscal Year 2024 Community Agency Funding Process.

BE IT FURTHER RESOLVED that the City Council of Hayward hereby approves the Community Development Block Grant priority needs, goals, and not limited to but including the recommended planned sample activities for Program Year 2023 as shown in Exhibit C.

BE IT FURTHER RESOLVED that except as may be otherwise provided, any and all expenditures relating to the objectives described in the Community Agency budget are hereby approved and authorized and payments therefore may be made by the Director of Finance of the City of Hayward without further action of Council.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

## Exhibit A

COMMUNITY SERVICES COMMISSION FY 2024 COMMUNITY AGENCY FUNDING RECOMMENDATIONS COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING			
CATEGORY	AGENCY	PROJECT	FY 2024 RECOMMENDATIONS
<b>CDBG - ECONOMIC DEVELOPMENT &amp; INFRASTRUCTURE</b>			
Economic Development	Centro Community Partners	Technical Assistance Programs and Services for Small Businesses and Underserved Entrepreneurs	\$ 50,000
Economic Development	Downtown Streets Inc	Hayward Downtown Streets Team*	\$ 208,297
Infrastructure-Neighborhood Facilities	Community Child Care Council (4-Cs) of Alameda County	Child Care Initiative Project	\$ 45,000
Infrastructure-Neighborhood Facilities	First Presbyterian Church of Hayward dba South Hayward Parish	South Hayward Parish Critical Infrastructure Upgrade	\$ 123,500
Infrastructure-Neighborhood Facilities	Habitat for Humanity East Bay/Silicon Valley, Inc.	Home Repair Program	\$ 175,000
Infrastructure-Neighborhood Facilities	Love Never Fails	IT Biz	\$ 142,850
Infrastructure-Neighborhood Facilities	Love Never Fails	I AM Launch House	\$ -
Infrastructure-Neighborhood Facilities	Rebuilding Together Oakland	Rehabilitation and Repair	\$ 150,000
Infrastructure-Neighborhood Facilities	Ruby's Place	Program Enhancement: Tiny Homes on Wheels	\$ 83,473
Infrastructure-Neighborhood Facilities	St. Rose Hospital Foundation	Sub Acute Facility	\$ -
<b>TOTAL CDBG ECONOMIC DEVELOPMENT &amp; INFRASTRUCTURE</b>			<b>\$ 978,120</b>
<b>CDBG - PUBLIC SERVICES</b>			
Information & Referral	Love Never Fails	Community Engagement Center	\$ -
Housing and Homelessness	A-1 Community Housing Services	Housing Counseling	\$ 27,795
Housing and Homelessness	Abode Services	Alameda County Impact	\$ 41,090
Housing and Homelessness	Centro Legal de la Raza	Tenant Rights	\$ 85,069
Housing and Homelessness	Eden Council for Hope and Opportunity	Tenant/Landlord Services	\$ 15,000
Housing and Homelessness	Ruby's Place	Shelter and Children	\$ 45,141
Housing and Homelessness	The Alliance for Community Wellness dba La Familia	FESCO Les Marquis House - Emergency Shelter	\$ 53,318
Housing and Homelessness	Eden Council for Hope and Opportunity	Fair Housing Services**	\$ 25,000
<b>TOTAL CDBG PUBLIC SERVICES</b>			<b>\$ 292,413</b>
<b>TOTAL CDBG FUNDING RECOMMENDATIONS</b>			<b>\$ 1,270,533</b>

\*\*Non-competitive award

All amounts are preliminary and subject to change. Final award amounts will be authorized by Hayward City Council in June 2023. CDBG awards are dependent upon FY 2023 federal funding allocations and GF awards are subject to available budgetary funding.

**Exhibit B**

<b>COMMUNITY DEVELOPMENT BLOCK GRANT FY 2024 ESTIMATED ANNUAL ACTION PLAN FUNDING ALLOCATION</b>		
<b>No.</b>	<b>Project Category</b>	<b>Program Year 2023 (FY 2024) Funding Allocation</b>
1.	Administration & Planning	\$375,560
2.	Public Facilities & Infrastructure	\$526,448
3.	Public Services	\$279,413
4.	Housing Programs	\$594,476
5.	Economic Development	\$676,147
<b>TOTAL</b>		<b>\$2,452,044</b>

**Exhibit C**

<b>COMMUNITY DEVELOPMENT BLOCK GRANT FY 2024 PRIORITY NEEDS, GOALS, PLANNED SAMPLE ACTIVITIES</b>		
<b>Priority Needs</b>	<b>Goals</b>	<b>Sample Activities</b>
1. Expand & Improve Public Infrastructure & Facilities	1a. Improve access to & capacity of public facilities and infrastructure	Non-profit agency roof replacement; public park renovation
2. Preserve, Protect, and Produce Housing Stock	2a. Preserve existing homeownership housing	Home repairs for older adults
	2b. Develop new affordable housing	Grants to affordable housing developers
3. Public Services & Quality of Life Improvements	3a. Provide supportive services for special needs populations	Public services programs for homeless individuals or victims of domestic violence
	3b. Provide vital services for low-to-mod income households	Homelessness, elderly, youth, and family education services and legal services
4. Economic Development	4a. Provide for small business assistance	Technical assistance to childcare providers and entrepreneurs; small business loans and grants

HAYWARD CITY COUNCIL

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

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

RESOLUTION APPROVING AND APPROPRIATING THE COMMUNITY  
AGENCY FUNDING RECOMMENDATIONS FOR 2-1-1 SERVICES

WHEREAS, the City of Hayward has allocated a portion of its General Fund to a competitive funding process for organizations serving the Hayward community; and

WHEREAS, Eden Information and Referral (EIR) has historically applied for and received funding to support the operation of 2-1-1, a free, non-emergency, confidential, 3-digit phone number and service that provides easy access to housing information, and critical health and human services, through the Community Agency Funding (CAF) process; and

WHEREAS, on April 17, 2018, the City Council approved removing EIR from the competitive pool of CAF applicants; and

WHEREAS, since this April 17, 2018, City Council approval, EIR has not had to apply for funding and receives a direct Services award of \$50,000; and

WHEREAS, this \$50,000 continues to be allocated from the competitive General Fund pool of program funding, thus reducing the competitive funding available to competing agencies; and

WHEREAS, over the last several years, the City has seen a growing gap in funding requested versus funding available; and

WHEREAS, 2-1-1 services is critical and EIR is the sole provider of 2-1-1 in Alameda County and serves as the county-wide call center for Alameda County's Coordinated Entry System; and

WHEREAS, awarding a direct allocation to EIR for the operation of 2-1-1 services would continue supporting such services and make available an additional \$50,000 to the competitive pool of General Fund Services monies; and

WHEREAS, staff has identified unallocated FY 2023 funding to support a direct allocation to EIR for 2-1-1 services in FY 2024.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby approves removing Eden Information and Referral from the Community Agency Funding process and reallocating available FY 2023 General Funds to support EIR's operation of 2-1-1 in FY 2024.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby approves and appropriates a General Fund allocation, in the amount of \$50,000, in the Community Services Division's operations budget to continue funding Eden Information and Referral's operation of 2-1-1 services starting in FY 2025.

BE IT FURTHER RESOLVED that the City Manager is authorized to negotiate and execute an agreement with Eden Information and Referral, in an amount not to exceed \$50,000, for the continuation of 2-1-1 services starting in FY 2025.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	February 15, 2023, Community Services Commission Meeting	Family Violence Law Center Grants and Contracts Manager, Stephanie Penrod and Carol Morgan of East Bay Youth Orchestra acknowledged the Commission and expressed their appreciation of the funding recommendations.	All comments were accepted	<a href="https://hayward.legistar.com/LegislationDetail.aspx?ID=6021793&amp;GUID=5FFD5D90-DD28-444C-8E84-3300746EA3BA&amp;Options=&amp;Search=">https://hayward.legistar.com/LegislationDetail.aspx?ID=6021793&amp;GUID=5FFD5D90-DD28-444C-8E84-3300746EA3BA&amp;Options=&amp;Search=</a>
Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	March 15, 2023, Community Services Commission Meeting	Penny Herndon expressed appreciation of the funding recommendations and continued support of Spectrum Community Services.		<a href="https://hayward.legistar.com/MeetingDetail.aspx?ID=1084841&amp;GUID=D7125229-D277-4D68-9AD1-B66060DCD9FC&amp;Options=info &amp;Search=">https://hayward.legistar.com/MeetingDetail.aspx?ID=1084841&amp;GUID=D7125229-D277-4D68-9AD1-B66060DCD9FC&amp;Options=info &amp;Search=</a>
Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	April 3, 2023, Special Community Services Commission Meeting	Love Never Fails Program Development and Fundraising Manager, Amina Siddiqi provided an overview of the agency's mission and services and expressed their appreciation of the funding recommendations.	All comments were accepted	<a href="https://hayward.legistar.com/LegislationDetail.aspx?ID=6101783&amp;GUID=C6C9425F-CFBF-47B2-B26C-4F5F8132DC23&amp;Options=&amp;Search=">https://hayward.legistar.com/LegislationDetail.aspx?ID=6101783&amp;GUID=C6C9425F-CFBF-47B2-B26C-4F5F8132DC23&amp;Options=&amp;Search=</a>
Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	April 11, 2023, City Council Meeting	Hayward Concerned Citizens member, TJ, asked a clarifying question regarding Rebuilding Together Oakland to understand how this agency benefits and serves Hayward residents.	All comments were accepted	<a href="https://hayward.legistar.com/LegislationDetail.aspx?ID=6124951&amp;GUID=60B16E82-C7CF-442C-BB5C-2344287F0E24&amp;Options=&amp;Search=">https://hayward.legistar.com/LegislationDetail.aspx?ID=6124951&amp;GUID=60B16E82-C7CF-442C-BB5C-2344287F0E24&amp;Options=&amp;Search=</a>
Public Hearing Comment Period	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Public Comment Period regarding Public Hearing scheduled April 25, 2023	Hayward Concerned Citizens member, Theresa Rezentes, submitted a public comment requesting reallocating funding to fully fund South Hayward Parish's Food Pantry Program and Case Management Services.	All comments were accepted	



# CITY OF HAYWARD

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

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**File #:** LB 23-016

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**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adopt a Resolution Accepting the Resignation of Mr. Ray Bonilla Jr., from the Planning Commission, and Consideration of Options for Filling the Planning Commission Vacancy

**RECOMMENDATION**

That the Council adopts a resolution (Attachment II) accepting the resignation of Mr. Ray Bonilla Jr., from the Planning Commission, and then takes action regarding the vacancy on the Commission by either directing staff to fill the vacancy as part of the 2023 recruitment process that recently commenced or by adopting a resolution (Attachment III) to appoint alternate Ms. Shanta Franco-Clausen to the vacancy until July 2023.

**SUMMARY**

Mr. Ray Bonilla Jr. was appointed to the Planning Commission on September 19, 2017. Mr. Bonilla's resignation becomes effective immediately following his swearing in as a City Council Member on April 18, 2023.

On March 30, 2023, former Council Member Elisa Márquez was selected to fill the vacant District Two Supervisor position and on April 4, 2023, was sworn into office. During the April 11, 2023, Council meeting, the City Council declared Ms. Elisa Márquez's seat vacant and considered City Council candidates from the January interview process who comprised Artavia Berry, Ray Bonilla Jr., and Austin Bruckner. Following the staff's presentation, a formal motion was made to appoint Ray Bonilla Jr. to fill the two-year term City Council vacancy. The appointment created a vacancy on the Planning Commission.

The 2022 General Municipal Election and 2023 City Council appointment created two vacancies on the Planning Commission which launched a special recruitment from December 14, 2022 through January 12, 2023. On January 24, 2023, following interviews of qualified and interested individuals, the Council appointed Ms. Karla Goodbody and Ms. Anika Patterson to fill Council Member Roche and Goldstein's former Planning Commission seats. The Council also confirmed the selection of Ms. Shanta Franco-Clausen as the alternate to the Planning Commission for a term ending July 2023, should another unexpected Planning Commission vacancy occur.

The 2023 annual recruitment for City commissions and the Keep Hayward Clean and Green Task Force started last week with the publication of water bill inserts soliciting applications from Hayward residents; the application deadline is August 4, 2023. In addition, there is a significant amount of onboarding required for new Planning Commissioners that is unique to that body. The Council and City commissions will also be on recess from the beginning of July until mid-August when Commission interviews will be conducted. Consequently, staff wanted to present two options for Council consideration, given the current timelines: 1) proceed with appointing Ms. Shanta Franco-Clausen to the Planning Commission vacancy for approximately two months; or 2) wait to fill the vacancy as part of the 2023 annual recruitment process.

**ATTACHMENTS**

- |                |                                  |
|----------------|----------------------------------|
| Attachment I   | Staff Report                     |
| Attachment II  | Resolution Accepting Resignation |
| Attachment III | Resolution Appointing Alternate  |



**DATE:** April 25, 2023

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT** Adopt a Resolution Accepting the Resignation of Mr. Ray Bonilla Jr., from the Planning Commission and Consideration of Options for Filling the Planning Commission Vacancy

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That the Council adopts a resolution (Attachment II) accepting the resignation of Mr. Ray Bonilla Jr., from the Planning Commission, and then takes action regarding the vacancy on the Commission by either directing staff to fill the vacancy as part of the 2023 recruitment process that recently commenced or by adopting a resolution (Attachment III) to appoint alternate Ms. Shanta Franco-Clausen to the vacancy until July 2023.

### **SUMMARY AND DISCUSSION**

Mr. Ray Bonilla Jr. was appointed to the Planning Commission on September 19, 2017. Mr. Bonilla's resignation becomes effective immediately following his swearing in as a City Council Member on April 18, 2023.

On March 30, 2023, former Council Member Elisa Márquez was selected to fill the vacant District Two Supervisor position and on April 4, 2023, was sworn into office. During the April 11, 2023, Council meeting, the City Council declared Ms. Elisa Márquez's seat vacant and considered City Council candidates from the January interview process who comprised Artavia Berry, Ray Bonilla Jr., and Austin Bruckner. Following the staff's presentation, a formal motion was made to appoint Ray Bonilla Jr. to fill the two-year term City Council vacancy. The appointment created a vacancy on the Planning Commission.

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**FISCAL IMPACT**

There is no fiscal impact associated with this action.

**STRATEGIC ROADMAP**

The agenda item is a routine operational item and does not relate directly to the Council's Strategic Roadmap.

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

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION No. 23-\_\_\_\_\_

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

RESOLUTION ACCEPTING THE RESIGNATION OF MR. RAY BONILLA JR.  
FROM THE PLANNING COMMISSION

WHEREAS, Mr. Ray Bonilla Jr., was appointed to the Planning Commission on September 19, 2017, and reappointed on September 20, 2022; and

WHEREAS, Mr. Ray Bonilla Jr., was appointed to the City Council and sworn into office on April 18, 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignation of Mr. Ray Bonilla Jr.; and commends him for his civic service to the City.

IN COUNCIL, HAYWARD, CALIFORNIA, \_\_\_\_\_ 2022.

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

HAYWARD CITY COUNCIL

RESOLUTION No. 23-\_\_\_\_\_

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

RESOLUTION APPOINTING MS. SHANTA FRANCO-CLAUSEN TO THE PLANNING COMMISSION TO FILL THE UNEXPIRED TERM OF MR. RAY BONILLA JR.

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

WHEREAS, following interviews of qualified and interested individuals, the City Council, on January 24, 2023, appointed Ms. Karla Goodbody and Ms. Anika Patterson to the Planning Commission and selected Ms. Shanta Franco-Clausen as the alternate to the Planning Commission for a term ending July 2023, should a vacancy occur; and

WHEREAS, a Planning Commission vacancy occurred when former Planning Commissioner Ray Bonilla Jr., was appointed Council Member and sworn into office on April 18, 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Ms. Shanta Franco-Clausen is selected from the alternate list and appointed to fill former Planning Commissioner Bonilla's seat for a term ending July 2023.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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