

CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, January 26, 2016

7:00 PM

Council Chambers

City Council

Mayor Barbara Halliday
Mayor Pro Tempore Al Mendall
Council Member Francisco Zermeño
Council Member Marvin Peixoto
Council Member Greg Jones
Council Member Sara Lamnin
Council Member Elisa Márquez

**SPECIAL JOINT CITY COUNCIL/
REDEVELOPMENT SUCCESSOR AGENCY MEETING**

CALL TO ORDER Pledge of Allegiance: Council Member Lamnin**ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PRESENTATION**

Certificate of Commendation – Presented to 2015 Rotary Scholastic Achievement Award Recipients

PUBLIC COMMENTS

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

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 16-004](#) Approval of the Minutes of the Special City Council Meeting on January 12, 2016

Attachments: [Attachment I Draft Minutes of 1/12/16](#)

2. [CONS 16-016](#) General Municipal Election - June 7, 2016

Attachments: [Attachment I Resolution Calling the Election](#)
[Attachment II Resolution Pertaining to Candidates Statements](#)
[Attachment III Municipal Election Calendar](#)

3. [CONS 16-019](#) Approval of Annual Recognized Obligation Payment Schedule for the Period July 1, 2016 to June 30, 2017 and the Successor Agency Administrative Budget for the Period July 1, 2016 to June 30, 2017
- Attachments:** [Attachment I RSA Resolution](#)
 [Attachment II ROPS 16-17](#)
 [Attachment III FY2017 Successor Agency Administrative Budget](#)
4. [CONS 16-029](#) New Sidewalks FY16 - Donald Avenue and Hayward Boulevard: Award of Contract
- Attachments:** [Attachment I Resolution](#)
 [Attachment II Location Map](#)
 [Attachment III Bid Summary](#)
5. [CONS 16-040](#) Water Service Area: Approval of Re-arrangement with East Bay Municipal Utility District
- Attachments:** [Attachment I Draft Resolution](#)
6. [CONS 16-046](#) Approval of a Revised Memorandum of Understanding with the County of Alameda and Hayward Area Recreation and Park District for the Purposes of Collaborating on the South Hayward Youth and Family Center Project
- Attachments:** [Attachment I Revised MOU Clean Version](#)
 [Attachment II Revised MOU Redline Version](#)
7. [CONS 16-047](#) Authorization for the City Manager to Execute Professional Services Agreements for Structural Art Installations in the 21st Century Library; and Proposed Next Steps in the 21st Century Library Public Art Process Including Selection of Display Artworks and the Identification of a Local Partner or Partners to Operate the Community Galleries
- Attachments:** [Attachment I Resolution](#)
 [Attachment II Proposals](#)

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.

8. [WS 16-004](#) Overview of Geologic Hazard Abatement Districts (Report from Director of Development Services Rizk)

Attachments: [Attachment I Outline of Hayward GHAD Formation Process](#)
[Attachment II CA Association of GHADs handout](#)

9. [WS 16-009](#) Update on City's Efforts for Renewal of Utility Users Tax (Report from Assistant City Manager McAdoo)

Attachments: [Attachment I Preliminary Poll Results- November 2015](#)

PUBLIC HEARING

10. [PH 16-007](#) Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing for Financing of Airport Development Improvements by APP Properties, Inc. (Report from Director of Finance Vesely)

Attachments: [Attachment I Resolution Approving Issuance of Tax-Exempt Bonds](#)

LEGISLATIVE BUSINESS

11. [LB 16-008](#) Authorization of Issuance of Multi-Family Housing Revenue Bonds (Acquisition and Rehabilitation of Four Eden Housing, Inc.-Owned Affordable Housing Developments) 2016 Series A and Execution of Related Documents (Report from Director of Library and Community Services Reinhart)

Attachments: [Attachment I Resolution](#)
[Attachment II Staff Report on July 21 2015 TEFRA Hearing](#)

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.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

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

ADJOURNMENT

**NEXT REGULAR MEETING - Tuesday, February 2, 2016 - CANCELED -
NEXT SPECIAL MEETING - Tuesday, February 9, 2016, 7:00 PM**

PUBLIC COMMENT RULES

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

PLEASE TAKE NOTICE

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

PLEASE TAKE FURTHER NOTICE

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

****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 website and on Cable Channel 15, KHRT. ****

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



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Staff Report

File #: MIN 16-004

Attached is a copy of the Draft Minutes of the Special City Council Meeting on January 12, 2016.



**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
Conference Room 2A
777 B Street, Hayward, CA 94541
Tuesday, January 12, 2015, 7:00 p.m.**

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Halliday.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Mendall, Jones, Peixoto, Lamnin, Márquez
MAYOR Halliday
Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño referred to a resolution in support of AB 474 (Brown and Thurmond) related to State Supplementary payment amounts. Staff was directed to do an analysis before taking any action.

Council Member Márquez referred to two inquiries she had received related to the parking at South Hayward BART and about a company causing nuisance.

Mr. John Stead-Mendez, Executive Director of Service Employees International Union (SEIU) Local 1021, spoke about the report presented to the Public Employee Relations Board (PERB) and urged the Council to direct staff to find a resolution.

Mr. Gary Jimenez, concurred with Mr. John Stead-Mendez and asked the Council to take into consideration the workforce.

The Council convened in Conference Room 2A at approximately 7:00 p.m.

There was Council consensus to add the Closed Session Announcement section to the agenda.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council convened in closed session concerning conference with legal counsel pursuant to Government Code 54956.9 regarding S.E.I.U., Local 1021/City of Hayward, P.E.R.B., Case Nos. SF-CE-1075-M, SF-CE-1117-M, SF-CE-1118-M, SF-CE-1174-M, SF-CO-320-M, SF-CE-321-M; and there was no reportable action.

PUBLIC COMMENTS

Ms. Betty DeForest, Hayward resident, reported on warming center issues in Hayward and urged the Council to find a second location to accommodate individuals who are homeless and not able to be helped at the current warming center.

Ms. Felicia Sandoval, Hayward resident, spoke about the Public Employee Relations Board (PERB) decision and urged the Council to settle the case.

Mr. John Stead-Mendez, Executive Director of Service Employees International Union (SEIU) Local 1021, urged the City not to appeal the Administrative Law Judge (ALJ) to the PERB Board, and to effectuate the remedy as recommended by the ALJ.

Ms. Mimi Bauer, Hayward resident, urged the Council to ensure that the proposed community park is built within one year and asked that the City and Hayward Area Recreation and Park District (HARD) consider building a park in the Fairway Park area.

Mr. Robert Owens, asked the City to consider helping individuals who are homeless.

Ms. Wynn Grcich, Hayward resident, spoke about the incident that occurred at the closed session meeting of the Hayward Unified School District Board in 2015.

WORK SESSION

1. Work Session to Provide Feedback on a Conceptual Plan for the Proposed New Community Park Adjacent and West of the Approved La Vista Development that will be Served via an Eastward Extension of Tennyson Road from Mission Boulevard **WS 16-001**

Staff report submitted by Development Services Director Rizk, dated January 12, 2016, was filed.

Development Services Director Rizk provided a synopsis of the report and consultant David Gates with Gates and Associates delivered a PowerPoint presentation.

The City Council was overall enthusiastic and supportive of the proposed new community park and offered the following recommendations: hold more community meetings and one in South Hayward; ensure ample parking space; have proper lighting; have security measures in place; solicit recommendations from Hayward Youth Commission regarding the park; find creative funding sources to address the capital expenditure and ongoing expense to support the proposed park; consider something honoring Hayward through integration of public art or a history walk; have the Picnic Area next to the Yoga Lawn; ensure that the Play Zone area is enclosed; ensure the park has bathrooms; ensure there is ADA accessibility in all areas; integrate bike connectivity; make improvements that do not get outdated; consider the right place for uses and amenities such as a BMX track, bocce ball, gymnastics, soccer field, kite flying, acting, rocking chairs; consider STEM learning opportunities; consider events for the park such as the 4th of July; consider uses for the amphitheater such as the Russell City Blues Festival; disperse the Gardens area to other areas; consider concrete and gravel surface for jogging; do not add attractions that are available in other local parks; make sure the Water Play has low water usage; and use bay-friendly landscaping .



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The City Council took a recess at 8:31 p.m. and reconvened in the Council Chambers at 8:41 p.m.

PUBLIC COMMENTS

There were none.

CONSENT

2. Approval of the Minutes of the City Council Meeting on December 15, 2015 **MIN 16-001** It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried unanimously, to approve the minutes of the City Council Meeting on December 15, 2015, with an amendment to the minutes to reflect that Council Member Márquez joined the Closed Session at 5:05 p.m.

3. Adoption of Ordinance Amending Hayward Building Code Section 105.3.1 (Relating to Restrictions on Issuance of Building Permits) and Section 105.5 (Relating to Time Limitations on Building Permit Expiration) **CONS 16-001**

Staff report submitted by City Clerk Lens, dated January 12, 2016, was filed.

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Ordinance 16-01, "An Ordinance Amending Hayward Building Code Section 105.3.1 (Relating to Restrictions on Issuance of Building Permits) and Section 105.5 (Relating to Time Limitations on Building Permit Expiration)"

Mayor Halliday recused from participating on discussion related to Public Hearing Item No. 4 due to the proximity of the project to her new residence, and left the Council Chambers at 8:45 p.m. Mayor Pro Tempore Mendall presided over the meeting.

PUBLIC HEARING

4. Proposed subdivision and construction of six detached single-family homes around a central open space area located at 1151 Overlook Avenue, requiring adoption of a resolution and introduction of an ordinance for a zone change from Sustainable Mixed Use (SMU) to Planned Development (PD) and approval of Tentative Tract Map 8244 - Overlook Terrace, LLC (Applicant/Owner) **PH 16-001**

Staff report submitted by Assistant Planner Christensen, dated January 12, 2016, was filed.

Development Services Director Rizk announced the report and introduced Assistant Planner Christensen who provided a synopsis of the staff report. Mr. Christensen noted that there were amendments to Condition of Approval No. 59 and Condition of Approval No. 120g to reflect correct street names, and added that additional conditions of approval were renumbered for consistency with no change in content.

Discussion ensued among Council Members and City staff regarding gray water; environmental concerns; setback and frontage requirements; clustering development; garbage and recycling receptacles and standard conditions; universal design and units accessibility; protected open space; distance between units; and Sustainable Mixed Use.

Mayor Pro Tempore Mendall opened the public hearing at 9:12 p.m.

Mr. Paz Sandoval, Hayward resident, requested that consideration be given for more student housing in Hayward.

Mayor Pro Tempore Mendall closed the public hearing at 9:14 p.m.

Council Member Zermeño offered a motion per staff recommendation. Council Member Márquez seconded the motion.

Council Member Márquez, Council Member Lamnin, and Mayor Pro Tempore Mendall disclosed having met with the developer regarding the proposed project.

Council Member Peixoto asked staff to work with the developer to improve the elevations and suggested considering different color palettes and pop-up features.

Mayor Pro Tempore Mendall supported the proposal noting it was a unique project and it was not a precedent for more hillside neighborhood developments.

It was moved by Council Member Zermeño, seconded by Council Member Márquez, and carried unanimously with Mayor Halliday absent, to adopt the following with amendments to Condition of Approval No. 59 and Condition of Approval No. 120g, and renumbering additional conditions of approval for consistency with no change in content.

Resolution 16-001, "Resolution Adopting the Negative Declaration and Approving Vesting Tentative Tract Map Application and Zone Change Application 201501012 Pertaining to the Development of Six Detached Single-Family Homes at 1151 Overlook Avenue"



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Introduction of Ordinance 16-, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201501012 Relating to a Six Unit Residential Development at 1151 Overlook Avenue"

Mayor Halliday returned to the Council Chambers at 9:19 p.m., to preside over the remainder of the Council meeting.

5. Proposed amendments to the City of Hayward Livestock Regulations, including establishment of a revised, simplified permit process for the keeping of bees, hens, and other small animals in residential areas; and Establishment of Proposed New Fees to reduce the cost for processing of permits for such uses **PH 16-002**

Staff report submitted by Assistant Planner Christensen, dated January 12, 2016, was filed.

Development Services Director Rizk announced the report and introduced Assistant Planner Christensen who provided a synopsis of the staff report. Mr. Christensen clarified a typo in the staff report and noted that a resident of a property within 100 feet of a proposed apiary would have thirty days to notify the City of a bee allergy as stated in the resolution.

Mayor Halliday opened the public hearing at 9:26 p.m.

Ms. Savoy Glancy, Fairview resident, supported having regulations to raise animals, but noted that permit fees should be minimal.

Mayor Halliday closed the public hearing at 9:28 p.m.

Council Member Mendall offered a motion per staff recommendation.

Council Member Zermeño seconded the motion.

Council Member Lamnin supported the motion and encouraged considering opportunities for similar regulations related to cats and dogs.

While Council Member Jones supported having a process that would be based on a complaint basis and had reservations about the maximum number of small fowls that were allowed, he supported the motion because the proposed amendments were more reasonable than the former. Mr. Jones hoped the regulations could be revisited in the future.

Council Member Peixoto expressed concern that there would be nuisances with the proposed regulations, but was glad to see there were measures to mitigate the issues; and supported the motion.

Mayor Halliday supported the motion and noted she was glad the proposed permit fees were minimal and the proposed regulations would be a good tool for the City to foster good neighborhood.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried unanimously, to adopt the following:

Resolution 16-002, "Resolution Determining Project is Exempt from Environmental Impact Analysis, Per the California Environmental Quality Act, and Approving Amendments to the Hayward Municipal Code Regarding Livestock, Household Pets, and Apiaries"

Resolution 16-003, "Resolution Amending the City of Hayward Fiscal Year 2016 Master Fee Schedule Associated with Amendments to the Hayward Municipal Code for Livestock, Household Pets, and Apiaries"

Introduction of Ordinance 16-_, "Ordinance Amending Hayward Municipal Code Section 10-1.215: Single-Family Residential, to Revise the Permitted Use Table with Respect to Household Pets and Apiaries"

Introduction of Ordinance 16-_, "Ordinance Amending Hayward Municipal Code Section 10-1.315: Residential-Natural Preservation District, to Revise the Permitted Use Table with Respect to Household Pets and Apiaries"

Introduction of Ordinance 16-_, "Ordinance Amending Hayward Municipal Code Section 10-1.2735.e: General Regulations, to Revise the Standards for the Keeping of Livestock and Household Pets, and to Include Additional Regulations for the Operation of Apiaries"

Introduction of Ordinance 16-_, "Ordinance Amending Hayward Municipal Code Section 10-1.3500: Definitions, to Revise Definitions Relating to Household Pets, Livestock, and Apiaries"



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LEGISLATIVE BUSINESS

6. Draft Purchase and Sale Agreement with the California Department of Transportation for the City of Hayward to Acquire Excess Property in the 238 Bypass Corridor **LB 16-007**

Staff report submitted by City Manager David, dated January 12, 2016, was filed.

City Manager David provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding: process for purchase and sale of specific Caltrans parcels along the 238 Bypass Corridor and Local Alternative Transportation Improvement Program (LATIP) funds and projects.

Mayor Halliday opened the public hearing at 9:59 p.m.

Ms. Debbie Frederick, Bunker Hill Boulevard resident, asked that the City manage and sustain the current Caltrans rental properties until there is a developer ready to buy the properties in order to avoid loitering and vandalism.

Mr. Renard Johnson, Bunker Hill Boulevard resident, inquired how long would tenants be allowed to stay in the Caltrans residential units and asked if he could purchase his unit.

Mr. Jonathon Meyers, Bunker Hill Boulevard resident, was concerned that the proposed sale agreement with Caltrans might displace current tenants and asked for a clause in the agreement that would allow current tenants to acquire Caltrans land.

Ms. Savoy Glancy, Bunker Hill Boulevard resident, did not favor having open space taken by big housing developers.

Mayor Halliday noted that Mr. Sherman Lewis had submitted a written comment in which he supported the proposal to use options to buy opportunity sites from Caltrans and to develop them in a sustainable manner.

Ms. Lori Moitié, Bunker Hill Boulevard resident, noted that in 2009 she was informed that the Bunker Hill Boulevard area was ineligible for purchase; and inquired if she would be eligible to buy the property under the current proposal.

Mayor Halliday closed the public hearing at 10:15 p.m.

Council Member Lamnin offered a motion per staff recommendation with the revised resolution. Council Member Mendall seconded the motion.

Council Member Lamnin suggested that staff consider a proactive mechanism to allow for public process such as a charrette or a forum for small concept proposals; and to allow for input by current residents living in Caltrans units to address concerns and opportunities.

Council Member Mendall noted that the proposal had a solid vision and a creative solution to an unusual problem with an opportunity to develop the 238 Corridor in a way that benefits the community.

Council Member Peixoto supported the motion noting that the proposal was an opportunity to take advantage of the beautiful parcels and create high end development.

Council Member Zermeño concurred with the vision for the Caltrans parcels and asked that impacted neighborhood residents be informed about the project; and also expressed that he was open to consider possibilities for affordable housing or housing for seniors, teachers, and students.

Council Member Márquez was supportive of the motion and noted she was pleased with the clause in the agreement regarding the five-year time frame in which the City can sell the properties. Ms. Márquez requested that the next report include information about the number of tenants who would be impacted by the proposal and how they would be noticed.

Mayor Halliday supported the motion noting there was a vision for the Caltrans parcels and there would be opportunity for further discussion. Mayor Halliday asked that the current tenants be informed and that there be consideration for assistance should relocation becomes necessary.

It was moved by Council Member Lamnin, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Resolution 16-004, “Resolution Declaring Public Purpose and Authorizing the City Manager to Negotiate and Execute an Agreement with the State of California Acting Through the Department of Transportation for the Purchase of Certain Excess Route 238 Properties”

CITY MANAGER’S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño wished everyone a Happy New Year.



**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
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ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:43 p.m., in memory of Mr. Delmo Della-Dora and Mr. John Kyle.

Mr. Delmo Della-Dora served on the Board of Directors for Ruby's Place, served as a President of the League of Women Voters-Eden Area, was a member of the Hayward Rotary Club, and was a Lifetime Achievement Award recipient at the Hayward Volunteer Recognition in 2008.

Mr. John Kyle served on the Growth Management Task Force, served on the committee for noise abatement at the Hayward Airport, and became "the one man nighttime graffiti eliminator" because he would go around Hayward streets getting rid of unwanted art.

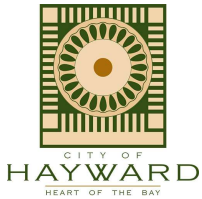
Mayor Halliday asked staff to work with the Della-Dora and Kyle families and find suitable places to plant trees in memory of Delmo Della-Dora and John Kyle.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

Hayward City Hall
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Staff Report

File #: CONS 16-016

DATE: January 26, 2016

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

General Municipal Election - June 7, 2016

RECOMMENDATION

That the City Council adopts two resolutions: 1) A resolution calling and ordering to be held in the City of Hayward, California, on Tuesday, June 7, 2016, a General Municipal Election for the purpose of electing Members of the City Council for the full term of four years; and requesting the Board of Supervisors of the County of Alameda to render specified services to the City relating to the conduct of a General Municipal Election (Attachment I); and 2) a resolution of the City Council adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters (Attachment II).

DISCUSSION

The Hayward General Municipal Election will be conducted on Tuesday, June 7, 2016, for the purpose of electing four Council Members for terms of four years each. The first day for issuing nomination papers is Tuesday, February 16, 2016, and the last day is Friday, March 11, 2016, at 5:00 p.m. If an incumbent decides not to seek re-election, the nomination period extends to Wednesday, March 16, 2016. The Secretary of State will conduct a random alpha drawing on March 17, 2016, to determine the order in which candidate names will appear on the ballot. The General Municipal Election Calendar (Attachment III) provides a list of pertinent dates for the election.

The City of Hayward has been consolidating its municipal elections with the California State Primary since 1996. As provided by statute, the Council may request the consolidation from the Alameda County Board of Supervisors and request that services be provided by the Registrar of Voters. The Registrar will provide the following services: verify signatures on nomination papers; prepare and supply indices to precinct information; provide voter registration information; assist in election services as required in the conduct of this election; and provide services to complete the canvass of returns. With this consolidation, the City's sample ballot and optional candidate statements will be incorporated into the Alameda County Voter Pamphlet.

The Alameda County Registrar of Voters has estimated the total cost of printing, handling, translating, and mailing the candidates statements, including costs incurred as a result of complying with the Voting Rights Act of 1965, as amended, to be \$2,454. Each candidate filing a statement will be required to pay in advance his or her estimated pro rata share as a condition of having his or her statement included in the

voter's pamphlet. The estimated cost is an approximation of the actual cost which varies from one election to another and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the candidate could be billed for additional actual expense or refunded any excess paid depending on the final actual cost.

The 2016 Consumer Price Index adjustment for the City's Campaign Voluntary Expenditure Limit has been calculated to be \$68,108. The [Hayward Municipal Code Chapter 2, Article 13 <http://www.ci.hayward.ca.us/CITY-GOVERNMENT/DEPARTMENTS/CITY-CLERK/MUNICIPAL-CODE/CH02A13eff111715.pdf>](http://www.ci.hayward.ca.us/CITY-GOVERNMENT/DEPARTMENTS/CITY-CLERK/MUNICIPAL-CODE/CH02A13eff111715.pdf), Section 2-13.04 states that if a candidate accepts the voluntary expenditure limit for his or her campaign, then she/he is entitled to accept the established contribution limit, now adjusted to \$1,336 per contributor. If a candidate rejects the voluntary expenditure limit, then the contribution limit is \$323 per contributor. During the election cycle, campaign disclosure documents for all candidates will be posted on the City's website within forty-eight hours of receipt, as individual addresses will need to be redacted from the reports.

FISCAL IMPACT

The budget for the consolidation of Hayward's General Municipal Election is \$249,000, which is included in the current budget for the City Clerk's Office.

PUBLIC CONTACT


Information regarding the election is available on the City's website at <http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/CITY-CLERK/index.shtm?tab=1>

The Notice of Election will be published in the Hayward Daily Review on Tuesday, February 2, 2016, as prescribed by Section 12101 of the California Elections Code.

Prepared by: Miriam Lens, City Clerk

Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:

- Attachment I Resolution calling and ordering an election and requesting services
- Attachment II Resolution adopting regulations for candidate statements
- Attachment III General Municipal Election Calendar

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON JUNE 7, 2016, FOR THE PURPOSE OF ELECTING FOUR MEMBERS OF THE CITY COUNCIL FOR TERMS OF FOUR YEARS; AND REQUESTING THE BOARD OF SUPERVISORS OF ALAMEDA COUNTY TO PROVIDE FOR THE CONSOLIDATION OF A GENERAL MUNICIPAL ELECTION OF THE CITY OF HAYWARD WITH THE STATE OF CALIFORNIA PRIMARY ELECTION

WHEREAS, under the provisions of the City Charter, a General Municipal Election for the election of officer, shall be consolidated with the California State Primary Election held in even numbered years; and

WHEREAS, a State of California Statewide Primary Election will be held on Tuesday, June 7, 2016; and

WHEREAS, the voters of Hayward have elected to consolidate the City of Hayward General Municipal Election with the State of California Primary Election, utilizing the same precincts, polling places, and election officers.

WHEREAS, the City Council of the City of Hayward called a General Municipal Election to be held on June 7, 2016, for the purpose of electing four Members of the City Council for terms of four years; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward as follows:

SECTION 1. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by the law.

SECTION 2. That the Board of Supervisors of Alameda County is hereby requested to order the consolidation of the General Municipal Election of the City of Hayward with the State Primary to be held on Tuesday, June 7, 2016, insofar as the City is concerned, and to further provide that within the territory affected by said order of consolidation, to wit, the City of Hayward, the election precincts, polling places, and voting booths shall in every case be the same

and there shall be only one set of election officers in each of said precincts, and to further provide that the candidates for the City Council hereinabove set forth shall be set forth in the form of ballot to be used at the State Primary Election insofar as the same is held within the City.

The Board of Supervisors of Alameda County is further requested to order the County Clerk and the Registrar of Voters to:

- a. Verify signatures on nomination papers; and
- b. Prepare and supply indices to precinct information; and
- c. Provide voter registration information; and
- d. Assist in election services as required in the conduct of this election; and
- e. Provide services to complete the canvass of returns

SECTION 3. That in the particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. That in the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the Alameda County Registrar, the City Council, in accordance with Election Code Section 15651(b), shall conduct a special runoff election to resolve the tie vote and such special runoff election is to be held on a Tuesday no less than 40 days nor more than 125 days after the administrative or judicial certification of the election which resulted in a tie vote.

SECTION 5. That the Board of Supervisors of Alameda County is hereby further authorized to canvass, or cause to be canvassed, as provided by law, the returns of the General Municipal Election with respect to the votes cast for four Council Members and to certify such canvass of the votes cast.

SECTION 6. That the City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 7. That the City Clerk is hereby authorized and directed to certify to the duly adoption of this resolution and to transmit a copy thereof so certified to the County Clerk of the County of Alameda and the Alameda County Registrar.

SECTION 8. That the City Council shall meet at a regular meeting to review the canvass of the returns of the General Municipal Election and declare the results thereof, tentatively scheduled for July 12, 2016.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

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. 16-

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, JUNE 7, 2016

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt resolutions pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates' statement;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY HAYWARD, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Hayward may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in the Office of the City Clerk at the same time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 3. FOREIGN LANGUAGE POLICY.

- A. Pursuant to the Federal Voting Rights Act, candidate statements will be translated into all languages as required. Alameda County is required to translate candidate's statements into the following languages: Chinese, Spanish, Tagalog, and Vietnamese.
- B. The County will mail separate sample ballots and candidate statements in Chinese, Spanish, Tagalog and Vietnamese to only those voters who are on the county voter file as

having requested a sample ballot in a particular language. The County will make the sample ballots and candidate statements in the required languages available at all polling places and on the County’s website.

SECTION 4. PAYMENT The Alameda County Registrar shall estimate the total cost of printing, handling, translating, and mailing, including costs incurred as a result of complying with the Voting Rights Act of 1965, as amended, and require each candidate filing a statement to pay in advance for his or her estimated pro rata share as a condition of having his or her statement included in the voter’s pamphlet. The estimate is just an approximation of the actual cost. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 5. The City Clerk shall provide each candidate or the candidate’s representative a copy of this resolution at the time nominating petitions are issued.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

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



GENERAL MUNICIPAL CALENDAR
Tuesday, June 7, 2016

KEY DATES AND DEADLINES

DATE	DESCRIPTION
February 1, 2016	Semi-Annual Filing FPPC Form 460 - Period covers 7/1/15 - 12/31/15
February 15*, 2016 - March 11, 2016	Filing Period for Nomination Papers and Candidate Statements. City Hall is closed on February 15, 2016 in observance of President's Day.
March 12*, 2016 - March 16, 2016	Extended Filing Period if incumbent does not file by March 11, 2016. Incumbents are not eligible to file during the extended period.
March 17, 2016	Randomized Alphabet Drawing. Secretary of State to determine order of names on ballot.
April 11, 2016 - May 24, 2016	Statement of Write-In Candidacy and Nomination Paper Period for Write-In Candidates.
April 28, 2016	Pre-Election Campaign Statement Deadline FPPC Form 460 - Period covers 1/1/16 - 4/23/16
April 28, 2016	First day to mail Sample Ballot Pamphlets.
May 9, 2016 - May 31, 2016	Vote-By-Mail (VBM) Ballot Mailing Period.
May 23, 2016	Last Day to Register to Vote for the June 7, 2016 Presidential Primary Election.
May 24 – June 7, 2016	New Citizens (sworn in after May 23, 2016) Voter Registration Period.
May 26, 2016	Pre-Election Campaign Statement Deadline FPPC Form 460 - Period covers 4/24/16 – 5/21/16
June 7, 2016	Election Day – Polls open at 7:00 a.m. and close at 8:00 p.m.
August 1, 2016	Semi-Annual Filing FPPC Form 460 – Period covers 5/22/16 – 6/30/16

**Date falls on a weekend or on a state holiday; it does not move forward to the next business day.*



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-019

DATE: January 26, 2016

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Approval of Annual Recognized Obligation Payment Schedule for the Period July 1, 2016 to June 30, 2017 and the Successor Agency Administrative Budget for the Period July 1, 2016 to June 30, 2017

RECOMMENDATION

That the City Council, in its capacity as governing board to the Hayward Successor Agency, adopts the attached resolution (Attachment I) that approves the Recognized Obligation Payment Schedule (ROPS 16 -17) for the period July 1, 2016 through June 30, 2017 and the Successor Agency Administrative Budget for the period July 1, 2016 through June 30, 2017 and authorizes staff to take other administrative actions and execute contracts and such other documents as are appropriate to effectuate the intent of the resolution and all actions necessary to effectuate associated requirements of Assembly Bill x1 26 and AB 1484 (collectively, the "Dissolution Statutes").

BACKGROUND

Under the Dissolution Statutes, all California redevelopment agencies were dissolved effective February 1, 2012, and various actions are now required by successor agencies to unwind the affairs of all former redevelopment agencies.

The Dissolution Statutes require that the Successor Agency prepare and the Oversight Board approve a recognized obligation payment schedule (individually a "ROPS" and collectively, "ROPS's") setting forth for each twelve-month period all Enforceable Obligations (as defined in the Dissolution Act) of the Dissolved RDA.

The Dissolution Act generally provides that (with exceptions) agreements between the Dissolved RDA and the City are not Enforceable Obligations, but Health and Safety Code Codes 34178(a) and 34180(h) authorize the Successor Agency and the City, with Oversight Board approval, to reenter into such agreements.

DISCUSSION

The intent of this report is to secure approval of the Recognized Obligation Payment Schedule for the

period July 1, 2016 through June 30, 2017 (ROPS 16-17) and the Fiscal Year 2017 Administrative Budget (Attachments II and III). Beginning with ROPS 16-17, the Successor Agency is required to prepare and submit an Annual ROPS that outlines the required payments the Successor Agency must make to meet required obligations and to wind-down the affairs of the former Redevelopment Agency. Once the Oversight Board approves these items, staff will submit them to the Department of Finance by the February 1, 2016 deadline.

ROPS 16-17 includes repayment requests, for among other enforceable obligations, the interagency loan approved by the Oversight Board on May 21, 2012 pursuant to Health and Safety Code Sections 34178(a) and Section 34180(h) and the Housing Administrative Cost Allowance as allowed under Health and Safety Code Section 34176.1(a). The Successor will make one repayment to the City of \$800,000 on July 1, 2016 per the Reentered Repayment Agreement.

Implementation Actions: The accompanying resolution authorizes and directs staff to take all administrative steps on behalf of the Successor Agency to implement upcoming requirements under the Dissolution Act and AB 1484, including providing necessary notices, transmittals, and postings regarding the ROPS and Successor Agency administrative budget.

Environmental Review: The actions set forth in the recommended accompanying resolution, as summarized above, are exempt under Guideline 15378(b)(4) of the California Environmental Quality Act (CEQA) in that the actions do not constitute a "project," but instead are required to continue a governmental funding mechanism for enforceable obligations of the former Redevelopment Agency and to perform the statutorily mandated unwinding of the assets, liabilities, and functions of the former Redevelopment Agency pursuant to the Dissolution Act.

ECONOMIC AND FISCAL IMPACT

Approval of ROPS 16-17 will facilitate the ability of the Successor Agency to continue payment of the enforceable obligations of the former Redevelopment Agency and is among the measures required to be taken to avoid triggering an event of default under any enforceable obligations. Approval of the Successor Agency administrative budget will facilitate the Successor Agency's receipt of the funds to which it is entitled under the Dissolution Act and AB 1484 to implement its administrative responsibilities.

NEXT STEPS

Following City Council approval of the ROPS 16-17 and the Fiscal Year 16-17 Administrative Budget, the Oversight Board will consider approval of the ROPS 16-17 and the Fiscal Year 16-17 Administrative Budget on January 27, 2016. Following approval of the ROPS 16-17 by both the Oversight Board and the Successor Agency's Governing Board, staff will submit this to the Department of Finance by the February deadline for approval. The Department of Finance then has an opportunity to review and object to any items on the ROPS and/or request additional documentation. If any items on the ROPS 16-17 are challenged, the Successor Agency will have an opportunity to request a meet and confer session if staff disagrees with any of the Department of Finance's determinations. All Department of Finance meet and confer determinations must be made fifteen days prior to June 1, 2016, which is when the Successor

File #: CONS 16-019

Agency will receive the first disbursement of tax increment funds approved pursuant to the ROPS 16-17.

Prepared by: John Stefanski, Management Analyst

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

Attachment I
Attachment II
Attachment III

Resolution
ROPS 16-17
FY 2017 Successor Agency Administrative
Budget

REDEVELOPMENT SUCCESSOR AGENCY OF THE CITY OF HAYWARD
RESOLUTION NO. RSA 16-

Introduced by Agency Member ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD, ACTING AS THE GOVERNING BOARD OF THE HAYWARD SUCCESSOR AGENCY, A SEPARATE LEGAL ENTITY, APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD JULY 2016 THROUGH JUNE 2017 (“ROPS 16-17”) AND THE ADMINISTRATIVE BUDGET FOR THE 2016-17 FISCAL YEAR, AND DIRECTING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE REQUIREMENTS ASSOCIATED WITH THIS APPROVAL

WHEREAS, pursuant to ABx1 26 (as amended by AB 1484, the “Dissolution Act”), the separate legal entity known as the Hayward Successor Agency (the “Successor Agency”) must prepare “Recognized Obligation Payment Schedules” (“ROPS”) that enumerate the enforceable obligations and expenses of the Successor Agency for each successive twelve-month fiscal period until the wind down and disposition of assets of the dissolved Redevelopment Agency of the City of Hayward (the “Dissolved RDA”) has been completed; and

WHEREAS, the Successor Agency staff has prepared a ROPS for the twelve-month fiscal period commencing on July 1, 2015 and continuing through June 30, 2017 (“ROPS 16-17”); and

WHEREAS, the Successor Agency staff has prepared an administrative budget for the fiscal period commencing on July 1, 2016 and continuing through June 30, 2017 (“FY 16-17 Administrative Budget”); and

WHEREAS, the Successor Agency is entitled to an administrative cost allowance (the “Administrative Cost Allowance”) pursuant to Health and Safety Code Sections 34171(b) and 34183(a)(3) in the approximate amount of \$250,000 for the 2016-17 fiscal year of which approximately \$125,000 will be disbursed during the ROPS 16-17A and ROPS 16-17B periods; and

WHEREAS, under the Dissolution Act, ROPS 16-17 and the FY 16-17 Administrative Budget must be approved by the Successor Agency's oversight board (the “Oversight Board”) to enable the Successor Agency to continue to make payments on enforceable obligations and to pay for administrative costs of the Successor Agency; and

WHEREAS, the City Council, acting as the Governing Board of the Successor Agency, has considered and desires to approve the following documents, copies of which are on file with the City Clerk (acting as the Secretary of the Successor Agency):

1. The ROPS 16-17; and
2. The FY 16-17 Administrative Budget; and

WHEREAS, the ROPS 16-17 and the FY 16-17 Administrative Budget will be submitted by the Successor Agency to the Oversight Board for the Oversight Board's approval in accordance with Health and Safety Code Sections 34177 and 34180(g); and

WHEREAS, the ROPS 16-17 and the FY 16-17 Administrative Budget will also be submitted by the Successor Agency to the Alameda County Administrative Officer, the Alameda County Auditor-Controller, and the State Department of Finance in accordance with Health and Safety Code Section 34179.6; and

WHEREAS, the accompanying staff report provides supporting information upon which the actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the City Council, acting as the Governing Board of the Successor Agency and in accordance with the Dissolution Act, hereby finds, resolves, and determines that the foregoing recitals are true and correct, and, together with information provided by the Successor Agency staff and the public, form the basis for the approvals, findings, resolutions, and determinations set forth below.

BE IT FURTHER RESOLVED that the City Council hereby approves the ROPS 16-17 and the FY 16-17 Administrative Budget, in the respective forms on file with the City Clerk (acting as the Secretary of the Successor Agency).

BE IT FURTHER RESOLVED that the Successor Agency is authorized and directed to enter into any agreements and amendments to agreements consistent with the Dissolution Act and necessary to memorialize and implement the agreements and obligations in ROPS 16-17 and the FY 16-17 Administrative Budget as herein approved by the Successor Agency.

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Manager, acting on behalf of the Successor Agency, to file, post, mail or otherwise deliver via electronic mail, internet posting, and/or hardcopy, all notices and transmittals necessary or convenient in connection with the approval of the ROPS 16-17 and the FY 16-17 Administrative Budget, and to take any other administrative actions necessary to ensure the validity of the ROPS 16-17 and the validity of any enforceable obligation listed thereon and the validity of the FY 16-17 Administrative Budget and corresponding Administrative Cost Allowance. In addition, the City Council authorizes and directs the Successor Agency staff to make such non-substantive revisions to ROPS 16-17 as may be necessary to submit ROPS 16-17 in any modified form required by the DOF, and ROPS 16-17 as so modified shall thereupon constitute ROPS 16-17 as approved by the City Council pursuant to this Resolution.

BE IT FURTHER RESOLVED that, subject to the Oversight Board approval, the City Council hereby authorizes and directs the City Manager, acting on behalf of the Successor Agency, to execute the documents and instruments as are appropriate, in consultation with the City Attorney, acting in the capacity of counsel to the Successor Agency, to effectuate and implement the terms of this Resolution.

BE IT FURTHER RESOLVED that nothing in this Resolution shall abrogate, waive, impair or in any other manner affect the right or ability of the City, as a charter city, to initiate and prosecute any litigation with respect to any agreement or other arrangement of the Dissolved RDA, including, without limitation, any litigation contesting the purported invalidity of such agreement or arrangement pursuant to the Dissolution Act.

BE IT FURTHER RESOLVED that this Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

HAYWARD, CALIFORNIA, January __, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES:	BOARD MEMBERS:
NOES:	BOARD MEMBERS:
ABSTAIN:	BOARD MEMBERS:
ABSENT:	BOARD MEMBERS:

ATTEST:

Secretary of the Successor Agency
of the City of Hayward

Recognized Obligation Payment Schedule (ROPS 16-17) - Summary

Filed for the July 1, 2016 through June 30, 2017 Period

Successor Agency: Hayward
County: Alameda

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)		16-17A Total	16-17B Total	ROPS 16-17 Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding				
A	Sources (B+C+D):	\$ 211,540	\$ 14,540	\$ 226,080
B	Bond Proceeds Funding	-	-	-
C	Reserve Balance Funding	200,000	-	200,000
D	Other Funding	11,540	14,540	26,080
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 2,140,873	\$ 3,268,373	\$ 5,409,246
F	Non-Administrative Costs	1,940,873	3,068,373	5,009,246
G	Administrative Costs	200,000	200,000	400,000
H	Current Period Enforceable Obligations (A+E):	\$ 2,352,413	\$ 3,282,913	\$ 5,635,326

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

Name Title
/s/ _____
Signature Date

Hayward Recognized Obligation Payment Schedule (ROPS 16-17) - ROPS Detail

July 1, 2016 through June 30, 2017

(Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	16-17A					Q	16-17B					W															
											Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)						RPTTF						Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)					RPTTF									
											Bond Proceeds						Reserve Balance						Other Funds					Non-Admin					Admin				
											16-17A Total						16-17A Total						16-17A Total					16-17B Total									
Item #	Project Name/Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	ROPS 16-17 Total	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	16-17A Total	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	16-17B Total															
								\$ 52,766,662		\$ 5,635,326		\$ 200,000	\$ 11,540	\$ 1,940,873	\$ 200,000	\$ 2,352,413			\$ 14,540	\$ 3,068,373	\$ 200,000	\$ 3,282,913															
1	2004 Tax Allocation Bonds	Bonds Issued On or Before	5/1/2004	5/1/2034	Wells Fargo	Bond issue to fund non-housing	Hayward Downtown	30,380,000	N	\$ 3,371,182				773,091		\$ 773,091					2,598,091	\$ 2,598,091															
6	2006 Tax Allocation Bonds	Bonds Issued On or Before	6/1/2006	6/1/2036	Wells Fargo	Bond issue to fund non-housing	Hayward Downtown	11,380,000	N	\$ 638,008				271,504		\$ 271,504					366,504	\$ 366,504															
14	Foothill Façade Loans	Improvement/Infrastructure	3/9/2011	1/1/2050	Multiple Property Owners	Matching loan funds for property owners along Foothill Blvd for façade improvement program	Hayward Downtown	200,000	N	\$ 200,000		200,000				\$ 200,000						\$ -															
15	Foothill Façade Loan Project Delivery Costs (Staff Costs/Legal Fees)	Project Management Costs	1/1/2014	6/30/2014	Successor Agency	Project Delivery Costs to Implement Foothill Façade Loan Project	Hayward Downtown	24,902	N	\$ 24,902				12,451		\$ 12,451					12,451	\$ 12,451															
21	Successor Agency Admin Allowance	Admin Costs	2/1/2012	1/1/2050	City of Hayward	Per ABx1 26, to cover administrative costs of Successor Agency		250,000	N	\$ 250,000					125,000	\$ 125,000					125,000	\$ 125,000															
23	Contract for Security Alarm	Property Maintenance	7/11/2012	1/1/2050	ADT Security Services	Alarm Service for Cinema Place garage	Hayward Downtown	2,200	N	\$ 2,200			1,100			\$ 1,100			1,100			\$ 1,100															
25	Contract for Elevator Maint and Repair	Property Maintenance	7/11/2012	1/1/2050	Mitsubishi Electric	Cinema Place Elevator	Hayward Downtown	8,000	N	\$ 8,000			4,000			\$ 4,000			4,000			\$ 4,000															
27	Contract for Sweeping	Property Maintenance	7/11/2012	1/1/2050	Montgomery Sweeping Service	Cinema Place Garage Sweeping	Hayward Downtown	4,680	N	\$ 4,680			2,340			\$ 2,340			2,340			\$ 2,340															
29	Utilities	Property Maintenance	7/11/2012	1/1/2050	PGE	Cinema Place Garage Utilities	Hayward Downtown	7,000	N	\$ 7,000			3,500			\$ 3,500			3,500			\$ 3,500															
31	Utilities	Property Maintenance	7/11/2012	1/1/2050	City of Hayward	Cinema Place Water Utilities	Hayward Downtown	1,200	N	\$ 1,200			600			\$ 600			600			\$ 600															
36	Project Delivery Costs - Burbank Residual Site	Project Management Costs	1/1/2014	6/30/2014	City of Hayward (Successor Agency)	Finalize negotiation and execution of Purchase and Sale Agreement - staff project mgmt costs/legal fees.	Hayward Downtown		N																												
37	Property Disposition Costs - former Agency-held properties	Property Dispositions	1/1/2014	6/30/2014	City of Hayward (Successor Agency)	Staff project mgmt costs; legal fees; property mgmt costs; appraisal costs; other associated costs for property disposition	Hayward Downtown	167,654	N	\$ 167,654				83,827		\$ 83,827				83,827			\$ 83,827														
38	Contract for Env Remediation	Remediation	6/25/2009	8/30/2012	AMEC Foster Wheeler E&I Inc.	Env Remediation - Cinema Place	Hayward Downtown		Y	\$ -						\$ -						\$ -															
48	Reentered Repayment Agreement with City of Hayward	Reentered Agreements	9/23/1975	1/1/2050	City of Hayward	To fund start-up costs of Hayward Redevelopment Project Area		10,180,526	N	\$ 800,000				800,000		\$ 800,000						\$ -															
50	Contract for Environmental Remediation (New Burbank School site)	Remediation	1/1/2014	6/30/2014	TRC	Payment for removal of environmental monitoring wells following DTSC clearance on new Burbank Elementary School site	Hayward Downtown		Y	\$ -						\$ -						\$ -															
53	Environmental Monitoring Expenses	Remediation	1/1/2014	6/30/2014	DTSC	Regulatory monitoring fee associated with clean up work at new Burbank School construction	Hayward Downtown		Y	\$ -						\$ -						\$ -															
64	Housing Authority Administrative Cost Allowance (Per AB 471)	Housing Entity Admin Cost	2/18/2014	7/1/2018	City of Hayward Housing Authority	Administrative cost allowance for Housing Authority pursuant to AB 471		150,000	N	\$ 150,000					75,000	\$ 75,000					75,000	\$ 75,000															
66	2004 TAB Admin Fee FY 2016	Fees	5/1/2004	5/1/2034	Wells Fargo	Annual administrative fee for bond issuance			Y	\$ -						\$ -						\$ -															
67	2004 TAB Admin Fee FY 2016	Fees	5/1/2004	5/1/2034	Willdan	Annual administrative fee for bond issuance			Y	\$ -						\$ -						\$ -															
68	2006 TAB Admin Fee FY 2016	Fees	6/1/2006	6/1/2036	Wells Fargo	Annual administrative fee for bond issuance			Y	\$ -						\$ -						\$ -															
69	2006 TAB Admin Fee FY 2016	Fees	6/1/2006	6/1/2036	Willdan	Annual administrative fee for bond issuance			Y	\$ -						\$ -						\$ -															
70	PERS Liability	Unfunded Liabilities	2/1/2012	12/31/2015	Liability Fund	Liability fund deposit for Agency employee PERS costs			Y	\$ -						\$ -						\$ -															
71	OPEB Liability	Unfunded Liabilities	2/1/2012	12/31/2015	Liability Fund	Liability fund deposit for Agency employee OPEB costs			Y	\$ -						\$ -						\$ -															
72	Cinema Place Sign Maintenance	Property Maintenance	9/26/2014	6/30/2016	Coulthard Identity Group Inc.	Repair and replace parking garage exterior sign	Hayward Downtown		Y	\$ -						\$ -						\$ -															
73	Cinema Place Environmental Remediation	Remediation	7/1/2015	6/30/2016	SF Bay Regional Water Quality Control Board	Regulatory Cost Recovery for Remediation Oversight Activities	Hayward Downtown	3,000	N	\$ 3,000						\$ -			3,000			\$ 3,000															
74	2004 TAB Admin Fee FY 2017	Fees	5/1/2004	5/1/2034	Wells Fargo	Annual administrative fee for bond issuance		1,800	N	\$ 1,800						\$ -				1,800		\$ 1,800															
75	2004 TAB Admin Fee FY 2017	Fees	5/1/2004	5/1/2034	Willdan	Annual administrative fee for bond issuance		3,000	N	\$ 3,000						\$ -				3,000		\$ 3,000															
76	2006 TAB Admin Fee FY 2017	Fees	6/1/2006	6/1/2036	Wells Fargo	Annual administrative fee for bond issuance		2,000	N	\$ 2,000						\$ -				2,000		\$ 2,000															
77	2006 TAB Admin Fee FY 2017	Fees	6/1/2006	6/1/2036	Willdan	Annual administrative fee for bond issuance		700	N	\$ 700						\$ -				700		\$ 700															
78									N	\$ -						\$ -						\$ -															
79									N	\$ -						\$ -						\$ -															
80									N	\$ -						\$ -						\$ -															
81									N	\$ -						\$ -						\$ -															
82									N	\$ -						\$ -						\$ -															
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85									N	\$ -						\$ -						\$ -															
86									N	\$ -						\$ -						\$ -															
87									N	\$ -						\$ -						\$ -															
88									N	\$ -						\$ -						\$ -															
89									N	\$ -						\$ -						\$ -															

**Hayward Recognized Obligation Payment Schedule (ROPS 16-17) - Report of Cash Balances
(Report Amounts in Whole Dollars)**

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see [CASH BALANCE TIPS SHEET](#)

A	B	C	D	E	F	G	H	I	
		Fund Sources							
		Bond Proceeds		Reserve Balance		Other	RPTTF		
	Cash Balance Information by ROPS Period	Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	Comments	
ROPS 15-16A Actuals (07/01/15 - 12/31/15)									
1	Beginning Available Cash Balance (Actual 07/01/15)			21,132	294,664		-	From M/C Determination	
2	Revenue/Income (Actual 12/31/15) RPTTF amounts should tie to the ROPS 15-16A distribution from the County Auditor-Controller during June 2015					34,343	3,004,369		
3	Expenditures for ROPS 15-16A Enforceable Obligations (Actual 12/31/15)					898	1,175,334		
4	Retention of Available Cash Balance (Actual 12/31/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)				-	38,592	1,126,448	Taken from 1516B RB and OF	
5	ROPS 15-16A RPTTF Balances Remaining	No entry required						702,587	
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ 21,132	\$ 293,766	\$ (4,249)	\$ -		
ROPS 15-16B Estimate (01/01/16 - 06/30/16)									
7	Beginning Available Cash Balance (Actual 01/01/16) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ -	\$ -	\$ 21,132	\$ 1,420,214	\$ 34,343	\$ 702,587		
8	Revenue/Income (Estimate 06/30/16) RPTTF amounts should tie to the ROPS 15-16B distribution from the County Auditor-Controller during January 2016					32,336	3,423,191		
9	Expenditures for ROPS 15-16B Enforceable Obligations (Estimate 06/30/16)				1,126,448	38,592	3,885,216	Approved Max. 15-16B Obligation Totals	
10	Retention of Available Cash Balance (Estimate 06/30/16) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)			26,080	200,000			16-17 OF and RB	
11	Ending Estimated Available Cash Balance (7 + 8 - 9 -10)	\$ -	\$ -	\$ (4,948)	\$ 93,766	\$ 28,087	\$ 240,562		

REDEVELOPMENT SUCCESSOR AGENCY		
FY 2017 ADMINISTRATIVE BUDGET		
PREPARED BY JOHN STEFANSKI, MANAGEMENT ANALYST		
AS OF JANUARY 8, 2016		
1	Beginning Balance	\$ 250,000.00
2	Employee Salaries & Benefits	\$ (173,644.45)
3	Balance Remaining	\$ 76,355.55
4	Legal Costs	\$ (5,000.00)
5	Supplies and Services	\$ (71,355.55)
6	Balance Remaining	\$ -



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-029

DATE: January 26, 2016

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

New Sidewalks FY16 - Donald Avenue and Hayward Boulevard: Award of Contract

RECOMMENDATION

That Council adopts the attached resolution (Attachment I), awarding the contract to Gradetech, Inc., in the amount of \$558,185.

BACKGROUND

On November 17, 2015, Council approved the plans and specifications for the New Sidewalks FY16 - Donald Avenue and Hayward Boulevard project, which called for bids to be received on December 15, 2015. Donald Avenue and Hayward Boulevard were selected for filling in the missing sidewalks and further the City's goal of providing safe and continuous pedestrian access to schools.

DISCUSSION

This project will construct new curb, gutter, sidewalk and driveway approaches on approximately 1,100 feet of Donald Avenue from Harder Road to Culp Avenue, which will fill in the missing portions of curb, gutter and sidewalk. It will also replace existing temporary asphalt concrete curb and sidewalks. Existing curb ramps that don't meet the current requirements of the Americans with Disabilities Act (ADA) will be removed, and replaced to comply with current ADA requirements.

Additionally, new sidewalk will be constructed behind the existing concrete curb and gutter along approximately 2,400 feet of Hayward Boulevard from Spencer Lane to Farm Hill Drive. Existing curb ramps will be retrofitted in order to comply with the latest ADA requirements. Existing curb ramps that don't satisfy the current ADA requirements and cannot be retrofitted will be removed and replaced. The proposed improvements on Hayward Boulevard and Donald Avenue will add 0.65 miles of new sidewalk to the City's inventory, which totals 460 miles.

On December 15, 2015, six bids were received for the New Sidewalks FY16 - Donald Avenue and Hayward Boulevard project. Gradetech, Inc. of San Ramon, submitted the low bid of \$558,185, which is 6.4% below the Engineer's Estimate of \$596,440. Rosas Brothers Construction of Oakland submitted the second low bid in the amount of \$633,896, which is 6.3% above the Engineer's Estimate. The bids range

from \$558,185 to \$937,594.

All bid documents and licenses are in order. Staff recommends award of contract to the low bidder Gradetech, Inc., in the amount of \$558,185, and that Council authorizes an additional \$60,000 for potential project contingencies.

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

FISCAL IMPACT

The Adopted FY 2016 Capital Improvement Program includes \$1,200,000 in the Measure B and Measure BB (Pedestrian and Bicycle) Funds for the New Sidewalks FY16 - Donald Avenue and Hayward Boulevard project. The estimated project costs are as follows:

Contract Construction	\$558,185
Contingencies	\$60,000
Right-of-Way Engineering and Acquisition	\$160,000
Design and Administration	\$65,815
Inspection, Testing and Construction Administration	<u>\$106,000</u>
Total	\$950,000

PUBLIC CONTACT

Staff has sent letters to all of the affected property owners. The project requires right-of-way acquisition from eleven property owners in order to have the necessary full street width. In addition, right-of-entry permits are needed from all property owners adjacent to the project in order to grant the City's contractor permission to enter the property and install driveway conforms. All the property owners have agreed to grant the right-of-way and right-of-entry permits for the work to proceed.

After the project is awarded, staff will send notification letters to all affected residents regarding the project schedule.

COMPLETE STREETS

This project considers all users of the public right-of-way. The existing accommodations, such as sidewalk and street lighting, will be maintained. This project will construct new curb ramps, bring existing ramps into compliance with ADA requirements, and restripe existing crosswalks. These measures are consistent with the City's adopted Complete Streets Policy, where consideration is to be given to all users of the street, in addition to vehicular traffic.

File #: CONS 16-029

NEXT STEPS

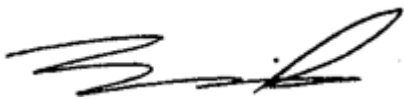
Begin Work
Complete Work

February 22, 2016
August 31, 2016

Prepared by: Yaw Owusu, Assistant City Engineer

Recommended by: Morad Fakhrai, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

Attachment I
Attachment II
Attachment III

Resolution
Location Map
Bid Summary

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-_____

Introduced by Council Member _____

RESOLUTION AWARDING THE CONSTRUCTION CONTRACT FOR NEW SIDEWALKS FY 16 – DONALD AVENUE AND HAYWARD BOULEVARD, PROJECT No. 05268 TO GRADETECH, INC.

WHEREAS, by resolution on November 17, 2015, the City Council approved the plans and specifications for the New Sidewalks FY16 – Donald Avenue and Hayward Boulevard, Project No. 05268 and called for bids to be received on December 15, 2015; and

WHEREAS, on December 15, 2015, six bids were received ranging from \$558,185 to \$937,594; Gradetech, Inc. of San Ramon, California submitted the lowest bid in the amount of \$558,185, which is 6.4% below the Engineer’s Estimate of \$596,440; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Gradetech, Inc. is the lowest responsible bidder whose bid complies with the specifications and is hereby awarded the construction contract for the New Sidewalks FY16 – Donald Avenue and Hayward Boulevard, Project No. 05268, for the amount of \$558,185, and in accordance with the aforementioned plans and specifications on file in the office of the City Clerk of the City of Hayward, and hereby authorizes the expenditure of an additional \$60,000 for potential contingencies. All other bids are hereby rejected.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the Director of Public Works is authorized to expend up to the maximum amount allowed in the approved CIP budget for project design, right-of-way engineering and acquisition, construction, construction inspection, testing, project administration, and contingency costs to complete the project.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the contract with Gradetech, 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 _____, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

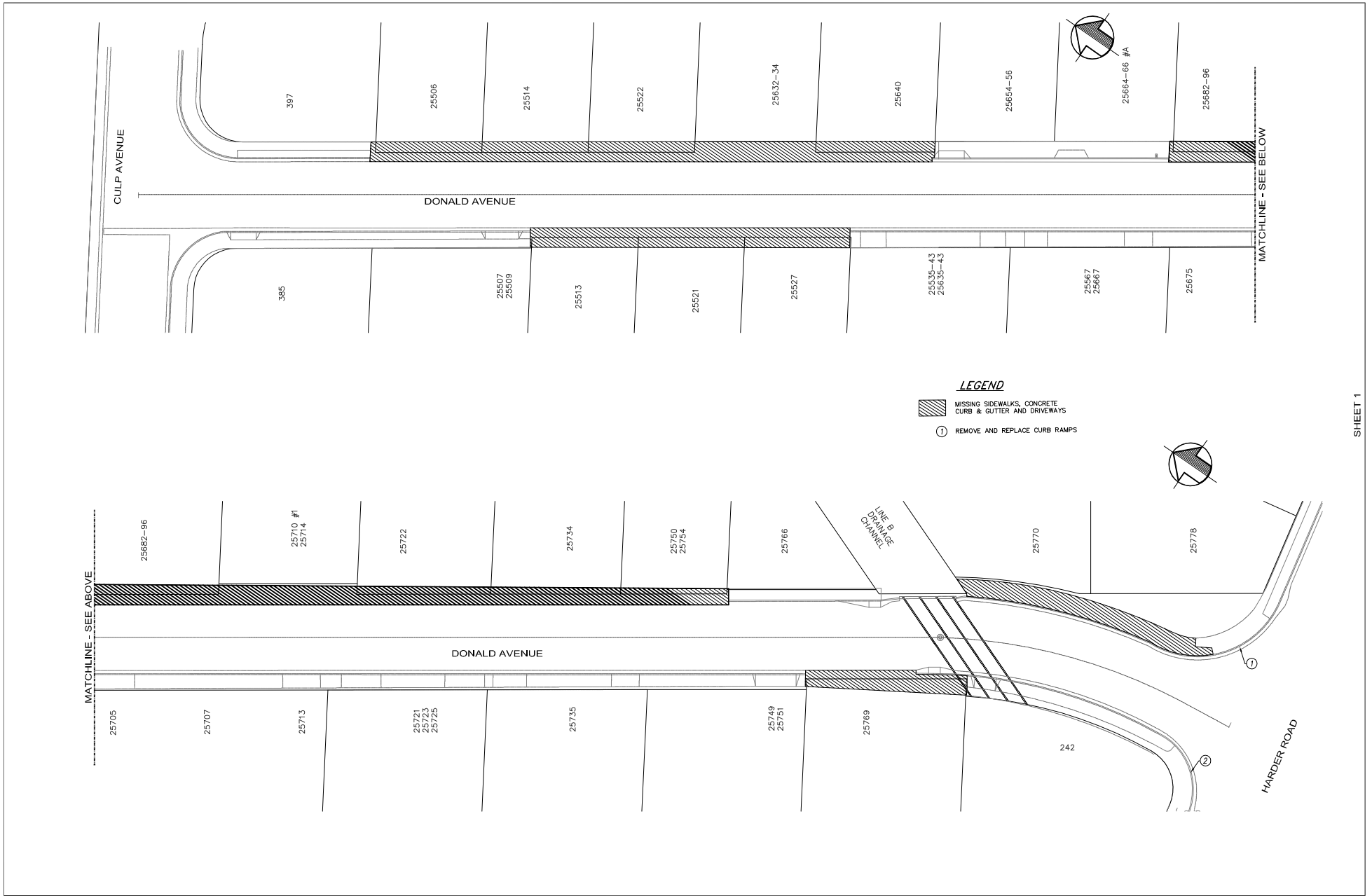
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

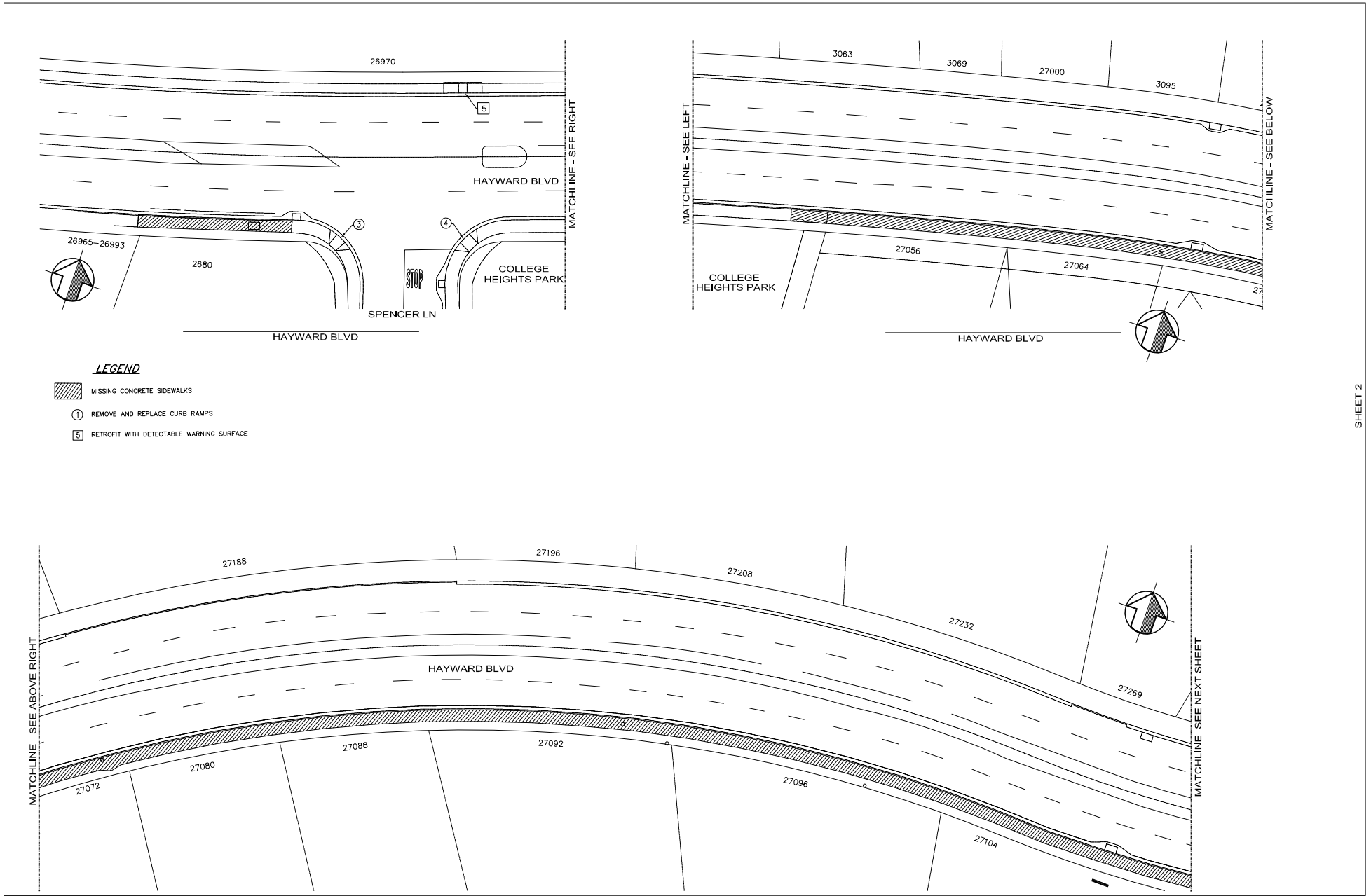
ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

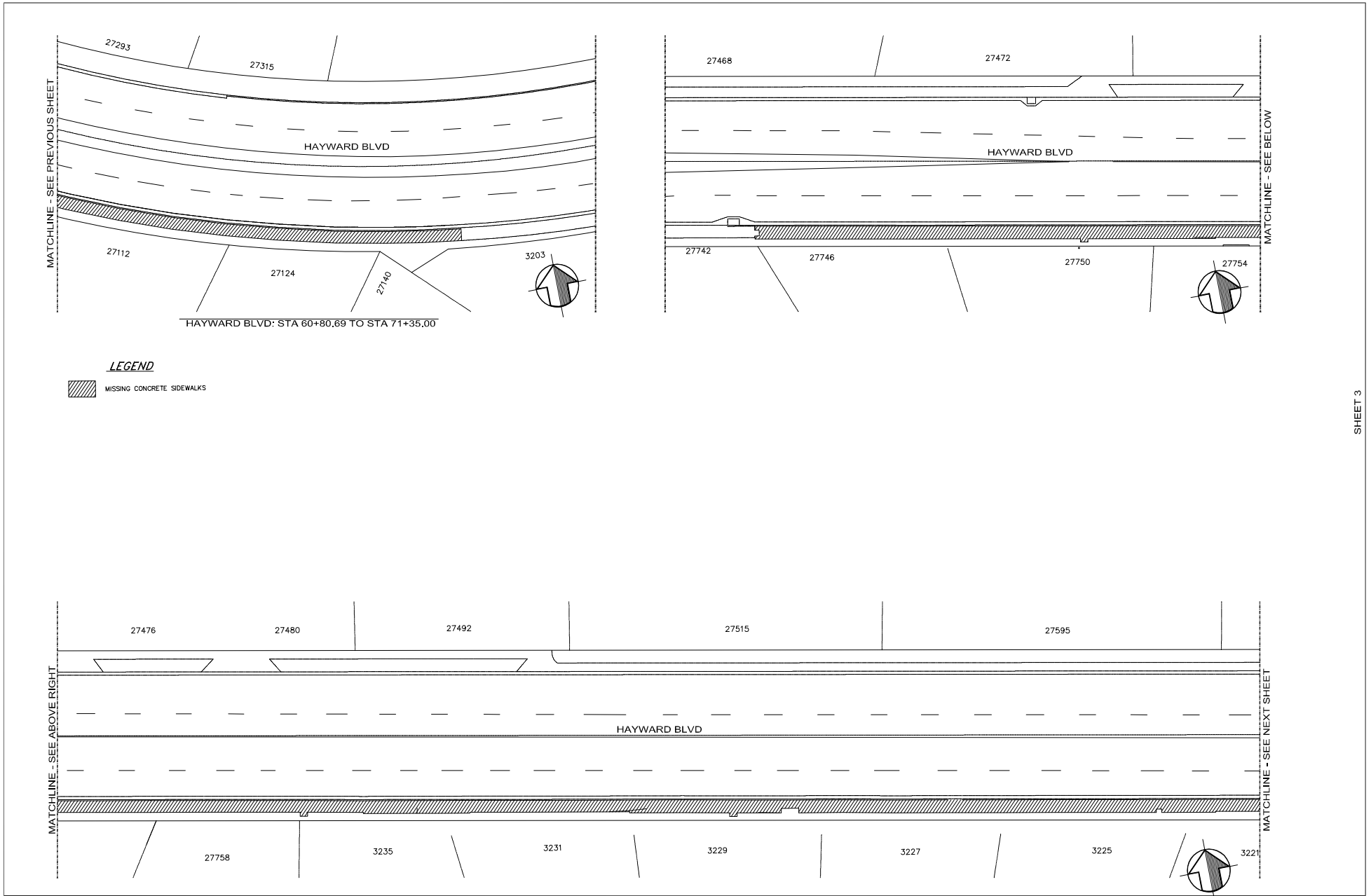
City Attorney of the City of Hayward

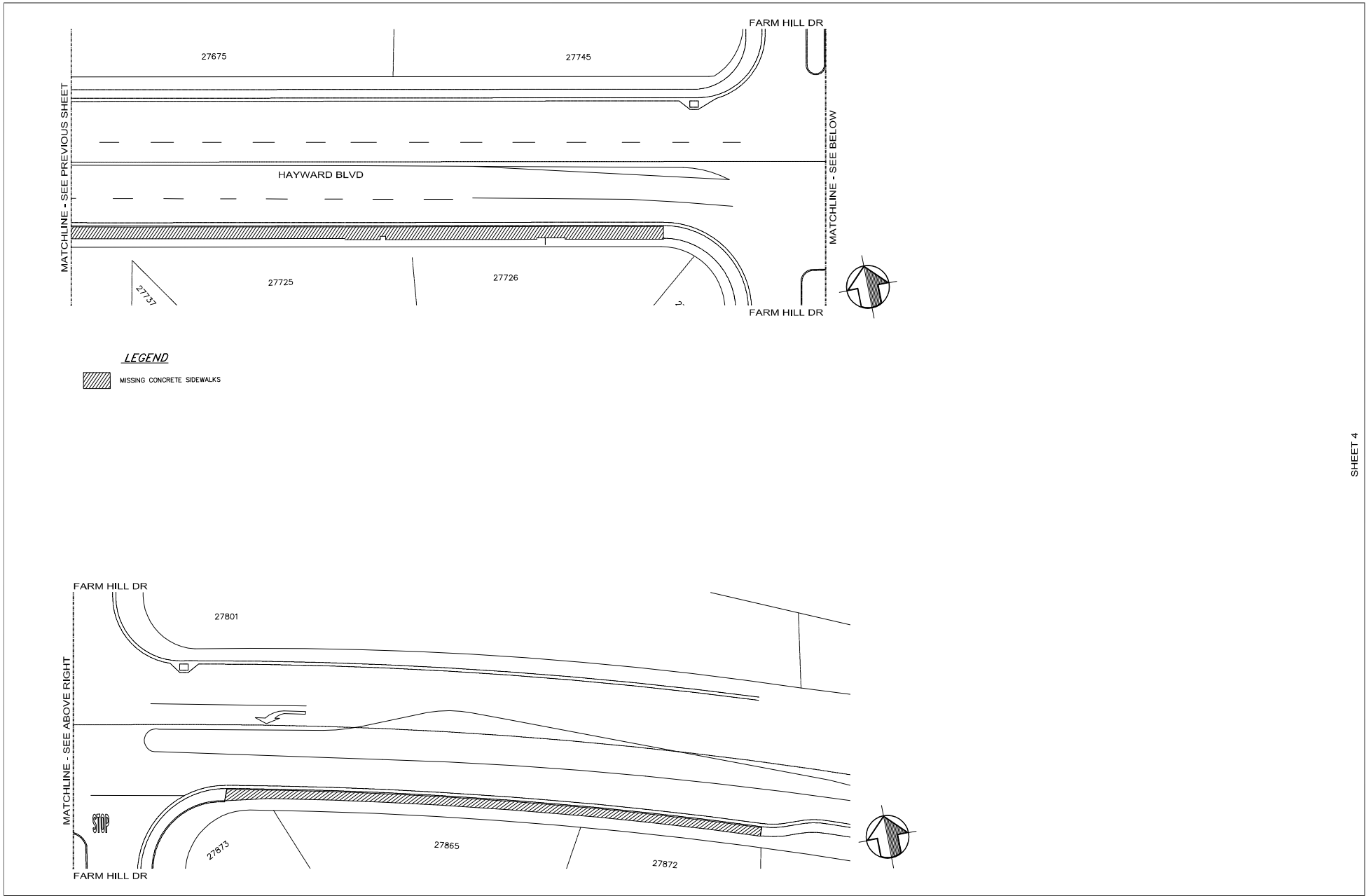


SHEET 1



SHEET 2





SHEET 4

CITY OF HAYWARD
 CONSTRUCTION OF NEW SIDEWALKS FY16 - DONALD AVE AND HAYWARD BLVD
 PROJECT NO. 05268
 BIDS OPENED: 12/15/15
 (NUMBER OF BIDS RECEIVED - 6)

Morad Fakhrai, Director of Public Works

Date

BID SUMMARY				ENGINEER'S ESTIMATE		Gradetech, Inc. PO BOX 1728 SAN RAMON, CA 94583 (510) 733-0390 (510) 733-0389 FAX		Rosas Bros. Construction 4731 Coliseum Way Oakland, CA 94601 (510) 534-1077 (510) 534-5077 FAX		
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	10-1.08	1	LS	MOBILIZATION	\$20,000.00	\$20,000.00	\$25,000.00	\$25,000.00	\$5,000.00	\$5,000.00
2	10-1.11	1	LS	TRAFFIC CONTROL	\$20,000.00	\$20,000.00	\$15,000.00	\$15,000.00	\$3,000.00	\$3,000.00
3	10-1.14	1	LS	CLEARING AND GRUBBING	\$5,000.00	\$5,000.00	\$20,000.00	\$20,000.00	\$5,000.00	\$5,000.00
4	10-1.17	297	CY	4(F) ROADWAY EXCAVATION	\$100.00	\$29,700.00	\$286.00	\$84,942.00	\$125.00	\$37,125.00
5	10-1.13A	1969	SF	REMOVE EXISTING CONCRETE	\$5.00	\$9,845.00	\$3.00	\$5,907.00	\$4.00	\$7,876.00
6	10-1.13A	280	LF	REMOVE EXISTING CONCRETE CURB AND GUTTER	\$20.00	\$5,600.00	\$10.00	\$2,800.00	\$10.00	\$2,800.00
7	10-1.13B	4290	SF	REMOVE EXISTING ASPHALT CONCRETE	\$3.00	\$12,870.00	\$2.40	\$10,296.00	\$4.00	\$17,160.00
8	10-1.13	5	LF	REMOVE/RELOCATE EXISTING WOODEN FENCE	\$50.00	\$250.00	\$100.00	\$500.00	\$120.00	\$600.00
9	10-1.13	2	EA	REMOVE EXISTING METAL BOLLARDS	\$150.00	\$300.00	\$30.00	\$60.00	\$100.00	\$200.00
10	10-1.13	151	LF	REMOVE AND RELOCATE EXISTING IRRIGATION PIPE AND SPRINKLER HEADS	\$20.00	\$3,020.00	\$10.00	\$1,510.00	\$10.00	\$1,510.00
11	10-1.13C	6	EA	REMOVE, SALVAGE AND REINSTALL EXISTING ROADWAY SIGNS	\$250.00	\$1,500.00	\$300.00	\$1,800.00	\$200.00	\$1,200.00
12	10-1.14A	46	EA	ROOT PRUNE EXISTING TREE AND INSTALL ROOT BARRIER	\$500.00	\$23,000.00	\$700.00	\$32,200.00	\$800.00	\$36,800.00
13	10-1.14A	46	EA	ARBORIST SUPERVISION	\$200.00	\$9,200.00	\$100.00	\$4,600.00	\$350.00	\$16,100.00
14	10-1.14B	5	EA	REMOVE EXISTING TREE	\$800.00	\$4,000.00	\$1,000.00	\$5,000.00	\$1,300.00	\$6,500.00
15	10-1.23B	1280	SF	MINOR CONCRETE (CURB RAMP WITH DETECTABLE WARNING SURFACE)	\$20.00	\$25,600.00	\$10.00	\$12,800.00	\$14.50	\$18,560.00
16	10-1.24	1	EA	RETROFIT EXISTING CURB RAMP WITH DETECTABLE WARNING SURFACE	\$800.00	\$800.00	\$900.00	\$900.00	\$600.00	\$600.00
17	10-1.23B	17685	SF	MINOR CONCRETE (SIDEWALK-4" THICK)	\$10.00	\$176,850.00	\$6.00	\$106,110.00	\$9.00	\$159,165.00
18	10-1.23B	680	LF	MINOR CONCRETE (CURB AND GUTTER)	\$35.00	\$23,800.00	\$40.00	\$27,200.00	\$45.00	\$30,600.00
19	10-1.23B	930	LF	MINOR CONCRETE (6" RETAINING CURB)	\$35.00	\$32,550.00	\$30.00	\$27,900.00	\$80.00	\$74,400.00
20	10-1.23B	3680	SF	MINOR CONCRETE (RESIDENTIAL DRIVEWAY - 6" THICK)	\$15.00	\$55,200.00	\$8.00	\$29,440.00	\$10.00	\$36,800.00
21	10-1.23B	1090	SF	MINOR CONCRETE (RESIDENTIAL DRIVEWAY CONFORM - 6" THICK)	\$15.00	\$16,350.00	\$11.00	\$11,990.00	\$10.00	\$10,900.00
22	10-1.21	535	TN	HOT MIX ASPHALT (6" FULL DEPTH) PAVEMENT	\$125.00	\$66,875.00	\$100.00	\$53,500.00	\$105.00	\$56,175.00
23	10-1.21	325	SF	HOT MIX ASPHALT (DRIVEWAY CONFORM - 6" FULL DEPTH) PAVEMENT	\$10.00	\$3,250.00	\$14.00	\$4,550.00	\$9.00	\$2,925.00
24	10-1.25	1300	SF	DECOMPOSED GRANITE (2" THICK)	\$2.50	\$3,250.00	\$10.00	\$13,000.00	\$7.00	\$9,100.00
25	10-1.23	2	EA	16"X16" AREA DRAIN WITH 3" DIAMETER THRU CURB DRAIN	\$1,000.00	\$2,000.00	\$900.00	\$1,800.00	\$2,000.00	\$4,000.00

CITY OF HAYWARD
 CONSTRUCTION OF NEW SIDEWALKS FY16 - DONALD AVE AND HAYWARD BLVD
 PROJECT NO. 05268
 BIDS OPENED: 12/15/15
 (NUMBER OF BIDS RECEIVED - 6)

Morad Fakhrai, Director of Public Works Date

BID SUMMARY				ENGINEER'S ESTIMATE		Gradetech, Inc.		Rosas Bros. Construction		
						PO BOX 1728 SAN RAMON, CA 94583 (510) 733-0390 (510) 733-0389 FAX		4731 Coliseum Way Oakland, CA 94601 (510) 534-1077 (510) 534-5077 FAX		
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
26	10-1.23	5	EA	16"X16" AREA DRAIN WITH 3" X 5" RECTANGULAR THRU CURB DRAIN	\$1,000.00	\$5,000.00	\$1,000.00	\$5,000.00	\$2,000.00	\$10,000.00
27	10-1.28	192	SY	2' WIDE EARTH SWALE WITH TURF REINFORCEMENT MAT	\$40.00	\$7,680.00	\$50.00	\$9,600.00	\$100.00	\$19,200.00
28	10-1.13D	12	EA	ADJUST WATER VALVE BOX & COVER TO GRADE	\$500.00	\$6,000.00	\$500.00	\$6,000.00	\$500.00	\$6,000.00
29	10-1.13D	6	EA	RELOCATE WATER VALVE BOX & COVER	\$500.00	\$3,000.00	\$1,400.00	\$8,400.00	\$500.00	\$3,000.00
30	10-1.13D	1	EA	REMOVE WATER VALVE BOX & COVER	\$500.00	\$500.00	\$30.00	\$30.00	\$500.00	\$500.00
31	10-1.13D	1	EA	REPLACE WATER VALVE BOX & COVER	\$800.00	\$800.00	\$50.00	\$50.00	\$300.00	\$300.00
32	10-1.13D	4	EA	ADJUST MANHOLE FRAME AND COVER TO GRADE	\$1,000.00	\$4,000.00	\$700.00	\$2,800.00	\$900.00	\$3,600.00
33	10-1.18	1	LS	RECYCLING IMPLEMENTATION	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00
34	10-1.29	3	EA	24-INCH BOX TREE	\$750.00	\$2,250.00	\$1,100.00	\$3,300.00	\$900.00	\$2,700.00
35	10-1.13C	3	EA	INSTALL RUBBERIZED SPEED LUMP	\$3,000.00	\$9,000.00	\$5,800.00	\$17,400.00	\$8,500.00	\$25,500.00
36	10-1.26	360	LF	THERMOPLASTIC STRIPING, MARKINGS AND PAVEMENT MARKERS	\$15.00	\$5,400.00	\$5.00	\$1,800.00	\$25.00	\$9,000.00
TOTAL BID AMOUNT:						\$ 596,440.00		\$558,185.00		\$633,896.00
TOTAL						\$596,440.00		\$558,185.00		\$633,896.00

CITY OF HAYWARD
 CONSTRUCTION OF NEW SIDEWALKS FY16 - DONALD AVE AND HAYWARD BLVD
 PROJECT NO. 05268
 BIDS OPENED: 12/15/15
 (NUMBER OF BIDS RECEIVED - 6)

BID SUMMARY				ENGINEER'S ESTIMATE		Redgwick Construction Co. 21 Hegenberger Court Oakland, CA 94621 (510) 792-1727 (510) 792-1728 FAX		FBD Vanguard Construction 651 Enterprise Court Livermore, CA 94550 (925) 245-1300 (925) 245-1244 FAX		
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	10-1.08	1	LS	MOBILIZATION	\$20,000.00	\$20,000.00	\$26,500.00	\$26,500.00	\$18,000.00	\$18,000.00
2	10-1.11	1	LS	TRAFFIC CONTROL	\$20,000.00	\$20,000.00	\$36,400.00	\$36,400.00	\$57,200.00	\$57,200.00
3	10-1.14	1	LS	CLEARING AND GRUBBING	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$22,900.00	\$22,900.00
4	10-1.17	297	CY	4(F) ROADWAY EXCAVATION	\$100.00	\$29,700.00	\$40.00	\$11,880.00	\$154.00	\$45,738.00
5	10-1.13A	1969	SF	REMOVE EXISTING CONCRETE	\$5.00	\$9,845.00	\$3.00	\$5,907.00	\$6.00	\$11,814.00
6	10-1.13A	280	LF	REMOVE EXISTING CONCRETE CURB AND GUTTER	\$20.00	\$5,600.00	\$10.00	\$2,800.00	\$14.00	\$3,920.00
7	10-1.13B	4290	SF	REMOVE EXISTING ASPHALT CONCRETE	\$3.00	\$12,870.00	\$2.00	\$8,580.00	\$6.00	\$25,740.00
8	10-1.13	5	LF	REMOVE/RELOCATE EXISTING WOODEN FENCE	\$50.00	\$250.00	\$300.00	\$1,500.00	\$154.00	\$770.00
9	10-1.13	2	EA	REMOVE EXISTING METAL BOLLARDS	\$150.00	\$300.00	\$100.00	\$200.00	\$320.00	\$640.00
10	10-1.13	151	LF	REMOVE AND RELOCATE EXISTING IRRIGATION PIPE AND SPRINKLER HEADS	\$20.00	\$3,020.00	\$45.00	\$6,795.00	\$13.00	\$1,963.00
11	10-1.13C	6	EA	REMOVE, SALVAGE AND REINSTALL EXISTING ROADWAY SIGNS	\$250.00	\$1,500.00	\$200.00	\$1,200.00	\$342.00	\$2,052.00
12	10-1.14A	46	EA	ROOT PRUNE EXISTING TREE AND INSTALL ROOT BARRIER	\$500.00	\$23,000.00	\$100.00	\$4,600.00	\$195.00	\$8,970.00
13	10-1.14A	46	EA	ARBORIST SUPERVISION	\$200.00	\$9,200.00	\$50.00	\$2,300.00	\$328.00	\$15,088.00
14	10-1.14B	5	EA	REMOVE EXISTING TREE	\$800.00	\$4,000.00	\$600.00	\$3,000.00	\$1,425.00	\$7,125.00
15	10-1.23B	1280	SF	MINOR CONCRETE (CURB RAMP WITH DETECTABLE WARNING SURFACE)	\$20.00	\$25,600.00	\$13.00	\$16,640.00	\$17.00	\$21,760.00
16	10-1.24	1	EA	RETROFIT EXISTING CURB RAMP WITH DETECTABLE WARNING SURFACE	\$800.00	\$800.00	\$600.00	\$600.00	\$532.00	\$532.00
17	10-1.23B	17685	SF	MINOR CONCRETE (SIDEWALK-4" THICK)	\$10.00	\$176,850.00	\$11.00	\$194,535.00	\$9.60	\$169,776.00
18	10-1.23B	680	LF	MINOR CONCRETE (CURB AND GUTTER)	\$35.00	\$23,800.00	\$75.00	\$51,000.00	\$55.00	\$37,400.00
19	10-1.23B	930	LF	MINOR CONCRETE (6" RETAINING CURB)	\$35.00	\$32,550.00	\$59.00	\$54,870.00	\$56.00	\$52,080.00
20	10-1.23B	3680	SF	MINOR CONCRETE (RESIDENTIAL DRIVEWAY - 6" THICK)	\$15.00	\$55,200.00	\$17.00	\$62,560.00	\$12.00	\$44,160.00
21	10-1.23B	1090	SF	MINOR CONCRETE (RESIDENTIAL DRIVEWAY CONFORM - 6" THICK)	\$15.00	\$16,350.00	\$30.00	\$32,700.00	\$14.00	\$15,260.00
22	10-1.21	535	TN	HOT MIX ASPHALT (6" FULL DEPTH) PAVEMENT	\$125.00	\$66,875.00	\$110.00	\$58,850.00	\$165.30	\$88,435.50
23	10-1.21	325	SF	HOT MIX ASPHALT (DRIVEWAY CONFORM - 6" FULL DEPTH) PAVEMENT	\$10.00	\$3,250.00	\$10.00	\$3,250.00	\$34.20	\$11,115.00
24	10-1.25	1300	SF	DECOMPOSED GRANITE (2" THICK)	\$2.50	\$3,250.00	\$11.00	\$14,300.00	\$8.00	\$10,400.00
25	10-1.23	2	EA	16"X16" AREA DRAIN WITH 3" DIAMETER THRU CURB DRAIN	\$1,000.00	\$2,000.00	\$500.00	\$1,000.00	\$910.00	\$1,820.00

CITY OF HAYWARD
 CONSTRUCTION OF NEW SIDEWALKS FY16 - DONALD AVE AND HAYWARD BLVD
 PROJECT NO. 05268
 BIDS OPENED: 12/15/15
 (NUMBER OF BIDS RECEIVED - 6)

BID SUMMARY				ENGINEER'S ESTIMATE		Redgwick Construction Co. 21 Hegenberger Court Oakland, CA 94621 (510) 792-1727 (510) 792-1728 FAX		FBD Vanguard Construction 651 Enterprise Court Livermore, CA 94550 (925) 245-1300 (925) 245-1244 FAX		
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
26	10-1.23	5	EA	16"X16" AREA DRAIN WITH 3" X 5" RECTANGULAR THRU CURB DRAIN	\$1,000.00	\$5,000.00	\$800.00	\$4,000.00	\$1,800.00	\$9,000.00
27	10-1.28	192	SY	2' WIDE EARTH SWALE WITH TURF REINFORCEMENT MAT	\$40.00	\$7,680.00	\$25.00	\$4,800.00	\$40.00	\$7,680.00
28	10-1.13D	12	EA	ADJUST WATER VALVE BOX & COVER TO GRADE	\$500.00	\$6,000.00	\$600.00	\$7,200.00	\$107.00	\$1,284.00
29	10-1.13D	6	EA	RELOCATE WATER VALVE BOX & COVER	\$500.00	\$3,000.00	\$800.00	\$4,800.00	\$441.00	\$2,646.00
30	10-1.13D	1	EA	REMOVE WATER VALVE BOX & COVER	\$500.00	\$500.00	\$60.00	\$60.00	\$321.00	\$321.00
31	10-1.13D	1	EA	REPLACE WATER VALVE BOX & COVER	\$800.00	\$800.00	\$250.00	\$250.00	\$1,000.00	\$1,000.00
32	10-1.13D	4	EA	ADJUST MANHOLE FRAME AND COVER TO GRADE	\$1,000.00	\$4,000.00	\$800.00	\$3,200.00	\$450.00	\$1,800.00
33	10-1.18	1	LS	RECYCLING IMPLEMENTATION	\$2,000.00	\$2,000.00	\$10.00	\$10.00	\$695.00	\$695.00
34	10-1.29	3	EA	24-INCH BOX TREE	\$750.00	\$2,250.00	\$650.00	\$1,950.00	\$684.00	\$2,052.00
35	10-1.13C	3	EA	INSTALL RUBBERIZED SPEED LUMP	\$3,000.00	\$9,000.00	\$4,500.00	\$13,500.00	\$7,125.00	\$21,375.00
36	10-1.26	360	LF	THERMOPLASTIC STRIPING, MARKINGS AND PAVEMENT MARKERS	\$15.00	\$5,400.00	\$6.00	\$2,160.00	\$13.68	\$4,924.80
TOTAL BID AMOUNT:						\$ 596,440.00		\$648,897.00		\$727,436.30
TOTAL						\$596,440.00		\$648,897.00		\$727,436.30

CITY OF HAYWARD
 CONSTRUCTION OF NEW SIDEWALKS FY16 - DONALD AVE AND HAYWARD BLVD
 PROJECT NO. 05268
 BIDS OPENED: 12/15/15
 (NUMBER OF BIDS RECEIVED - 6)

BID SUMMARY					ENGINEER'S ESTIMATE		Sposeto Engineering, Inc. 4558 Contractors Place Livermore, CA 94551 (925) 443-4200 (925) 443-5800 FAX		JJR Construction, Inc. 1120 Ninth Avenue San Mateo, CA 94402 (650) 343-6109 (650) 343-6207 FAX	
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	10-1.08	1	LS	MOBILIZATION	\$20,000.00	\$20,000.00	\$9,000.00	\$9,000.00	\$10,000.15	\$10,000.15
2	10-1.11	1	LS	TRAFFIC CONTROL	\$20,000.00	\$20,000.00	\$24,000.00	\$24,000.00	\$75,000.00	\$75,000.00
3	10-1.14	1	LS	CLEARING AND GRUBBING	\$5,000.00	\$5,000.00	\$36,900.00	\$36,900.00	\$12,500.00	\$12,500.00
4	10-1.17	297	CY	4(F) ROADWAY EXCAVATION	\$100.00	\$29,700.00	\$191.00	\$56,727.00	\$175.00	\$51,975.00
5	10-1.13A	1969	SF	REMOVE EXISTING CONCRETE	\$5.00	\$9,845.00	\$4.00	\$7,876.00	\$5.15	\$10,140.35
6	10-1.13A	280	LF	REMOVE EXISTING CONCRETE CURB AND GUTTER	\$20.00	\$5,600.00	\$11.00	\$3,080.00	\$21.00	\$5,880.00
7	10-1.13B	4290	SF	REMOVE EXISTING ASPHALT CONCRETE	\$3.00	\$12,870.00	\$3.70	\$15,873.00	\$2.85	\$12,226.50
8	10-1.13	5	LF	REMOVE/RELOCATE EXISTING WOODEN FENCE	\$50.00	\$250.00	\$145.00	\$725.00	\$150.00	\$750.00
9	10-1.13	2	EA	REMOVE EXISTING METAL BOLLARDS	\$150.00	\$300.00	\$150.00	\$300.00	\$500.00	\$1,000.00
10	10-1.13	151	LF	REMOVE AND RELOCATE EXISTING IRRIGATION PIPE AND SPRINKLER HEADS	\$20.00	\$3,020.00	\$20.00	\$3,020.00	\$35.00	\$5,285.00
11	10-1.13C	6	EA	REMOVE, SALVAGE AND REINSTALL EXISTING ROADWAY SIGNS	\$250.00	\$1,500.00	\$385.00	\$2,310.00	\$300.00	\$1,800.00
12	10-1.14A	46	EA	ROOT PRUNE EXISTING TREE AND INSTALL ROOT BARRIER	\$500.00	\$23,000.00	\$1,900.00	\$87,400.00	\$1,700.00	\$78,200.00
13	10-1.14A	46	EA	ARBORIST SUPERVISION	\$200.00	\$9,200.00	\$375.00	\$17,250.00	\$350.00	\$16,100.00
14	10-1.14B	5	EA	REMOVE EXISTING TREE	\$800.00	\$4,000.00	\$1,280.00	\$6,400.00	\$1,500.00	\$7,500.00
15	10-1.23B	1280	SF	MINOR CONCRETE (CURB RAMP WITH DETECTABLE WARNING SURFACE)	\$20.00	\$25,600.00	\$18.00	\$23,040.00	\$17.75	\$22,720.00
16	10-1.24	1	EA	RETROFIT EXISTING CURB RAMP WITH DETECTABLE WARNING SURFACE	\$800.00	\$800.00	\$700.00	\$700.00	\$1,100.00	\$1,100.00
17	10-1.23B	17685	SF	MINOR CONCRETE (SIDEWALK-4" THICK)	\$10.00	\$176,850.00	\$9.80	\$173,313.00	\$13.00	\$229,905.00
18	10-1.23B	680	LF	MINOR CONCRETE (CURB AND GUTTER)	\$35.00	\$23,800.00	\$33.00	\$22,440.00	\$69.68	\$47,382.40
19	10-1.23B	930	LF	MINOR CONCRETE (6" RETAINING CURB)	\$35.00	\$32,550.00	\$30.00	\$27,900.00	\$35.00	\$32,550.00
20	10-1.23B	3680	SF	MINOR CONCRETE (RESIDENTIAL DRIVEWAY - 6" THICK)	\$15.00	\$55,200.00	\$10.80	\$39,744.00	\$18.55	\$68,264.00
21	10-1.23B	1090	SF	MINOR CONCRETE (RESIDENTIAL DRIVEWAY CONFORM - 6" THICK)	\$15.00	\$16,350.00	\$9.80	\$10,682.00	\$19.15	\$20,873.50
22	10-1.21	535	TN	HOT MIX ASPHALT (6" FULL DEPTH) PAVEMENT	\$125.00	\$66,875.00	\$194.00	\$103,790.00	\$250.00	\$133,750.00
23	10-1.21	325	SF	HOT MIX ASPHALT (DRIVEWAY CONFORM - 6" FULL DEPTH) PAVEMENT	\$10.00	\$3,250.00	\$11.00	\$3,575.00	\$12.50	\$4,062.50
24	10-1.25	1300	SF	DECOMPOSED GRANITE (2" THICK)	\$2.50	\$3,250.00	\$9.00	\$11,700.00	\$7.00	\$9,100.00
25	10-1.23	2	EA	16"X16" AREA DRAIN WITH 3" DIAMETER THRU CURB DRAIN	\$1,000.00	\$2,000.00	\$1,100.00	\$2,200.00	\$1,500.00	\$3,000.00

CITY OF HAYWARD
 CONSTRUCTION OF NEW SIDEWALKS FY16 - DONALD AVE AND HAYWARD BLVD
 PROJECT NO. 05268
 BIDS OPENED: 12/15/15
 (NUMBER OF BIDS RECEIVED - 6)

BID SUMMARY				ENGINEER'S ESTIMATE		Sposeto Engineering, Inc. 4558 Contractors Place Livermore, CA 94551 (925) 443-4200 (925) 443-5800 FAX		JJR Construction, Inc. 1120 Ninth Avenue San Mateo, CA 94402 (650) 343-6109 (650) 343-6207 FAX		
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
26	10-1.23	5	EA	16"X16" AREA DRAIN WITH 3" X 5" RECTANGULAR THRU CURB DRAIN	\$1,000.00	\$5,000.00	\$1,100.00	\$5,500.00	\$2,500.00	\$12,500.00
27	10-1.28	192	SY	2' WIDE EARTH SWALE WITH TURF REINFORCEMENT MAT	\$40.00	\$7,680.00	\$55.00	\$10,560.00	\$85.00	\$16,320.00
28	10-1.13D	12	EA	ADJUST WATER VALVE BOX & COVER TO GRADE	\$500.00	\$6,000.00	\$120.00	\$1,440.00	\$250.00	\$3,000.00
29	10-1.13D	6	EA	RELOCATE WATER VALVE BOX & COVER	\$500.00	\$3,000.00	\$600.00	\$3,600.00	\$500.00	\$3,000.00
30	10-1.13D	1	EA	REMOVE WATER VALVE BOX & COVER	\$500.00	\$500.00	\$200.00	\$200.00	\$200.00	\$200.00
31	10-1.13D	1	EA	REPLACE WATER VALVE BOX & COVER	\$800.00	\$800.00	\$600.00	\$600.00	\$150.00	\$150.00
32	10-1.13D	4	EA	ADJUST MANHOLE FRAME AND COVER TO GRADE	\$1,000.00	\$4,000.00	\$1,175.00	\$4,700.00	\$1,500.00	\$6,000.00
33	10-1.18	1	LS	RECYCLING IMPLEMENTATION	\$2,000.00	\$2,000.00	\$1,800.00	\$1,800.00	\$5,000.00	\$5,000.00
34	10-1.29	3	EA	24-INCH BOX TREE	\$750.00	\$2,250.00	\$1,400.00	\$4,200.00	\$1,500.00	\$4,500.00
35	10-1.13C	3	EA	INSTALL RUBBERIZED SPEED LUMP	\$3,000.00	\$9,000.00	\$6,500.00	\$19,500.00	\$7,000.00	\$21,000.00
36	10-1.26	360	LF	THERMOPLASTIC STRIPING, MARKINGS AND PAVEMENT MARKERS	\$15.00	\$5,400.00	\$6.00	\$2,160.00	\$13.50	\$4,860.00
TOTAL BID AMOUNT:						\$ 596,440.00		\$744,205.00		\$937,594.40
TOTAL						\$596,440.00		\$744,205.00		\$937,594.40



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-040

DATE: January 26, 2016

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT

Water Service Area: Approval of Re-arrangement with East Bay Municipal Utility District

RECOMMENDATION

That the City Council adopts the attached resolution approving the water service area re-arrangement with the East Bay Municipal Utility District (EBMUD).

BACKGROUND

Hayward provides water service to the residents and businesses within the corporate City limits, as well as a limited number of properties outside of the City boundaries. EBMUD serves municipalities in Alameda and Contra Costa County; however, the District's service area also includes some properties within the City of Hayward, generally located in the northern and eastern areas. Utility districts, such as EBMUD, are permitted to serve properties that are included in their official service area. Cities that provide utility services are likewise entitled to deliver the services within their corporate boundaries, regardless of whether the properties are also included in a utility district service area. This understanding has been confirmed by the Alameda County Local Agency Formation Commission (LAFCo). The LAFCo Executive Director has advised that the cities and utility districts should discuss the matter in such cases and find a mutually agreeable solution.

As development occurs on parcels in the northern and eastern parts of Hayward, staff reviews water service areas and available facilities to determine which agency is in a position to best serve the development, without undue hardship and serious financial repercussions to the affected developer. Three examples of developments that are in both the City's corporate limits and either entirely or partially in EBMUD's service area are:

- 1818 Hill Avenue and 22788 Templeton Street - This approximately 2.3-acre parcel is partially located in EBMUD's service area. There is an active development proposal to subdivide and develop the property with twenty-four single-family and duplex units. EBMUD's water service line seems to be inadequate to service the development without major upgrades. The cost of the upgrades and EBMUD's connection fees, which are much higher than the City's connection fees, may render the development of the parcel economically infeasible at this time.

- 2nd and Walpert - This approximately 15-acre parcel, which is partially owned by the City, is located at the southwest corner of 2nd Street and Walpert Street. EBMUD's services at the property are not as robust as the City's facilities. A City asset, the Walpert Reservoirs and pump station, borders the property and a City transmission main crosses the parcel. There is a current development proposal to subdivide and develop the property with ninety-seven single-family units. If the property is to be served by EBMUD, the connection fees alone would be about \$1.8 million more than similar fees charged by the City. In part, the higher cost could affect the value of the City-owned parcel in its sale to the developer.
- Former Mervyn's Site - This 11.8-acre site is located on the west side of Foothill Boulevard, north of Hazel Avenue. The property has historically been served by EBMUD. The District currently provides water service to the buildings and grounds, and has adequate facilities to continue to provide water service to any future development at the property.

DISCUSSION

Staff met with EBMUD representatives to discuss water service to these three parcels. Initially, EBMUD took a firm position that the properties were all to be served by EBMUD and stated that they were prepared to take all necessary legal actions to preserve what the District believed was its right to serve all of the parcels. However, after extensive discussions and negotiations between City administration and legal staff and EBMUD's respective staff, an amicable solution has been reached as follows:

- Proposed developments at 1818 Hill Avenue and 22788 Templeton Street and 2nd and Walpert will be served by the City
- Future development of the former Mervyn's site will be served by EBMUD

In addition to decisions made on the three parcels, the respective agencies' staffs discussed making relatively minor changes to EBMUD's service boundary to exclude properties that are currently in the District's service area but served by the City and to include properties that are outside of the District but currently served by EBMUD.

The City's Fire Chief inquired about the possibility of the City water service providing fire hydrants and fire protection to the future development at the old Mervyns site. While the property will be served for domestic, irrigation, and fire service by EBMUD, the City has a 12-inch main at the frontage of the property and can install one or more fire hydrants for dual fire protection purposes.

FISCAL IMPACT

One of the advantages of the proposed resolution is that both proposed developments to be served by the City, 1818 Hill and 22788 Templeton and 2nd and Walpert, would benefit from paying much lower connection fees, since the City's fees for single-family homes are significantly less than EBMUD's fees, thereby increasing the viability of the projects. On the other hand, service to the former Mervyns site by EBMUD would not result in appreciably higher connection fees, since the EBMUD fees for multi-family and commercial development are comparable to those charged by the City.

File #: CONS 16-040

In addition to the connection fees that would be collected for development of the Hill Avenue and Templeton Street and 2nd and Walpert properties, the City would also benefit from preserving the value of the portion of the 2nd and Walpert parcel owned by the City.

NEXT STEPS

The City need not take action, aside from entering into a letter agreement with EBMUD, to effectuate this understanding. However, EBMUD may choose to pursue a service area boundary adjustment in order to exclude the Hill Avenue and Templeton Street and 2nd and Walpert properties from the District's service area, as well as to update their service area map with other smaller areas currently served by EBMUD outside of their service area or served by the City inside of the District's service area.

Prepared and Recommended by: Alex Ameri, Director of Utilities & Environmental Services

Approved by:



Fran David, City Manager

Attachments:

Attachment I

Draft Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION APPROVING WATER SERVICE AREA RE-ARRANGEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT REGARDING SERVICE TO SPECIFIC PARCELS WITHIN THE CITY OF HAYWARD CITY LIMITS

WHEREAS, the City of Hayward provides water service to properties located within the Hayward City limits and East Bay Municipal Utility District (EBMUD) provides water service to properties in the EBMUD service area, located in municipalities to the north and east of Hayward; and

WHEREAS, the EBMUD service area includes a number of parcels located within the Hayward city limits; and

WHEREAS, utility districts may serve properties within their official service area, and cities are likewise entitled to serve properties within their corporate boundaries; and

WHEREAS, cities and utility districts are encouraged by the Local Agency Formation Commission to find mutually agreeable solutions when properties may be served by either the utility district or the city in which the properties are located; and

WHEREAS, three properties for which development proposals have been initiated or anticipated are located within the City of Hayward limits and are fully or partially in the EBMUD service area; and

WHEREAS, the City of Hayward and EBMUD staffs have reached agreement on providing water service to the three affected properties;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the following properties will receive water service from the City of Hayward: 1818 Hill Avenue and 22788 Templeton Street and the parcel on the southwest corner of 2nd Street and Walpert Street, including the City-owned parcels.

BE IT FURTHER RESOLVED that the following properties will receive water service from the East Bay Municipal Utility District: 22301 Foothill Boulevard and 1155 Hazel Avenue (old Mervyns property).

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

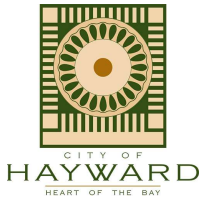
ABSTAIN: COUNCIL MEMBERS:

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

Staff Report

File #: CONS 16-046

DATE: January 26, 2016
TO: Mayor and City Council
FROM: Director of Library and Community Services

SUBJECT:

Approval of a Revised Memorandum of Understanding with the County of Alameda and Hayward Area Recreation and Park District for the Purposes of Collaborating on the South Hayward Youth and Family Center Project

RECOMMENDATION

That Council approves the attached Revised Memorandum of Understanding (MOU) (Attachment I) and authorizes the City Manager to execute the MOU and implement the plans and partnerships described therein.

BACKGROUND

On October 27, 2015, Council engaged in a detailed discussion of the South Hayward Youth and Family Center project and unanimously approved an MOU between the City, the County, and HARD to collaborate on the project. Links to the October 27, 2015 staff report, supporting documents, and video of the proceedings are provided here:

- Staff report and documents: http://bitly.com/Hayward_staff-report_SHFC_2015-10-27
- Video of proceedings: http://bitly.com/Hayward_video_SHFC_2015-10-27

DISCUSSION

As reported at the [Council meeting on October 27, 2015](#) <https://hayward.legistar.com/LegislationDetail.aspx?ID=2502636&GUID=524ABADB-7BAA-4152-AABA-880762898B0A&Options=&Search=>>, Kaiser Permanente committed to making a donation of \$5 million toward the South Hayward Youth and Family Center project. One of Kaiser's requirements for its donation is the establishment of a governance structure for the project.

The establishment of a governance structure is especially important because there are three primary public agencies with key stakes in the project and site - the City as the property owner and primary jurisdictional authority over the site; HARD as the owner-operator of Tennyson Park and the operator of

the MJCC facility; and the County as the primary capital fundraising agency and operator of multiple youth centers elsewhere in Alameda County. In addition to these three primary agencies, Tiburcio Vasquez Health Center, Alameda County Office of Education, and/or Hayward Unified School District may also have roles to play depending on the ultimate program mix.

Memorandum of Understanding

At the October 27, 2015 meeting, Council approved a draft MOU between the three primary agencies and directed that the City participate in a joint governance structure with the County and HARD for this project. The draft MOU proposed that the governance structure be approached in two distinct phases: a first phase of governance to oversee project management of the development and construction of the facility itself, followed by a second phase to come later to develop and manage ongoing operations of the new center once it is completed.

After Council approval of the draft MOU on October 27, County legal counsel requested some additional minor changes to the MOU. Most of the requested changes are stylistic in nature; none of the proposed changes are substantive. It is unclear why County legal counsel requested these changes after Council had approved the draft MOU.

One minor change of note proposed by County legal counsel is that the scope of work be divided into three distinct phases, not two, but keeping the overall scope of work the same. Another minor change of note proposed by the County places additional emphasis on collaborative, consensus-based decision making by and between the three agencies in their work together.

The County's requested changes are neither substantive nor do they alter the intent or terms of the proposed agreement in any meaningful way. However, because the County requested these changes after Council had approved the previous MOU on October 27, staff recommends a second Council review and approval of the revised version prior to execution of the Revised MOU.

The Revised MOU was thoroughly vetted and discussed by the three-agency working team. The key participants in the working team are:

City of Hayward

- Mayor Barbara Halliday
- Fran David, City Manager
- Sean Reinhart, Director of Library & Community Services
- David Korth, Neighborhood Services Manager

County of Alameda

- Supervisor Richard Valle
- Ginny DeMartini, District Director for Supv. Valle
- Cindy Burnett, Director of Development, Health and Human Services Agency
- Caroline Judy, Assistant Director of General Services Administration

Hayward Area Recreation and Park District

- Paul Hodges, President, Board of Directors
- John Gouveia, General Manager (to be replaced by incoming General Manager Paul McCreary on February 1, 2016)

The Revised MOU for Council approval is included with this report as Attachment I. For ease of reference, a redline version showing the County's proposed changes is included as Attachment II.

The HARD Board of Directors is scheduled to approve the Revised MOU as presented in Attachment I during its regular meeting of January 25, 2016. The County Board of Supervisors is scheduled to approve the Revised MOU as presented in Attachment I at its meeting of January 26, 2016.

FISCAL IMPACT

As reported at the [Council meeting of October 27, 2015 <https://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2015/CCA15PDF/cca070715full.pdf>](https://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2015/CCA15PDF/cca070715full.pdf), the potential fiscal impact of this project to the City is not yet clearly known. The City of Hayward has no available funding for construction or operations of a new multiservice center. The properties owned by the City have considerable value due to their size and their prime locations in the heart of the Tennyson Corridor and proximity to services including Tennyson Park. One possible way for the City to substantially participate in the overall project would be to retain ownership of the property but allow the land to be used for new center construction.

Ongoing annual operating costs for a new center are estimated to range anywhere from \$3 million to \$8 million or more, depending on numerous factors including the types of services offered, the operational model put into place, and whether or not revenue generation is part of the model. At this time, no sustainable source of operating funding has yet been identified.

A very preliminary rough estimate of the cost to construct a new multiservice center is said to be \$26 million; however, that estimate is not based on a site-specific design or on a program delivery model. Primarily through Supervisor's Valle's extraordinary efforts, approximately \$16.8 million in capital funding has been identified to date, much of it in the form of pledges that are contingent upon various requirements. Whether it would be possible to complete the project for \$16.8 million (as opposed to \$26 million) is not known. Completion of a site-specific design and cost estimate is now underway, and will help shed light on this critically important question.

NEXT STEPS

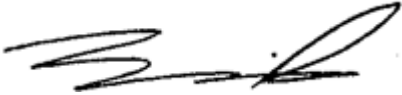
City staff has held numerous meetings with County and HARD staff to further discuss and develop the many technical details, challenges, and opportunities resulting from the funding work done thus far by Supervisor Valle.

At this time, staff recommends that the Council approve the Revised MOU (Attachment I) and authorize the City Manager to take all necessary steps for its implementation.

File #: CONS 16-046

Prepared and Recommended by: Sean Reinhart, Director of Library and Community Services

Approved by:



Fran David, City Manager

Attachments:

Attachment I - Memorandum of Understanding (Clean Version) - South Hayward Youth and Family Center Project

Attachment II - Memorandum of Understanding (Redline Version Showing Proposed Edits)

Memorandum of Understanding

Between

CITY OF HAYWARD
(CITY)

And

COUNTY OF ALAMEDA
(COUNTY)

And

HAYWARD AREA RECREATION AND PARK DISTRICT
(HARD)

RECOGNITION

On the 27th day of January, 2016, authorized representatives of City of Hayward (CITY), County of Alameda (COUNTY) and Hayward Area Recreation and Park District (HARD) (and collectively, "Parties") made and entered into this Memorandum of Understanding.

RECITALS

WHEREAS, the Parties mutually recognize the South Hayward community's need for a youth and family center; and

WHEREAS, the Parties desire to work together to plan, finance, construct, and operate a new youth and family center to be called the "South Hayward Youth and Family Services Center"; and

WHEREAS, the South Hayward Youth and Family Services Center development project (Project) is in need of multi-agency governance during all three phases of the Project's development; and

WHEREAS, the CITY, the COUNTY and HARD are committed to working together to determine jurisdictional authority of the project, the identification of immediate and long-term resources for the project, and how to ensure that the project enhances and integrates with existing services in the areas; and

WHEREAS, the areas being considered are within the boundaries of the CITY and as such the CITY maintains interest in ensuring effective and responsive services for the citizens; and

WHEREAS, the COUNTY is the deliverer and operator of similar centers elsewhere in Alameda County and as such brings expertise in the engagement of youth and families in decisions relevant to the Project; and

WHEREAS, the CITY is the owner of the Project property (“the Property”) and has primary jurisdictional authority over the site; and

WHEREAS, HARD is the partial owner of the Tennyson Park property adjacent to the Property and is the operator of the Matt Jimenez Community Center facility located on the Property; and

WHEREAS, the CITY, the COUNTY, and HARD recognize the need to partner and collaborate to oversee and direct the funding, design, and construction of a new South Hayward Youth and Family Services Center; and

WHEREAS, the CITY, the COUNTY, and HARD recognize that the formation of a Phase I Governance Group is of critical importance to the Project and to obtain the resources needed to complete and sustain it; and to ensure that the South Hayward Youth and Family Services Center successfully serves the Hayward community in conjunction with the existing Matt Jimenez Community Center, Tennyson Park, and Hayward Fire Station and Community Health Clinic; and

WHEREAS, the CITY, the COUNTY, and HARD have mutually agreed to form a Phase I Governance Group, comprised of authorized representatives from each agency, for the purposes of establishing and defining the aforesaid partnership and collaboration;

NOW THEREFORE, the CITY, the COUNTY, and HARD agree as follows:

AGREEMENT

(1) Term. This MOU shall become effective January 27, 2016, and shall remain in effect until the parties have negotiated and adopted a Phase II MOU or similar superseding agreement, or terminated in accordance with Article 6 of this MOU.

(2) Governance: The Governing Group is required to maintain a high level of interagency coordination, expertise, focus, nimbleness, and commitment to intensive investment of time and effort. To this end, the Governing Group will be comprised of one elected official and one senior staff member from each of the three primary stakeholder public agencies (the CITY, the COUNTY and HARD). Each agency will select its own representatives and shall notify the other partner agencies of its selections. These selections shall be made with the recognition that the Governing Group thus formed could potentially evolve into a Joint Powers Authority (JPA) or

similar governance agreement, if so needed and recommended by the Governing Group to the member agencies for adoption at a later date.

(3) Decision-making. It is the intent of the partnership to make decisions in a collaborative manner and by consensus, recognizing that support from each of the three jurisdictions is critical for the development of the project. The decisions made by the Governing Group are advisory in nature, and shall not be binding on the parties unless and until approved by each party's governing body. It is the parties' intent that the decisions and recommendations of the Governing Group with respect to the scope of issues identified in Article 4 will be memorialized in an agreement or agreements to be presented for approval by each party's governing body after consensus is reached. To facilitate the continued work of the Governing Group, the parties may also elect to modify the terms of this MOU pursuant to Article 10, or execute a superseding MOU or similar agreement, as needed.

(4) Scope. The Governing Group shall be responsible for deliberating, reaching agreement and making recommendations on the following phases:

Phase I: Conceptual Program/Project Development

- a) Articulate the vision of the Project and ensure that all members of the Group are in alignment with the vision.
- b) Resolve fund development shortfalls and develop financing mechanisms for the construction phase of the Project.
- c) Clarify legal and legislative issues, formulate policy recommendations, and identify governing actions needed to implement the Project.
- d) Define and finalize the Project requirements, including location, site footprint and ownership.
- e) Agree upon the types and scope of public services to be provided in the new facility.

Phase II: Construction Services Procurement and Plan of Finance for Construction and Operations

- a) Review and participate in RFP processes for selection of Bridging Architect, and Design Build entity.
- b) Develop a plan to secure sustainable operating funding for the facility and establish the governance and administrative structures to support facility operations and maintenance.

Phase III: Ongoing Operations and Governance

- a) Agree upon changes, if any, to the structure of the Governing Group in Phase III

- b) Identify issues to be resolved by the parties during Phase III.
- c) The Governance Group will use an open and transparent selection process to identify a qualified operator for the new facility through the use of an open and transparent selection process.

(5) Advisory Task Force. During Phase I, the Governing Group shall organize and convene an Advisory Task Force within sixty (60) days of the execution of this MOU. The Advisory Task Force shall be comprised of key South Hayward community stakeholders including residents, service organizations, service recipients, and business representatives. The Advisory Task Force shall:

- a) Build upon, but not duplicate, the voluminous community engagement work that has already been done for the Project.
- b) Advise the Governing Group on the types and scope of services to potentially be provided in the new facility, as indicated by the community engagement work referenced above.
- c) Advise and make recommendations to the Governing Group on service-related issues pertaining to the proposed South Hayward Youth and Family Services Center and adjacent related facilities including Matt Jimenez Community Center and Tennyson Park.

The Advisory Task Force shall be comprised of no more than fifteen (15) total members. Each party may appoint up to five (5) members each to serve on the Advisory Task Force.

(6) Termination. Each party to this MOU can terminate its involvement upon thirty (30) days' written notification to the other parties. In the event only one party terminates its involvement in accordance with this provision, the MOU shall remain in force and effect as between the remaining two parties. The MOU shall terminate upon two parties' exercise of the right to terminate in accordance with this provision or upon mutual agreement of all parties in writing.

(7) Indemnification. The CITY, the COUNTY, and HARD agree to mutual indemnification as follows:

- a) CITY will indemnify, defend, protect and hold harmless COUNTY and HARD, their respective officers, agents, and employees, from and against any and all liability, damage, expense cause of action, suits claims, and judgments arising from injury to or death of persons or loss of or damage to personal property based on performance pursuant to this MOU, unless such liabilities and obligations have arisen by reason of the negligence of willful misconduct of COUNTY or HARD, their officers, agents and employees.

- b) COUNTY will indemnify, defend, protect and hold harmless the CITY and HARD, their respective officers, agents, and employees, from and against any and all liability, damage, expenses, causes of action, suits claims, and judgments arising from injury to or death of persons or loss of or damage to personal property based on performance pursuant to this MOU, unless such liabilities and obligations have arisen by reason of the negligence of willful misconduct of the CITY or HARD, their officers, agents and employees.
- c) HARD will indemnify, defend, protect and hold harmless the COUNTY and the CITY, their respective officers, agents, and employees, from and against any and all liability, damage, expense causes of action, suits claims, and judgments arising from injury to or death of persons or loss of or damage to personal property based on performance pursuant to this MOU, unless such liabilities and obligations have arisen by reason of the negligence of willful misconduct of the COUNTY or the CITY, their officers, agents and employees.

(9) Accountability. The CITY, the COUNTY, and HARD shall collaboratively evaluate the success of the partnership on a regular schedule to be determined; and shall regularly and timely provide reports of the Project’s progress to the governing bodies of their respective agencies.

(10) Amendments. This MOU may be amended and/or modified only by mutual agreement of all three parties, and any such amendments or modifications must be in writing and signed by duly authorized representatives of all three parties.

(11) Whole Agreement. This MOU has six (6) pages including the signature pages. This MOU constitutes the entire understanding and agreement of the parties. This MOU integrates all of the terms and conditions mentioned herein or incidental hereto with respect to all or part of the subject matter hereof.

(12) Counterparts. This MOU may be executed in counterpart.

IN WITNESS HEREOF, the parties hereto have entered into this agreement to be executed the day and year herein above first written.

CITY OF HAYWARD

By: _____ Date: _____
E. Frances David
City Manager

HAYWARD AREA RECREATION AND PARK DISTRICT

By: _____ Date: _____
John Gouveia
General Manager

COUNTY OF ALAMEDA

By: _____ Date: _____
Scott Haggerty
President, Board of Supervisors

Approved as to Form:

CITY OF HAYWARD

By: _____ Date: _____
Michael Lawson,
City Attorney

Attest:

CITY OF HAYWARD

By: _____ Date: _____
Miriam Lens,
City Clerk

Approved as to form:

COUNTY OF ALAMEDA

Donna R. Ziegler
County Counsel

By: _____ Date: _____
Deputy

Memorandum of Understanding

Between

CITY OF HAYWARD
(CITY)

And

COUNTY OF ALAMEDA
(COUNTY)

And

HAYWARD AREA RECREATION AND PARK DISTRICT
(HARD)

RECOGNITION

On the ___th day of _____, 2016, authorized representatives of City of Hayward (CITY), County of Alameda (COUNTY) and Hayward Area Recreation and Park District (HARD) (and collectively, "Parties") made and entered into this Memorandum of Understanding.

RECITALS

WHEREAS, the Parties mutually recognize the South Hayward community's need for a youth and family center; and

WHEREAS, the Parties desire to work together to plan, finance, construct, and operate a new youth and family center to be called the "South Hayward Youth and Family Services Center"; and

WHEREAS, the South Hayward Youth and Family Services Center development project (Project) is in need of multi-agency governance during ~~Phase I~~ all three phases of the Project's development; and

WHEREAS, the CITY, the COUNTY and HARD are committed to working together to determine jurisdictional authority of the project, the identification of immediate and long-term resources for the project, and how to ensure that the project enhances and integrates with existing services in the areas; and

WHEREAS, the areas being considered are within the boundaries of the CITY and as such the CITY maintains interest in ensuring effective and responsive services for the citizens; and

WHEREAS, the COUNTY is the deliverer and operator of similar centers elsewhere in Alameda County and as such brings expertise in the engagement of youth and families in decisions relevant to the Project; and

WHEREAS, the CITY is the owner of the Project property (“the Property”) and has primary jurisdictional authority over the site; and

WHEREAS, HARD is the partial owner of the Tennyson Park property adjacent to the Property and is the operator of the Matt Jimenez Community Center facility located on the Property; and

WHEREAS, the CITY, the COUNTY, and HARD recognize the need to partner and collaborate to oversee and direct the funding, design, and construction of a new South Hayward Youth and Family Services Center; and

WHEREAS, the CITY, the COUNTY, and HARD recognize that the formation of a Phase I Governance Group is of critical importance to the Project and to obtain the resources needed to complete and sustain it; and to ensure that the South Hayward Youth and Family Services Center successfully serves the Hayward community in conjunction with the existing Matt Jimenez Community Center, Tennyson Park, and Hayward Fire Station and Community Health Clinic; and

WHEREAS, the CITY, the COUNTY, and HARD have mutually agreed to form a Phase I Governance Group, comprised of authorized representatives from each agency, for the purposes of establishing and defining the aforesaid partnership and collaboration;

NOW THEREFORE, the CITY, the COUNTY, and HARD agree as follows:

AGREEMENT

(1) Term. This MOU shall become effective September 8, 2015, and shall remain in effect until the parties have negotiated and adopted a Phase II MOU or similar superseding agreement, or terminated in accordance with Article 6 of this MOU, but in no case shall it continue any longer than the completion of the construction phase of the Project and/or after an operator for the Project has been selected, except by mutual agreement by all three partner agencies to continue the agreement beyond that benchmark.

(2) Governance: The Phase I Governing Group is required to maintain a high level of interagency coordination, expertise, focus, nimbleness, and commitment to intensive investment

of time and effort. To this end, the ~~Phase I~~ Governing Group will be comprised of one elected official and one senior staff member from each of the three primary stakeholder public agencies (the CITY, the COUNTY and HARD). Each agency will select its own representatives and shall notify the other partner agencies of its selections. These selections shall be made with the recognition that the ~~Governance~~ Governing Group thus formed could potentially evolve into a Joint Powers Authority (JPA) or similar governance agreement, if so needed and recommended by the Governance Governing Group ~~and to their~~ the member ~~respective agencies~~ for adoption, at a later date.

(3) Decision-making. It is the intent of the partnership to make decisions in a collaborative manner and by consensus, recognizing that support from each of the three jurisdictions is critical for the development of the project. ~~However, in the case of unresolvable disagreement, each of the three partner agencies shall have one vote and agrees to decision-making by a simple majority of votes cast. The decisions made by the Governing Group are advisory in nature, and shall not be binding on the parties unless and until approved by each party's governing body. It is the parties' intent that the decisions and recommendations of the Governing Group with respect to the scope of issues identified in Article 4 will be memorialized in an agreement or agreements to be presented for approval by each party's governing body after consensus is reached. To facilitate the continued work of the Governing Group, the parties may also elect to modify the terms of this MOU pursuant to Article 10, or execute a superseding MOU or similar agreement, as needed.~~

(4) Scope. The ~~Phase I~~ Governing Group shall be responsible for ~~for successfully guiding the overall Project and completing the Phase I scope as follows~~ deliberating, reaching agreement and making recommendations on the following issues during phases:

Phase I: Conceptual Program/Project Development

- a) Articulate the vision of the Project and ensure that all members of the Group are in alignment with the vision.
- b) Resolve fund development shortfalls and develop financing mechanisms for the construction phase of the Project.
- c) Clarify legal and legislative issues, formulate policy recommendations, and ~~initiate~~ identify governing actions needed to implement the Project.
- d) Define and finalize the Project requirements, including location, site footprint and ownership.
- e) Agree upon the types and scope of public services to be provided in the new facility.

Phase II: Construction Services Procurement and Plan of Finance for Construction and Operations

- a) Review and participate in RFP processes for selection of Bridging Architect, and Design Build entity.
- b) Develop a plan to secure sustainable operating funding for the facility and establish the governance and administrative structures to support facility operations and maintenance.

Phase III: Ongoing Operations and Governance

- a) Agree upon changes, if any, to the structure of the Governing Group in Phase III
- ~~e)b) Identify issues to be resolved by the parties during Phase III.~~
- ~~f) Provide guidance and recommendations to the agency designated to construct the Project on architectural design and preliminary design, award of contract, and construction phases.~~
- ~~g) Develop a plan to secure sustainable operating funding for the facility and establish the governance and administrative structures to support facility operations and maintenance.~~
- ~~h)c) The Governance Group will use an open and transparent selection process to identify a qualified operator for the new facility through the use of an open and transparent selection process.~~

(5) Advisory Task Force. ~~The During~~ Phase I, ~~the~~ Governance Group shall organize and convene an Advisory Task Force within sixty (60) days of the execution of this MOU. The Advisory Task Force shall be comprised of key South Hayward community stakeholders including residents, service organizations, service recipients, and business representatives. The Advisory Task Force shall:

- a) Build upon, but not duplicate, the voluminous community engagement work that has already been done for the Project.
- b) Advise the Phase I Governing Group on the types and scope of services to potentially be provided in the new facility, as indicated by the community engagement work referenced above.
- c) Advise and make recommendations to the Phase I Governing Group on service-related issues pertaining to the proposed South Hayward Youth and Family Services Center and adjacent related facilities including Matt Jimenez Community Center and Tennyson Park.

The Advisory Task Force shall be comprised of no more than fifteen (15) total members. ~~The Phase I Governance Group agencies (CITY, COUNTY, and HARD) shall~~ Each party may appoint up to five (5) members each to serve on the Advisory Task Force.

(6) Termination. Each party to this MOU can terminate its involvement- upon thirty (30) days' written notification to the other parties. In the event only one party terminates its involvement in accordance with this provision, the MOU shall remain in force and effect as

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~~between the remaining two parties. The MOU shall terminate upon two parties' exercise of the right to terminate in accordance with this provision or upon mutual agreement of all parties in writing. In no case shall this agreement continue any longer than the completion of the construction phase of the Project and/or after an operator for the new center has been selected, whichever comes later, except by mutual written agreement by all three parties to renew the MOU beyond that benchmark.~~

(7) Indemnification. The CITY, the COUNTY, and HARD agree to mutual indemnification as follows:

- a) CITY will indemnify, defend, protect and hold harmless COUNTY and HARD, their respective officers, agents, and employees, from and against any and all liability, damage, expense cause of action, suits claims, and judgments arising from injury to or death of persons or loss of or damage to personal property based on performance pursuant to this MOU, unless such liabilities and obligations have arisen by reason of the negligence of willful misconduct of COUNTY or HARD, their officers, agents and employees.
- b) COUNTY will indemnify, defend, protect and hold harmless the CITY and HARD, their respective officers, agents, and employees, from and against any and all liability, damage, expenses, causes of action, suits claims, and judgments arising from injury to or death of persons or loss of or damage to personal property based on performance pursuant to this MOU, unless such liabilities and obligations have arisen by reason of the negligence of willful misconduct of the CITY or HARD, their officers, agents and employees.
- c) HARD will indemnify, defend, protect and hold harmless the COUNTY and the CITY, their respective officers, agents, and employees, from and against any and all liability, damage, expense causes of action, suits claims, and judgments arising from injury to or death of persons or loss of or damage to personal property based on performance pursuant to this MOU, unless such liabilities and obligations have arisen by reason of the negligence of willful misconduct of the COUNTY or the CITY, their officers, agents and employees.

(9) Accountability. The CITY, the COUNTY, and HARD shall collaboratively evaluate the success of the partnership ~~and the facility~~ on a regular schedule to be determined; and shall regularly and timely provide reports of the Project's progress to the governing bodies of their respective agencies.

(10) Amendments. This MOU may be amended and/or modified only by mutual agreement of all three parties, and any such amendments or modifications must be in writing and signed by duly authorized representatives of all three parties.

(11) Whole Agreement. This agreement-MOU has six (6) pages including the signature pages. This agreement-MOU constitutes the entire understanding and agreement of the parties. This agreement-MOU integrates all of the terms and conditions mentioned herein or incidental hereto with respect to all or part of the subject matter hereof.

(12) Counterparts. This MOU may be executed in counterpart.

IN WITNESS HEREOF, the parties hereto have entered into this agreement to be executed the day and year herein above first written.

CITY OF HAYWARD

By: _____ Date: _____
E. Frances David
City Manager

HAYWARD AREA RECREATION AND PARK DISTRICT

By: _____ Date: _____
John Gouveia
General Manager

COUNTY OF ALAMEDA

By: _____ Date: _____
Scott Haggerty
President, Board of Supervisors

Approved as to Form:

CITY OF HAYWARD

By: _____ Date: _____
Michael Lawson,
City Attorney

Attest:

CITY OF HAYWARD

By: _____ Date: _____
Miriam Lens,
City Clerk

Approved as to form:

COUNTY OF ALAMEDA

Donna R. Ziegler
County Counsel

By: _____ Date: _____
Deputy

FINAL REVISED



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-047

DATE: January 26, 2016

TO: Mayor and City Council

FROM: Director of Library and Community Services

SUBJECT:

Authorization for the City Manager to Execute Professional Services Agreements for Structural Art Installations in the 21st Century Library; and Proposed Next Steps in the 21st Century Library Public Art Process Including Selection of Display Artworks and the Identification of a Local Partner or Partners to Operate the Community Galleries

RECOMMENDATION

That the Council adopts the attached resolution (Attachment I) authorizing the City Manager to negotiate and execute professional services agreements with Lordy Rodriguez, Rob Ley, Kana Tanaka, and We Are Matik to design and implement structural art installations in the 21st Century Library facility; and reviews and comments on the proposed next steps in the project's public art process including selection of display artworks and identification of a local partner or partners to operate the community gallery spaces in the new facility.

SUMMARY

This report provides an overview and proposes next steps for the public art program for the 21st Century Library and Heritage Plaza construction project; and seeks Council authorization to implement four structural art installations to be engineered and integrated into the building structure during the project's construction phase.

BACKGROUND

On December 15, 2015, Council considered four structural art installations, but deferred approval pending additional follow up with local arts agencies who expressed concerns that they did not receive notification of the public Call for Artists that was issued.

Council directed staff to meet with local arts groups to resolve the notification concerns, and to develop an inclusive process for selecting the next round of public art for the project. Council suggested that staff use the opportunity of meeting with local arts groups to also review the community gallery spaces and the proposed process for selecting a partner agency to curate them.

Links to the December 15, 2015 staff report, supporting documents, and video of the proceedings are provided here:

- Staff report and documents: http://bitly.com/Report_Structural-Art_2015-12-15
- Video of proceedings: http://bitly.com/Video_Structural-Art_2015-12-15

DISCUSSION

I. Follow up with local arts groups

On January 12, 2016, staff met with representatives from the Hayward Arts Council, Sun Gallery, and Arts Inc., to discuss their concerns about not receiving the public Call for Artist notifications that were issued and to review the next round of public art selection focused on display artworks.

The meeting was attended by Gail Lundholm and Michael Wallace from Hayward Arts Council, Dorsi Diaz from the Sun Gallery, Winda Shimizu from Arts, Inc. and Hayward Arts Council; and Marlene Teel-Heim formerly of the Sun Gallery and Hayward Arts Council. The meeting was coordinated and also attended by Kelly McAdoo, Assistant City Manager; Sean Reinhart, Director of Library and Community Services; and Beth Jones and Lynda Jolley from the professional public art firm Beth Jones Art Consultant.

Call for Artists - Notifications

As reported to Council on December 15, 2015, a public Call for Artists was posted on the industry standard public art commissioning platform, Café (www.callforentry.org <http://www.callforentry.org>). The Call for Artists was released on March 17, 2015, and had a deadline of April 27, 2015. The Call for Artists was also sent by the consultant directly to every public and academic arts organization in California, Oregon, and Washington.

Hayward-area arts groups were at the top of the local contact list to also receive direct notifications by phone or email, including Hayward Arts Council, Sun Gallery, Alameda County Arts Commission, Cal State East Bay, and Chabot College.

A complete list of the notifications that were issued for the structural art Call for Artists can be found in the [staff report of December 15, 2015](http://bitly.com/Report_Structural-Art_2015-12-15) http://bitly.com/Report_Structural-Art_2015-12-15.

Over ninety proposals were received in response to the Call for Artists, including one from a Hayward artist, Lordy Rodriguez, whose work is recommended for installation later in this report. Of all the proposals received, thirty-five were submitted by local Bay Area artists who had heard about the Call for Artists through local arts groups like the Alameda County Arts Commission.

Unfortunately, it was later reported by Hayward Arts Council, Sun Gallery, and Arts Inc. that they did not receive direct notifications at the time the Call for Artists was issued. It appears that attempts by the art consultant to contact these groups by telephone had failed to connect, unknown to staff or the consultant at the time.

At the January 12 meeting with local arts representatives, the representatives confirmed that they did not receive direct notifications about the Call for Artists at the time it was issued, and expressed frustration that more effort was not made to confirm that they had received word.

Staff and the local arts representatives agreed that future outreach efforts involving public art would continue to involve the local arts groups, and that staff will take greater care when sending direct notifications to the local arts groups including double-checking and confirming with the local groups that the notifications have been received.

The meeting then turned to a discussion of the next phase of public art selection for the 21st Century Library project: display artworks and the community gallery spaces.

2. Proposed selection process for display artworks and community gallery spaces

What follows is an overview of the proposed process for selecting the permanent display artworks and identifying a local partner or partners to curate the community gallery spaces in the 21st Century Library facility. These proposed processes were discussed and agreed upon with representatives from Hayward Arts Council, Sun Gallery, and Arts Inc. at the meeting held January 12, 2016.

Permanent display artworks

Description: This component forms the largest portion of the overall art program. It includes paintings, photographs, drawings, sculptures, assemblages, mosaics, mixed-media, and other large-to-small scale individual artworks to be permanently installed in numerous opportunity locations throughout the building interior. The vast majority of these artworks (between 25-50 pieces in all) will be selected from among the existing and developing work of established and emerging local artists.

Proposed selection process: Call for Artists is issued to local arts organizations. Local arts organizations and artists are invited and encouraged to submit proposals and are given local preference during selection. To avoid potential conflicts of interest per City procurement policies, local arts organizations and/or artists themselves do not participate in the selection process. Submittals would be reviewed by a team that includes community representatives from the Hayward Library Commission, Friends of Hayward Library, Chabot College and/or Cal State East Bay, project architects and staff.

Proposed timeframe: Issuance of the Call for Artists in April-May 2016. Final selections completed and presented to Council in September-October 2016.

Community art galleries

Description: The new library building will feature two dedicated gallery spaces for curated exhibitions of local artwork. These gallery spaces are similar in function to the Galleria space in the first floor of City Hall. All of the artwork featured in these spaces will be the work of local artists. This component is potentially the most interesting and engaging because it is intended to be continually refreshed with new local artwork over the years.

Proposed selection process: The responsibility for curating this collection will be entrusted to one or more community partner agencies that will be selected through a competitive Request for Proposals (RFP) process. The responsibility could potentially be rotated among multiple arts groups, for example by switching to a different arts group each year.

Proposed timeframe: Issuance of the RFP in April-May 2016. Final selections completed and presented to City Council in September-October 2016.

3. Recommended Implementation of Four Structural Art Installations

As previously reported to Council, a Call for Artists for the four structural art installations was released on March 17, 2015. Over ninety responses were received by the deadline of April 27, 2015, including thirty-five from Bay Area artists who had heard about the call through local arts groups like the Alameda County Arts Commission, and one from a Hayward artist. This section provides a brief review of the selection process used and is followed by a summary of the four structural artworks recommended for implementation.

Review and selection process

As reported to Council on May 26, 2015, and again on December 15, 2015, the 21st Century Library project design team formed a review panel to undertake the challenging task of reviewing over ninety responses to the Call for Artists.

The panel included professionals with experience in relevant fields including public art selection, architectural design, public library services, civil engineering, and public project administration: Stacey Bristow, Deputy Director of Development Services; Kevin Briggs, Senior Civil Engineer; Sean Reinhart, Director of Library and Community Services; Beth Jones, public art consultant; Linda Jolley, public art consultant; Chris Noll, principal architect; and Abraham Jayson, senior architect with Noll+Tam Architects;

The review committee reviewed all ninety responses to the RFQ. This large pool was first narrowed down by qualifications to the forty-five artists who possessed successful experience in this kind of highly technical structural work. The design team conducted in-depth reviews and evaluations of each submittal in this “long list,” and narrowed it down to the three to four most highly qualified artists for each of the four structural installations. This “short list” of thirteen artists, including the one artist from Hayward, were invited to prepare concept proposals. Each of these thirteen received a modest stipend to offset their costs.

The thirteen finalists presented their concept proposals to the review committee on June 4, 2015. The review committee then identified the four strongest proposals to recommend to Council for implementation.

The four structural art installations recommended to Council were selected through a rigorous evaluation process based on several criteria including:

- Expertise and experience of the artists with this kind of structural artwork;
- Quality of the artists' past works on projects of this scale;
- Overall artistic quality of the proposals themselves;
- Depth of the artists' understanding of the 21st Century Library project and how the proposed installations fit with it;
- Relevance and synergy of the proposals with Hayward; and
- Demonstrated technical capabilities of the artists to effectively execute and integrate their work with the construction of the building.

Recommended structural art installations

The four structural art installations being recommended to Council for implementation are briefly summarized in the following list.

- Lordy Rodriguez. Hayward, California. "Fundamentals."

A custom long-form vinyl application extending around the three walls of the gift shop/book store.

This work evokes and pays tribute to the imagery and patterns found in Hayward neighborhoods, while harmonizing with and enhancing the uniquely Hayward-centric retail experience in the new library gift shop.

- We Are Matik. Los Angeles, California. "Rings."

An interactive, motion-activated, multimedia installation in the second floor overlook to the technology area that integrates dynamic media content curated by local youth. People are at the center of this interactive smart tech installation. The viewer is drawn into a participatory experience and direct interaction as they first approach or pass by the installation. As the viewer moves in proximity to the screen, the static visuals begin to shift and form into abstract tree rings in response, evoking the Heritage Plaza Arboretum. The interaction deepens as the rings morph into unique shapes and patterns where movement is sensed, encouraging the viewer to experiment with more movement and gestures. The rings open in response to specific gestures to present customized data and content (phrases, statistics, maps, images). The custom content will be curated by local youth in the new library's Digital Media Center.

- Rob Ley. Los Angeles, California. "Untitled (Layers)."

An engineered three-dimensional hard surface installation applied to the three story interior concrete shear wall of the atrium. This work evokes multiple layers of meaning, color, and tactile experience; and explores the common ground between the historical qualities of pages and books, and emerging new modes of information moving to the future.

- Kana Tanaka. Berkeley, California. "Crystals."

A suspended three-dimensional glass installation in the atrium affixed to the building structure from multiple specified load-bearing points. This work takes inspiration from Hayward's historic sea salt industry and the transformative power of solar energy in a new century - evoking the salt crystals that once dried in the sun in vast ponds on the Hayward shoreline, and illuminated by solar energy harnessed on the rooftop of the 21st Century Library.

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The full proposals and artist information can be found in Attachment II to this report. In addition to the written proposals, brief videos of the artists' presentations are available on the project website at: www.haywardlibrary.org/tagged/structural-art <<http://www.haywardlibrary.org/tagged/structural-art>>

FISCAL IMPACT

The Council-authorized budget for the 21st Century Library and Heritage Plaza project includes approximately \$4.6 million for furnishings, fixtures, and equipment (FF&E). The project's FF&E budget is sourced from the Calpine Library Construction Fund. In the FF&E budget, a total of \$550,000 is designated for the public art program. Of this total, \$275,000 is designated for the four structural art installations. Another \$275,000 is designated for the permanent display artworks and community art gallery spaces. The four structural art installations described in this report and recommended to Council for implementation have a total cost of \$262,500 combined.

NEXT STEPS

Staff recommends that Council adopts the attached resolution (Attachment I) authorizing the City Manager to negotiate and execute professional services agreements with Lordy Rodriguez, We Are Matik, Rob Ley, and Kana Tanaka to implement structural art installations in the 21st Century Library facility, in a total amount not to exceed \$262,500 combined. If Council approves the resolution in Attachment I, staff will execute agreements with the above named artists and they will begin their work in coordination with the new library construction.

Prepared and Recommended by:

Sean Reinhart, Director of Library and Community Services

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution

Attachment II: Structural Art Installations - Recommended Proposals (4)

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE PROFESSIONAL AGREEMENTS WITH LORDY RODRIGUEZ, ROB LEY, KANA TANAKA, AND WE ARE MATIK TO DESIGN AND IMPLEMENT STRUCTURAL ART INSTALLATIONS IN THE 21ST CENTURY LIBRARY FACILITY.

WHEREAS, the Hayward City Council approved the final plans and specifications of the 21st Century Library and Heritage Plaza construction project and called for bids on May 26, 2015; and

WHEREAS, the approved project plans call for the implementation of four structural art installations to be engineered and integrated into the library building architecture during the project’s construction phase; and

WHEREAS, the 21st Century Library and Heritage Plaza project began construction on November 30, 2015; and

WHEREAS, the City of Hayward is committed to promoting and supporting the arts through multiple means including the selection and commissioning of quality art installations in public buildings and spaces;

NOW, THEREFORE BE IT RESOLVED that the Hayward City Council authorizes the City Manager to negotiate and execute professional services agreements with Lordy Rodriguez, Rob Ley, Kana Tanaka, and We Are Matik to implement structural art installations in the 21st Century Library facility, in a total amount not to exceed \$262,500, in a manner and schedule described in the proposals attached hereto as Attachment II.

IN COUNCIL, HAYWARD, CALIFORNIA, JANUARY 26, 2016

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

Lordy Rodriguez
832 B Street Unit C
Hayward, CA 94541
lordyrodriquez@gmail.com
713-398-6497
Lordyrodriquez.com

Skills and Project Experience

I've been a professional artist for over 20 years with an exhibition record with a diverse range of institutions. I have knowledge in light carpentry, art installation, conservation, and art handling. I am proficient in painting, drawing, some ceramics, graphic design, photoshop, and most video and sound editing software. I am also a professor in art so my current skill set associated with that occupation is centered around organization, teaching techniques, managements, and public speaking. In some of my past job experiences, as a catering manager I've managed staffs up to 50 employees and handled parties of up to 600 guests, as a court reporter booking agent I've coordinated depositions across the country with a variety of needs from medical to video depositions, as well as multiple other positions with managerial needs. With public art, I've had projects in New York and in the Bay Area, most recently installed works at SFO. I currently have a federal public art commission with the GSA for a new land port of entry building in New Mexico and a commission with UCSF Benioff Hospital.

Lordy Rodriguez

832 B Street Unit C
Hayward, CA 94541
713-398-6497

lordyrodriquez@gmail.com

Born 1976, Quezon City, Manila, Philippines
Lives and works in Hayward, CA

Education

2008 M.F.A. Stanford University. Stanford, CA
1999 B.F.A. School of Visual Arts. New York, NY

Teaching

2014-Present San Jose State University, CA
Assistant Professor in Arts Entrepreneurship
2009-2014 University of Stanford, CA
Lecturer in Painting, Painting II, Drawing, Drawing II, and Collage
2008-2014 University of California Berkeley, CA
Lecturer in Language of Drawing, Language of Painting, and Approaches to Painting

Solo Exhibitions

2014 "Art on Market Street: Strangerhood", San Francisco Arts Commission, San Francisco, CA
2013 "Code Switch", Hosfelt Gallery, San Francisco, CA
2012 "2 X 2", ProArts, Oakland, CA
2011 "The Map is Not the Territory", Hosfelt Gallery, New York, NY
2009 "Surface Depths", Nevada Museum of Art, Reno, NV
2009 "States of America", Austin Museum of Art, Austin, TX
2008 "201 Drawings", Hosfelt Gallery, San Francisco, CA
2007 "Polar Ice Caps", Clementine Gallery, New York, NY
2006 "New Work", Finesilver Gallery, Houston, TX
2006 "Landscapes", Hosfelt Gallery, San Francisco, CA
2005 "Final States", Clementine Gallery, New York, NY
2004 "New Work", Finesilver Gallery, San Antonio, TX
2004 "New States", Hosfelt Gallery, San Francisco, CA
2003 "New Work", Finesilver Gallery, San Antonio, TX
2002 "New Dislocations", Clementine Gallery, New York, NY
2001 "Texas 50", ArtPace, A Foundation for Contemporary Art, The International Artist-In-Residence Program, San Antonio, TX
2000 "States", Clementine Gallery, New York, NY
1999 "New Work", Finesilver Gallery, San Antonio, TX

Group Exhibitions

2015 "Position, Tensions, and the Surrounding Areas", Somarts, San Francisco, CA
2014 "City Limits, City Life", San Jose Museum of Art, San Jose, CA
"The Art of Collaboration", Artpace, San Antonio, TX
"Storm", Center for Art and Thought, Los Angeles, CA
2013 "Contemporary Cartographies", Lehman College Art Gallery, Bronx, NY
"Mapping the Terrain", The Mills Building, San Francisco, CA
2012 "Look Both Ways", Hosfelt Gallery, San Francisco, CA
"Swap Meet", The Dikeou Collection, Denver CO
"New Works Now", ArtPace, A Foundation for Contemporary Art, San Antonio, TX
"The Map as Art", Kemper Museum, St. Louis, MO

- “Contemporary West”, Blanton Museum of Art, Austin, TX
- 2011 “Here Be Dragons: Mapping Information and Imagination”, Intersection for the Arts, San Francisco, CA
 “Vacation”, Williams Tower Gallery, Houston, TX
 “Chico and Chang”, Intersection for the Arts, San Francisco, CA; traveled to San Jose Institute of Contemporary Art, San Jose CA
 “Records and Marks”, Montalvo Arts Center, Saratoga, CA
- 2010 “Chain Reaction”, San Francisco Art Commission Gallery, San Francisco, CA
 “Mapping: Memory and Motion in Contemporary Art”, Katonah Museum of Art, Katonah, NY
- 2009 “Bellwether: SOEX Grand Opening + Inaugural Exhibition”, Southern Exposure, San Francisco, CA
 “Eye World”, Triple Candie, New York, NY
 “Apature”, Go for a Loop Gallery, San Francisco, CA
 “Cartographic Imagination: Mapping in Contemporary California Art”, The Fine Arts gallery at San Francisco State University, San Francisco, CA
 “The Coldest Winter I Ever Spent was a Summer in San Francisco”, Hosfelt Gallery, San Francisco, CA
 “Here and There: Seeing New Ground”, 516 ARTS, Albuquerque, NM
 “Polar Dispatches”, Portland Museum of Art, Portland, ME
 “All Over the Map”, Kohler Art Center, Sheboygan, WI
- 2008 “Eclectic Works: Recent Prints and Then Some”, Electric Works, San Francisco, CA
 “Road Trip”, San Jose Museum of Art, San Jose, CA
 “Summer Reading”, Hosfelt Gallery, New York, NY
 “Transient”, Thomas Welton Stanford Art Gallery, Stanford, CA
 “Eligible Traffic”, Trinity University Art Gallery, San Antonio, TX
 “Zoom +/-”, Limn Art Gallery, San Francisco, CA
 “Cardinal Points: The Relationship Between Art and Maps”, The Park School Richman Gallery, Baltimore, MD
- 2007 “Not Only Possible but Also Necessary: Optimism in the Age of Global War”, 10th Istanbul Biennial, Istanbul, Turkey
 “Lines in the Earth: Maps, Power, and the Imagination”, Sun Valley Center for the Arts, Ketchum, ID
 “There’s No Place Like Here”, University Art Gallery, Sonoma, CA
 “Pattern vs. Decoration”, Hosfelt Gallery, San Francisco, CA
 “Pattern vs. Decoration”, Hosfelt Gallery, New York, NY
 “The Landscape of...”, Thomas Welton Stanford Art Gallery, Stanford, CA
 “World Factory”, Walter and Mcbean Galleries, San Francisco Art Institute, San Francisco, CA
 “Water”, Salvatore Ferragamo Gallery, New York, NY
 “Zoom”, ARENA 1 A project of Santa Monica Art Studios, Santa Monica, CA
- 2006 “California Biennial”, Orange County Museum of Art, Newport Beach, CA
 “Global”, Westport Arts Center, Westport, CT
 “Alimatuan”, The Contemporary Arts Museum, Honolulu, HI

- “Personal Geographies: Contemporary Artists Makes Maps”, Hunter College Times Square Gallery, New York, NY
- 2005 “New Turf”, Fleming Museum, Burlington, VT
 “Lordy Rodriguez and Mike Arcega”, 101 California Street Lobby, San Francisco, CA
 “Red Beans and Rice: Asian Artists in the New South”, Atlanta Contemporary Art Center, Atlanta, GA
 “As the Freak Takes You”, Atlanta College of the Arts Gallery, Atlanta, GA
 “Portraits”, Carrington Gallery Ltd., San Antonio, TX
- 2004 “Perspectives @ 25: A Quarter Century of New Art in Houston”, Contemporary Arts Museum, Houston, TX
 “Beginning Here: 101 Ways”, Visual Arts Gallery, New York, NY
 “Uncharted Territory: Subjective Mapping by Artists and Cartographers”, Julie Saul Gallery, New York, NY
 “Indivisible Cities”, Bill Maynes Gallery, New York, NY
 “Anacapa: A Changing Landscape”, Nathan Larramendy Gallery, Ojai, CA
 “Topographies”, Walter & McBean Galleries, San Francisco Art Institute, San Francisco, CA; traveled to Pasadena Museum of California Art, Pasadena, CA
 “Terrain: Rob de Mar, Ashley Prine, Lordy Rodriguez”, Clementine Gallery, New York, NY
 “Art in Embassies Program”, The United States Embassy, Santiago, Chile
 “Dessins et des Autres” Galerie Anne de Villepoix, Paris, France
- 2003 “Altoids Curiously Strong Collection”, Atlanta College of Art Gallery, Atlanta, GA; traveled to New Museum of Contemporary Art, New York, NY
 “Wish You Were Here-The Art of Adventure”, Cleveland Institute of Art, Cleveland, OH
 “Mapping it Out”, The Work Space, New York, NY
 “Road Show”, George Adams Gallery, New York, NY
 “Still/Motion”, Hosfelt Gallery, San Francisco, CA
 “Clementine @ Hallwalls”, Hallwalls Center for Contemporary Art, Buffalo, NY
 “Wanderlust”, Lopez Museum, Manila, Philippines
 “Mapping Memory”, The Hand Workshop Art Center, Richmond, VA
 “A Sense of Place”, The Arlington Museum of Art, Arlington, TX
 “Indoor/Outdoor”, Limn Gallery, San Francisco, CA
 “Roots of Renewal”, Faulconer Gallery, Grinnell, IA
- 2002 “Terra Incognita: Contemporary Artist’ Maps & Other Visual Organizing Systems”, Museum of Contemporary Art, St. Louis, MO
 “Shifting Ground”, ArtScan, Gallery, Houston, TX
- 2001 “Works on Paper”, Finesilver Gallery, San Antonio, TX
 “Repetitive Motion”, College of Visual Arts, Saint Paul, MN
 “The World According to the Newest and Most Exact Observations: Mapping Art and Science”, Tang Teaching Museum, Saratoga Springs, NY
 “August Confessions: Ask Me Now”, Geoffrey Young Gallery, Great Barrington, MA
 Art Miami, Project Room, Miami, FL
- 2000 “The City”, Nicole Klagsbrun Gallery, New York, NY
 “Miracle Whip”, Clementine Gallery, New York, NY

- 1999 "Comings and Goings" Visual Arts Gallery, New York, NY
- 1998 "At Home and Abroad: 20 Filipino Artists", Asian Art Museum, San Francisco, CA; traveled to Contemporary Arts Museum, Houston, TX; traveled to Metropolitan Museum, Manila, Philippines

Bibliography

- Harmon, Katharine, The Map as Art: Contemporary Artists Explore Cartography, Princeton Architectural Press, p. 54-55
- Cornell, Lauren; Gioni, Massimiliano; Hoptman, Laura, /Younger Than Jesus/ Artist Directory, Phaidon Press, p. 414
- Vergara Jr. , Benito M., Pinoy Capital The Filipino Nation in Daly City, Temple University Press, 2009 (cover)
- Hou Hanru, 10th Istanbul Biennial: "Not Only Possible but Also Necessary: Optimism in the Age of Global War" (catalogue), Istanbul Foundations for Culture and Arts 2007
- ArtLies, Spring 2007 (fold out spread and cover image), pp. 13
- Get Lost: Artists Map Downtown New York, Produced by The New Museum, ed. Massimiliano Gioni, 2007, pp. 7
- Elizabeth Armstrong, Rita Gonzalez, Karen Moss, 2006 California Biennial (catalogue), Orange County Museum of Art, 2006
- Catalina Montano, "Lordy Rodriguez at Finesilver Gallery", Artshouston, December 2006
- Brian Boucher, "Lordy Rodriguez at Clementine Gallery", Art in America, March 2006
- Evelyn C. Hankins, New Turf (catalogue), Fleming Museum, 2005
- "Lordy Rodriguez: New States", ArtLies, Summer 2004
- Moss, Karen, Topographies (catalogue), The San Francisco Art Institute, 2004
- Bing, Alison, "Lordy Rodriguez at Hosfelt Gallery", Artweek, July/August 2004, p. 19-20
- Frank, Paul, "Natural Wonders", Pasadena Star News, September 2004
- Harmon, Katharine, You Are Here: Personal Geographies and Other Maps of the Imagination, Princeton Architectural Press, 2004 (cover)
- "Readings", Harper's Magazine, February 2003
- Chaffee, Cathleen, Wish You Were Here: The Art of Adventure (catalogue), The Cleveland Institute of Art, 2003
- Shaw, Lytle, "Lordy Rodriguez: New Dislocations, Clementine Gallery", Art on Paper, December 2002
- Halkin, Talya, "Gallery Going: Lordy Rodriguez at Clementine", The New York Sun, September 26, 2002
- Veldez, Sarah, "Lordy Rodriguez at Clementine Gallery", Time Out New York, September 19-26, 2002
- "Best Gallery Exhibition: Terra Incognita", The St. Louis Times, October 2002
- Hughes
- Hughes, Jeffrey, "Terra Incognita" (reproduction), Art on Paper, September/October 2002
- "Terra Incognita" (reproduction), Tema Celeste, issue #91, June 2002, p.117
- Berry, Ian et al. The World According to the Newest and Most Exact Observations: Mapping Art and Science, (catalogue), Tang Teaching Museum, Saratoga Springs, NY, 2001
- Dailey, Meghan, "Lordy Rodriguez at Clementine Gallery", Artforum, January 2000
- Johnson, Ken, "Lordy Rodriguez at Clementine Gallery", The New York Times, December 15, 2000
- Newhall, Edith, "Altered Stated", New York Magazine, November 27, 2000

Johnson, Ken, "The City" (Nicole Klagsbrun), The New York Times, August 11, 2000
Dumbadze, Alexander, "Lordy Rodriguez at Finesilver", The New Art Examiner, February 2000
Friis-Hansen, Dana, et al. At Home and Abroad (catalogue), Asian Art Museum, San Francisco, 1998

Residencies

2015 The Oxbow School, Napa, CA
2010 Montalvo Arts Center, Saratoga, CA
2003 Visiting Artist, Cleveland Institute of the Arts, Cleveland, OH
2002 Visiting Artist, Pennsylvania Academy of Fine Arts, Philadelphia, PA
2001 ArtPace, San Antonio, TX

Collections

US Army Corps of Engineers
The Nevada Museum of Art Reno
The Progressive Corporation
New Museum of Contemporary Art, New York, NY/Altoids Curiously Strong Collection
Austin Museum of Art
University of Washington
Williams College Museum of Art
Federal Reserve Bank Houston Branch

Exhibit A: Proposal – Written and Visual Description
City of Hayward, Public Art Project
Hayward 21st Century Library and Community Learning Center
Book Store/Gift Shop Commission

EXHIBIT A
SCOPE OF WORK

1. Overview

Project Narrative

The first floor of the new Hayward Public Library is designated with the title of “Fundamentals” with the sub-heading of Roots/Language/Community/and Beginnings. The new book store/gift shop is located on the first floor and it’s these words from the sub-heading in which I am basing my design proposal on. I propose an abstracted map frieze loosely based on the freeway systems of the east bay, the patterns and text found in various neighborhoods and sites around Hayward, and source images from historical photos of Hayward that will line the top two feet of the fifty-five foot wall expanse of the new book store. This abstracted map becomes a portrait of Hayward in a way that incorporates multiple layers of community identities.

Roots

Patterns and text are at the heart of the visual make up of this map design. For the Roots theme, patterns and text found in historical photos of Hayward will be included in the design. What this does is address the changing community identities over Hayward’s history.

Language

In my own work and research, patterns are established visual languages that have a representational role whatever that may be. In this design, patterns as a visual language act as a way to represent the area in which those patterns were sourced from. Whether they be intentional representations or not, patterns, through ongoing contact, can become visual representations of a place. Language as a theme, in this regard to patterns, is told through visual languages. This can equate to how a language spoken is often revelatory of the culture in which that language derives from.

Community

During the source material gathering phase, the areas in which I would like to focus on are the major neighborhoods of Hayward. Patterns and text will be sourced from these areas. One of the main effects that I want to get out of using patterns specific to these areas is their possible recognizability. As viewers see the patterns in this design, they can either recognize those patterns that they are familiar with or actively search for them when in those neighborhoods.

Beginnings

Because this map is an abstraction, the typical information one gets from a map is not expected with this design. The inferred road system on this map is reminiscent of the freeways of the East Bay, but also that of the roads that were first placed in Hayward which greatly affected the growth and overspill growth from surrounding areas. Text of the neighborhoods that I am surveying are listed out on the road network, but in the fashion of the way stops are aligned on the BART map. This is a direct reference to the influential growth that the BART system has added to this area. Beginnings, in this respect, is related to the causations of growth in Hayward’s history.

The final product is a site-specific map that becomes a portrait of this place based on the culture that lives here. This map not idealized, romanticized, or overly realistic. This is a portrait based on impressions and the emotions associated with the memories of a place. Like the viability of the future of the local library, the aim should be to

further intertwine itself with the local community. This project hopes to be a visual representation of that connection.

Process

My process begins with the gathering of source materials. I've chosen the 16 largest neighborhoods in Hayward as starting points to visit. A list of those neighborhoods is provided. Each site visit would have me taking photos of all of the patterns and color schemes that I find in those areas. When that list is completed, other sites may be chosen. Other sources for patterns and color schemes are historical photos of the city throughout its history.

Once all of the source materials have been chosen, the drawing phase can begin. The original drawing will be made on a half scale of 25ft x 1ft. This drawing will be made on stonehenge paper and colored with an alcohol based ink. Patterns are methodically laid out on the pictorial space with the road network and neighborhood text superimposed on top of the patterns. The original drawing will be further segmented into 5 horizontal sections to accommodate the proposed maintenance plan as well as the scanning and printing processes.

The original drawing is then sent to Electricworks in San Francisco for high definition scanning. Once the digital files are created, all of them will go through an extensive editing and color correcting phase back in the studio. Any mild imperfections, bleeding, mistakes, damages, color falseness, and documentation errors will be corrected during this phase.

Digital files, after the editing phase, will be sent to Signature Reprographics in Sacramento for printing onto the wallpaper substrate. The timeframe for this part of the process is dependent on color proofing the final outcomes. Signature Reprographics will also handle the installation in the library which is expected to take no more than a week.

JANUARY 2016: ONE MONTH

Stage 1: Source Material Collection

- Mapping, finalizing routes, and scouting sites around Hayward.
- Photographing all the patterns and color schemes found in the selected areas of Hayward.
- Research for patterns and color schemes from past images of Hayward.
- Editing the source images. This includes color matching, cropping, and pattern translation.

Stage 2: Preparatory Stage and Preliminary Design Phase

- Preparation of the paper which includes flattening time, cutting, and drawing the grid lines. Paper will measure to 27.5' x 12' then blown up to 55' x 2' during the reproduction to wallpaper stage.
- Layout of patterns is determined.
- Color schemes are determined.

FEBRUARY 2016 – JUNE 2016: 6 MONTHS

Stage 3: Drawing Phase

- In this stage, the drawing is penciled in and then inked using an alcohol based ink.
- Any final decisions regarding usage of patterns are determined.

Stage 4: Coloring Phase

- Drawing phase and coloring phase are staggered as I will be working on both at the same time. Total time allotted for these two stages are 6 months.
- Final decisions regarding usage of color schemes are determined.

Summer: 2 MONTHS

Stage 5: Scanning/Documentation/Editing

- Once the main drawing is completed, it will be sent to Electricworks in San Francisco for scanning. This process will only take a few days.
- Separate documentation will happen in the studio prior to sending out for scanning.
- The final step in this stage is editing and color correcting the digital file of the image. Any imperfections, mis-coloration due to scanning, and mis-alignments will be corrected. This will constitute the bulk of the time spent on this stage.

Winter 2016: 1 MONTH

Stage 6: Fabrication

- Fabrication of the wallpaper design will take place at Signature Reprographics in Sacramento.

Stage 7: Inspections and Corrections

- Once the wallpaper is completed, color proofing and printing inspections will take place.

March 2017: ONE WEEK

Stage 8: Installation at the Project Site

- Installation will be provided by Signature Reprographics.
- Preparation of the wall to the acceptable level five drywall.
- Wallpaper is applied to the designated area.

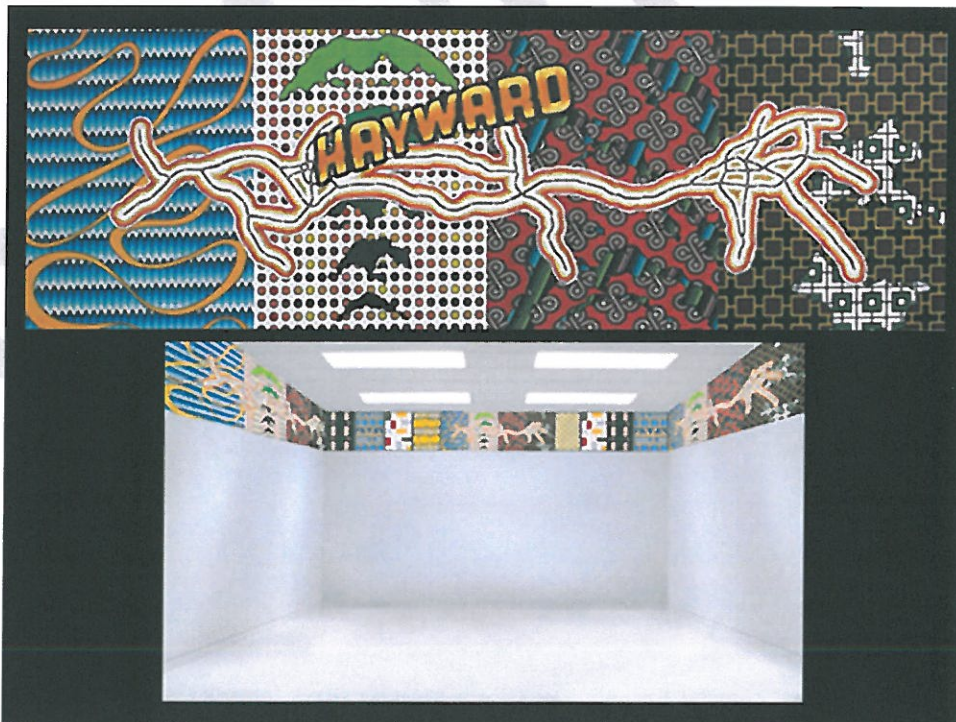


Exhibit B: Terms of Compensation

City of Hayward, Public Art Project
Hayward 21st Century Library and Community Learning Center
Second Floor New Media Commission

Total fee for design, fabrication and installation of the commission is \$22,000. Artist shall submit invoices for phases of design, fabrication, and delivery/installation, as those phases begin, and as listed below in this Exhibit B. City shall pay Artist in a timely manner – within no more than 30 days following the submittal of Artist invoice.

Design Phase: Coordination and discussion with Architect, Art Consultant and City Team Members of design and execution of commission. \$3,300 less initial design fee = \$2,550

Fabrication Phase A: Begin Fabrication with the purchase of all materials, as well as the contracting of any subcontractors or studio assistants; fabrication through 50% of commission. \$9,000

Fabrication Phase B: Fabrication through completion; This phase begins at 50% of completion with an in person studio visit of architect, art consultant and city team members. \$6,700

Delivery and Installation: Deliver and install commission. \$3,000

SAMPLE

Exhibit C: Commission Schedule
City of Hayward, Public Art Project
Hayward 21st Century Library and Community Learning Center
Book Store/Gift Shop Commission

Design Phase: Coordination and discussion with Architect, Art Consultant and City Team Members of design and execution of commission. December 2015

Fabrication Phase A: Begin Fabrication with the purchase of all materials, as well as the contracting of any subcontractors or studio assistants; fabrication through 50% of commission. February 2016

Fabrication Phase B: Fabrication through completion; This phase begins at 50% of completion with an in person studio visit of architect, art consultant and city team members. July 2016

Delivery and Installation: Deliver and install commission. March 2017

Note: This schedule applies to the status of the project at this time. The schedule may change with construction progress. All parties will be informed as to that progress and any changes in the schedule as they become apparent.

SAMPLE

Rob Ley - Artist Bio

Founded by Rob Ley in 2002, Rob Ley Studio operates at various scales within the built environment. The studio's projects and continuing explorations engage innovative material and formal approaches to develop environments that respond to human experience. The studio's history of experimental work includes installations at the Storefront for Art and Architecture (New York), the Taubman Museum of Art (Roanoke, VA), Materials & Applications (Los Angeles), Florida State University (Tallahassee, FL), and metropolitan arts commissions including the City of Los Angeles, the City of Seattle and Kansas City.

Ley has been awarded several notable awards and grants including the 2015 American's for the Arts - Public Art Network Year in Review award, a Graham Foundation grant, multiple AIA research grants, and an IDEC Special Projects grant. In 2010, Ley was presented with the Best Storefront Design award by the Municipal Art Society of New York for Reef at the Storefront for Art and Architecture.

Rob Ley currently teaches graduate and undergraduate design studios and seminars at the University of Southern California (USC). Ley has lectured and exhibited extensively on the topics of public art, design, technology and innovation for the public sphere at institutions including the Cooper Union (New York), Los Angeles Forum for Architecture and Urban Design (Los Angeles), Virginia Tech School of Architecture (Blacksburg, VA), American Institute Vienna (Vienna, Austria), and the Milwaukee Institute of Art and Design (Milwaukee, WI). Rob holds a Master of Architecture from University of California, Los Angeles (UCLA) and a Bachelor of Science in Architecture from the University of Illinois, Urbana-Champaign.

Rob Ley CV

Professional Experience

Rob Ley Studio

Art Studio, Founder, Los Angeles, CA, 2004–Present

Cliff Garten Studio

Public Art Studio, Los Angeles, CA, 2000–2002

Education

MArch, Master of Architecture, 2000

University of California (UCLA) – Los Angeles

BSArch, Bachelor of Science in Arts & Architecture, 1996

University of Illinois (U of I) – Champaign

Academic Appointments

University of Southern California (USC), Los Angeles, CA

Design Faculty, Undergraduate / Graduate Design Studios, 2011 - present

Southern California Institute of Architecture (SCI-Arc), Los Angeles, CA

Design Faculty, Graduate Design Studios / Graduate Thesis Advisor, 2008 – 2012

Design Faculty, Undergraduate Design Studios 2003 - 2008

University of California – Los Angeles (UCLA), Los Angeles, CA

Teaching Associate, Design/Media Arts Department, 1997 – 2000

University of Illinois – Champaign (U of I), Champaign, IL

Research Assistant, Materials Research Architecture/Engineering Depts, 1994-1996

Awards / Grants

American's for the Arts, PAN Year in Review Award, 2015

CoD+A Public Art Awards, 2014

CoD+A Public Art Awards, 2013

AIA Upjohn Research Grant, (Joint award with Doris Sung) 2011

The Municipal Art Society for New York, Best Storefront Design - "Reef", 2010

Graham Foundation for Advanced Studies Grant, Supporting funds for *Reef*; An interactive installation at the Storefront for Art and Architecture, NY 2009

AIA Upjohn Research Grant, (Joint award with Joshua Stein), Supporting funds for *Responsive Field*; An Active Environmental Control System 2009

AIA Knowledge Program Research Grant, Supporting funds for *Reef*; An interactive installation at the Storefront for Art and Architecture 2008

IDEC Special Projects Grant

Woodbury Project Grant, (Joint award with Joshua Stein) 2006

Chicago Burnham Prize, Finalist, 2005

Lectures / Exhibits

Coercion, University of Southern California, Los Angeles, CA, 2013
"Spatial Inhabitation", USC: *Digital Media*, Los Angeles, CA, 2012
Acadia Design Conference, Cooper Union/Pratt Institute, Invited Exhibitor, New York, NY, 2010
"Out There Doing It: Rob Ley & Christian Moeller", LA Forum, Los Angeles, CA, 2010
"Immediate Material Futures in Art", Virginia Tech, Blacksburg, VA, 2010
"Behavior, Not Intelligence", Storefront for Art and Architecture, New York, NY, 2009
"Responsive Materials", California Polytechnic University, Pomona, CA, 2009
"Light & Materiality", American Institute Vienna, Vienna, Austria, 2007
"Empathy or Beauty?", Woodbury University, Burbank, CA, 2006
"Intro", (SCI-Arc), Los Angeles, CA, 2004
"A Fair and Balanced Look at Making", Materials and Applications Gallery, Los Angeles, CA, 2004
"Space, Manufactured", Milwaukee Institute of Art and Design (MIAD), Milwaukee, WI, 2003

Recent Publications

Interactive Installations, Xue, editor of Phoenix Publishing, Tianjin Ifeng space Media, 2014
Beyond, "Eskenazi Hospital Façade", Tang-Art Design & Information Group Limited, Beijing 2015
Byspace 360, "Parking Structure Art Façade", Sun, Susan, 2015
AN News, "Overseas Design- Parking Structure Art Façade by Urbana", Lee, Hyejeong, Seoul, Korean, 2015
[Exterior] Magazine, "Parking Structure Art Façade", Lee, Hwa-joeng, Seoul Korea, 2014
Luel, "Eskenazi Hospital Façade", Jong Sung, Kim, Seoul, Korea, 2014
BVD, "Eskenazi Hospital Façade", Kohler, Limor, Tel Aviv, Israel, 2014
Details Architecture Magazine, Jung, Youngran, 37th Issue, pp. 122-127, Seoul, Korean, 2014
A+A, "May/September", Yide, Dou, Issue 2014.12, pp. 60-63, 2014
City Installations, "Draper", Sun, Siren, Hong Kong, 2014
Launching the Imagination: A Guide to Three-Dimensional Design, Stewart, Mary, 5th ed., 2014
Input_Output, Patel, Sneha and Ng, Rashida, 2013
Installations, Choi, Beijing, 2013
Installation Art 2, Wang Shaoqiang, 2013
Interior Design: The positivity issue no. 3, "Ripple Effect", Tamarin, Nicholas (March 2012): pp. 90-91, 2012
Interior Design China, "Rob Ley: Urbana Studio" issue 05 (2012): pp 40-43, 2012
See Yourself Sensing: Redefining Human Perception, "Environments", Schwartzman, Madeline. London, UK, 2011
Installation Art, Wang, Shaoqiang, ed. "Reef" pp. 104-107. Berkeley, CA, 2010
IA&B, "Material Kinetics" vol. 23 no. 6, Yadav, Hema. (February 2010): pp. 110-115, 2010
Storefront Newsprints, Grima, Joseph. 1982-2009. New York: Storefront for Art and Architecture, 2009
Form Journal, "Urbana": *Pioneering Design, 5 to Watch*, p. 31, October 2009

Recent Projects

Pseudorandom, (Private Commission), New York, NY, 2015

Commissioned by Hewlett-Packard in New York, The term random typically implies an output of unpredictable values, though it is fundamentally impossible to produce truly random numbers within a logic based system. This installation exploration of the moment when a seemingly chaotic field reveals an emergent, ordered pattern.

Formidable, (Public Art Commission), Kansas City, MO, 2014

Commissioned by the Municipal Art Commission for the Kansas City Police Department, this permanent public art installation reflects the dual role of public servants, both maintaining a sense of strength and authority, while engaging the community through openness and transparency. The work is suspended within a newly constructed community room adjacent to the police station.

May/September, (Public Art Commission), Indianapolis, IN, 2014

Commissioned by Eskenazi Hospital, this building façade project serves as a large art installation situated on the entire south façade of the new facility's parking structure. Comprised of 7,000 colored aluminum panels, the piece abstractly depicts the growing fields which define the regions historic agricultural economy, as well as the hospital's vocal mission to encourage health through prevention and nutrition.

20, (Public Art Commission), Seattle, WA, 2014

Commissioned by the Seattle Office of Arts & Cultural Affairs, this permanent public art sculpture is an exterior, site-specific installation situated on the exterior of a new city fire station. The piece is made from coiled spring-steel clusters, assembled in a gradient pattern that reflects the diversity of the surrounding neighborhood that the station serves.

Floating Point, (Public Art Commission), City of Emeryville, Emeryville, CA, 2013

Commissioned by the City of Emeryville, California.. Constructed using a custom-built tube bending fabricating robot, the overall shape of this piece is evocative of cloud-like forms.

Draper, (Public Art Commission), Florida State University, Tallahassee, FL, 2011

A Florida State University commissioned permanent wall sculpture for the Visual Arts Department building. This sculpture is formed by draping 50 separate recycled stainless steel strips to create depth and variation along its 70' total height. The piece passes through 5 separate floors and sub-departments of the school, offering each level a unique view of the piece and its floor its own distinct identity.

Lumenscape, (Private Commission), Solair Building (Wilshire & Western Station), Los Angeles, CA, 2009

Department of Cultural Affairs commissioned gateway installation located above subway as counterpoint to the intense traffic speed of the busy intersection. Comprised of translucent thermo-formed acrylic & shifting colored LED lighting inspired by surrounding neon signs.

Serial Departure, (Temporary Installation), Materials and Applications Gallery, Los Angeles, CA, 2004

Private collection, Los Angeles, CA, 2005

Light installation of serially aggregated plastic modules in an outdoor exhibition space. Translated to outdoor private commission.

Reef, (Temporary Installation), Storefront for Art and Architecture, New York, NY, 2004 and Taubman Museum of Art, Roanoke, VA, 2005

Collaboration with Joshua Stein. The movement of the piece's 800 flexible panels evokes the responsive motion of a field of sunflowers as they track the sun across the sky, or a reef covered with sea anemones.

Exhibit A: Proposal – Written and Visual Description
City of Hayward, Public Art Project
Hayward 21st Century Library and Community Learning Center
West Atrium Wall, 1st – 3rd Floors

Rob Ley – Hayward Library – “Untitled”

Narrative

This piece began with an affection towards books as tangible bearers of information and entertainment. The book, as an intimately physical object, is often described in quite reverent and even romantic terms by those who love literature and the written word. The piece also engages an interest in the form books take when arranged together, in increasingly precarious stacks. The image of a reader, absorbed and studying a particular topic, is an image synonymous with learning and exploration. There is also a tactile beauty to how a book is made, held, and read. As one examines books and their history, a question arises, which is how do we reconcile the beautiful physical nature of a book, in a future that heads more and more towards digital, non-tangible containers of information? For this piece, I want to explore common ground between the historical qualities of pages and books, along with the methods and means that pure information may be consumed in the future.

What do real books we can hold, and digital sources of information have in common? Layers and layering represent a quality common to both forms of media. Just as a book may be comprised of hundreds of pages, forms of digital media, as well, may be created in layers. Imagine the production of a classical symphony or jazz music piece, with various wood, wind, and brass instruments playing together, or the creation of a film/documentary, which is built up from a multitude of visual layers and effects. Layering became something that forms the basis of this piece and it is my approach to a sculpture that can figuratively encompass and be informed by all the sources of information in the library.

Material and Fabrication

The piece is imagined as monolithic “slabs”, comprised of many layers of varying colors. Erosion becomes a compositional device that exposes the various colored layers and helps to reinforce a sense of depth in the piece. The piece will occupy all three floors of the west atrium lobby as separate elements, though will read as a singular, continuous sculpture when viewed from afar.

The sculpture is anticipated to be created from either stacked layers of colored acrylic, or from singular monolithic cast blocks of multi-colored urethane resin. A study that looks at durability, weight, and structural characteristics will influence the final material choice prior to fabrication. Coordination with the building design team regarding the wall construction in the area adjacent to the piece will help facilitate a smooth installation later in the process.



Exhibit B: Terms of Compensation

City of Hayward, Public Art Project
Hayward 21st Century Library and Community Learning Center
West Atrium Walls, 1st -3rd Floors

Total fee for design, fabrication and installation of the commission is \$100,000.00. Artist shall submit invoices for phases of design, fabrication, and delivery/installation, as those phases begin except as noted below, and as listed below in this Exhibit B. City shall pay Artist in a timely manner – within no more than 30 days following the submittal of Artist invoice.

Design Phase: Coordination and discussion with Architect, Art Consultant and City Team Members of design and execution of commission. \$16,000 less initial design fee = \$15,000

Fabrication Phase A: Begin Fabrication with the purchase of all materials, as well as the contracting of any subcontractors or studio assistants; fabrication through 50% of commission. \$\$44,000

Fabrication Phase B: Fabrication through completion; This phase begins at 50% of completion with an in person studio visit of architect, art consultant and city team members. \$30,000

Delivery and Installation (payable after successful delivery and installation of commission): Deliver and install commission. \$10,000

Exhibit C: Commission Schedule
City of Hayward, Public Art Project
Hayward 21st Century Library and Community Learning Center
West Atrium Walls, 1st-3rd Floors

Design Phase: Coordination and discussion with Architect, Art Consultant and City Team Members of design and execution of commission. November 2015

Fabrication Phase A: Begin Fabrication with the purchase of all materials, as well as the contracting of any subcontractors or studio assistants; fabrication through 50% of commission. March 2016

Fabrication Phase B: Fabrication through completion; This phase begins at 50% of completion with an in person studio visit of architect, art consultant and city team members. July 2016

Installation Coordination: Provide City with a plan for installation of the Commission, including equipment, access and other requirements that must be coordinated with the City, library design consultant and/or construction contractor, including needs for any mounting/lighting requirements. Delivery and Installation: Deliver and install commission. January 2017

Note: This Commission Schedule is based on a current projection of the library construction to completion and is based on the status of the project at this time. The library construction schedule and the Commission Schedule are dependent upon weather, unforeseen conditions, change orders and other factors and are subject to change. Artist will be informed as to the library construction progress and any corresponding and necessary changes to the Commission Schedule as they become apparent.

Biography

A reverence for light phenomena characterizes Kana Tanaka's body of work. She seeks to inspire curiosity and exploration through glass and light. As an Arts & Crafts major at the National Aichi University of Education in Japan, she became captivated by the qualities of molten glass, leading her to specialize in glassblowing. She continued to study glass as a medium for emphasizing experiences of light during her advanced studies for an MFA degree at Rhode Island School of Design. Her style shifted from making small objects to creating site-specific installation works involving the viewer in rich, multi-dimensional experiences.

Tanaka creates situations that surround the audience and affect their senses directly and broadly. By means of exaggeration, amplification, distortion and division, she seeks to generate new perceptions. Viewers become part of the work as they interact with it and observe light. Glass is the net she uses for sharing the experiences of light with others.

As a recipient of artist grants from Pollock Krasner foundation and POLA art foundation of Tokyo, Tanaka has exhibited her work at galleries and theaters in the San Francisco Bay Area since 2002.

Born and raised in Aichi, Japan, now based in San Francisco Bay Area, she continues to expand her career in art with glass and light. In recent years, she completed large-scale permanent public art installations in Fairfield, Lafayette, and Alameda, California, as well as in Scottsdale, Arizona, New Britain, Connecticut and Spokane Washington.

www.kanatanaka.com

EDUCATION

- 1999 Rhode Island School of Design, Providence, RI, MFA in Glass, Conferred with Honors
- 1994-96 Cleveland Institute of Art, Cleveland, OH, Full-time, Post undergraduate study in Glass
- 1994 The National Aichi University of Education, Japan, Bachelor of Arts in Arts & Crafts, Glass

PUBLIC ART PROJECT

- 2013 Washington State University, Pharmaceutical & Biomedical Sciences Building, Spokane, WA
- 2013 Central Connecticut State University, Social Sciences Hall, New Britain, CT
- 2011 Alameda Library, Bay Farm Island Branch, Suspended Sculpture, Alameda, CA
- 2009 Scottsdale Center for the Performing Arts, Atrium Wall Installation, Scottsdale, AZ
- 2009 Lafayette Library and Learning Center, Children's Activity Deck Project, Lafayette, CA
- 2005 Solano County Government Center, Suspended Sculpture, Fairfield, CA
- 2004 Davis Senior Center, Art Glass Window, Davis, CA
- 2003 Asian Community Center, Permanent Recognition Wall Display, Sacramento, CA
Collaboration with landscape architect/artist, Roberto Rovira
- 2003 Learning Garden Design/Build Project, Potrero Hill Neighborhood House, San Francisco, CA
Participated as a contributing artist. Lead artist: Yutaka Kobayashi

PUBLIC ART RFQ SHORTLIST PRESENTATION

- 2015 21st Century Library, Atrium Suspended Sculpture, Hayward, CA
- 2010 Department of Public Health, Entrance Lobby Sculpture, Rocky Hill, CT
- 2009 Texas Discovery Garden, Lobby Suspended Sculpture, Dallas TX
- 2009 Emmett O'Brien High School, Entrance Lobby Sculpture, Hartford, CT
- 2009 Boise Plaza, Suspended Sculpture Project, Boise, ID
- 2008 701-719 Ash Street Hotel Project, San Diego, CA
- 2008 Claybank Detention Facility Expansion, Entry Plaza, Solano County, CA
- 2008 Suisun City Library, Suspended Sculpture, Solano County, CA
- 2007 Glide Economic Development Corporation Housing Project, San Francisco, CA
- 2006 Portland State University, Walk of the Heroines, Outdoor Project, Portland, OR
- 2004 The Music Center at Strathmore, Grand Stairway Suspended Sculpture, North Bethesda, MD
- 2003 University of Florida, Mary Ann Harn Cofrin Pavilion, Plaza Area, Gainesville, FL

AWARDS AND SCHOLARSHIPS

- 2009 Juried Exhibition: ARTS CHALLENGE 2009, Aichi Arts Center, Nagoya, Aichi, JAPAN
- 2006 Nominated for Visual Design category, Isadora Duncan Dance Award, San Francisco, CA
- 2002 Overseas Research Artist Grant for one year, POLA Art Foundation, Tokyo, JAPAN
- 2001 Artist Grant for one year from Pollock-Krasner Foundation, New York, NY
- 2000 Best of Show, *Second National Juried Art Exhibition*, Studio 4 West Gallery, Piermont, NY
- 2000 Best of Show, *By Virtue of Excellence*, Rhode Island State Committee for the National Museum of Women in the Arts
- 1998 *Award of Excellence I*, RISD, Providence, RI (academic scholarship)
- 1997 Hamada Memorial scholarship, Rhode Island School of Design
- 1996 Award of Mixed Media, Student Independent Exhibition, Cleveland Institute of Art
- 1995 Honorary Scholarship, Cleveland Institute of Art

SOLO AND TWO-PERSON EXHIBITIONS

- 2015 *Glass Contemplations*, Olive Hyde Art Gallery, Fremont, CA

- 2014 *Threshold*, Chandra Cerrito Contemporary, Oakland, CA
- 2010 *KAGAMI*, Chandra Cerrito Contemporary, Oakland, CA
- 2003
 - *Passage in the Rain*, Davis Art Center, Davis, CA
 - *Passage*, Takada Gallery, San Francisco, CA
 - *Aqueous*, Southern Exposure, San Francisco, CA
- 2001 *Installation Art in Glass/Light*, Napa Valley College Fine Arts Gallery, Napa, CA
- 1997 *The Spiritual World of Japanese Glass Artist*, Gallery 60 for Craft Art, New York City, NY
- 1996 *The Young Japanese Glass Art*, ReSearch Art Gallery, Chicago, IL
- 1993 *Ninin-ten*, Saiundo Gallery, Okazaki, Japan

SELECTED GROUP EXHIBITIONS

- 2011
 - WA: Japanese Art of Harmony, Gensler, San Francisco, CA
 - *LIGHTSPACE*, Chandra Cerrito Contemporary, Oakland, CA
- 2009
 - Brilliant Noël, POLA GINZA Museum Annex, Ginza, Tokyo, Japan
 - ARTS CHALLENGE 2009, Aichi Arts Center, Nagoya, Aichi, Japan
- 2008
 - *Bridge Art Fair: Miami 08*, Chandra Cerrito Contemporary, Miami, FL
 - *RADIALVEDIC*, Johansson Projects, Oakland, CA
 - The RISD Northern California Alumni Biennial 2008, Oakland Art Gallery, Oakland, CA
- 2007
 - *DUOPOLIS*, Chandra Cerrito Contemporary Gallery, Oakland, CA
 - *Looking Glass, seeing through the Medium*, Arts Benicia Center Gallery, Benicia, CA
 - *Chroma*, Gensler, curated by Chandra Cerrito, San Francisco, CA
- 2006 Commissioned Featured Artist, *Day of the Dead Exhibition*, SomArts Cultural Center, SF, CA
- 2005 *Ghosts of Little Boy*, National Japanese American Historical Society, San Francisco, CA
- 2004
 - *Illumination 2*, Annual Glass Exhibition, 1212 Gallery, Burlingame, CA
 - *Isshō: Together, Japanese Artists, 1941-present*, Meridian Gallery, San Francisco, CA
 - Featured Artist: *APAture: A Window on the Art of Young Asian Pacific Americans*, SF, CA
 - Commissioned Artist, *Day of the Dead Exhibition*, SomArts Cultural Center, SF, CA
- 2003
 - *Bringing Light to the Darkness*, Day of the Dead Exhibition, San Francisco, CA
 - *APAture: A Window on the Art of Young Asian Pacific Americans*, San Francisco, CA
 - POPULUS Presents::Phantom Galleries, San Jose, CA
- 2000
 - *Second National Juried Exhibition*, Studio 4 West Gallery, Piermont, NY
 - *By Virtue of Excellence*, Juried exhibition, Newport Art Museum, Newport, RI
 - *New Art Y2K*, Juried exhibition, Kingston Gallery, Boston, MA
- 1999
 - *Annual Graduate Student Exhibition*, the RISD Museum, Providence, RI
 - *Away from the Pond II*, Group exhibition, Silver Spring Gallery, Providence, RI
- 1998
 - *Away from the Pond*, Group exhibition, Silver Spring Gallery, Providence, RI
 - *of Capturing the Moment*, Market House Gallery, RISD, Providence, RI
- 1997
 - *Glass Dept. Biennial Exhibition*, Woods Gerry Gallery, RISD, Providence, RI
 - *FIRE & SAND: Women's Vision in Glass*, The Stones Gallery, San Francisco, CA
 - *51st Annual Sculpture Exhibition*, Pen & Brush Inc., New York City, NY
- 1995
 - Group Exhibition, Joyce Peter Gallery, Douglas, MI
 - *Glass Art in Chubu*, Regional Juried Exhibition, Kanazawa Bunka Hall, Ishikawa, Japan
- 1994
 - *Glass Art Exhibition*, sponsored by Japan Craft Association, Maruzen Gallery, Japan
 - Graduate Exhibition, Nagoya Citizens Gallery, Nagoya, Japan

STAGE SET DESIGN / INSTALLATION / PERFORMANCE

- 2008 "Illusion2", Takami & Mobu Dance Group, SomArts Cultural Center, San Francisco CA
- 2007 "Illusion", Takami & Mobu Dance Group, Project Artaud Theater, San Francisco, CA

- 2006 "Shizuku: Drop III", Performance and stage art installation
Takami & Mobu Dance Group, Project Artaud Theater Gallery, San Francisco, CA
- 2005 "The Old Man and the Sea", Theatre of Yugen, San Francisco, CA
- 2005 "Shizuku: Drop", Takami & MoBu Dance Group, Jon Sims Center, San Francisco, CA
- 2004 "Seirei: Spirit of Nature", Koichi & Hiroko Tamano & Harupin-Ha Butoh Company
Theatre of Yugen, Noh Space, San Francisco, CA
- 2003 "Lunar Tone", Collaboration with Butoh dancer, Hiroko Tamano
Theatre of Yugen, Noh Space, San Francisco, CA

PERMANENT COLLECTION

- 2014 The Norinchukin Bank, New Training Center, Tokyo, Japan
- 2012 Alexander Tutsek-Stiftung, "Petal Stream", München, Germany
- 2010 POLA The Beauty Storefront Window Display, Ginza, Tokyo, Japan
- 2007 Gensler (Architectural office), Reception Area, "First Rain of Spring", San Francisco, CA
- 2006 Project Artaud Theater Lobby, "Light Dance on Frozen Rain", San Francisco, CA

LECTURES & PANELIST PRESENTATION

- 2015 Glass Art Society Annual Conference, Lecture, Montgomery Theater, San Jose, CA
- 2015 Visiting Lecturer, San Francisco State University, San Francisco, CA
- 2012 California Glass Exchange, Studio Glass Symposium, Crusibles, Oakland, CA
- 2009 Visiting Lecturer, Toyama City Institute of Glass Art, Toyama, Japan
- 2007 One Week Visiting Lecturer, Glass Dept. and Sculpture Dept., University of Louisville, KY
- 2005 Public Lecture for AIA San Francisco: architecture + the city, UCSF Mission Bay Campus, SF, CA
- 2005 Gallery Presentation, 1212 Gallery, Burlingame, CA
- 2005 Public Lecture at opening event of Solano County Government Center, Fairfield, CA
- 2005 Visiting Lecturer, Glass Dept., California College of Arts, Oakland, CA
- 2004 Presentation as Featured Artist: APature Opening Event, SomArt Cultural Center
- 2001 Visiting Lecturer, Art Dept., Napa Valley College, Napa, CA
- 2000 Instructor, "Hot Glass" in Sculpture Department, Spring Semester,
Hartford Art School, University of Hartford, West Hartford, CT
- 2000 Visiting Lecturer, Glass Dept., San Jose State University, San Jose, CA
- 1999 Instructor, Beginning Hot Glass, Winter Session, Rhode Island School of Design, RI
- 1999 Visiting Lecturer, Glass Dept., Massachusetts College of Art, Boston, MA
- 1999 Visiting Artist, The National Aichi University of Education, Kariya, Aichi, Japan

BROADCAST

- KQED Radio, NPR, "Pacific Time" on October 26, and "Latino USA" on October 29, 2006
- KQED: Spark on TV, "Looking East" Theatre of Yugen, June 1 & 3, December 14 & 16, 2005
- KPFA: Public Radio, *The Morning Show*, Featured Artists from APature, represented by Kearny Street Workshop, Thursday, 8 am, September 23, 2004

PUBLICATIONS

- GLANC: Glass Alliance of Northern California, April 2015 Newsletter (<http://www.glancinfo.org/news-apr-kana-tanaka.html>)
- cultureNOW, *MUSEUM WITHOUT WALLS*, Vol. 4 Issue 4, April 2014
(<http://culturenow.org/newsletter&date=2014-04>)
- New Glass Review 20, 22, 26, 28, 32, 33, 35 The Corning Museum of Glass, 2014, 2012, 2011, 2007, 2005, 2001, 1999

"PUBLIC ART: A WORLD'S EYE VIEW" (p.298 - p.308), Published by ICO. 2008
Artweek, 'Looking Glass' at Arts Benicia, Volume 39, Issue 1, February 2008
The Reporter, Vacaville newspaper, "Public Art, Public Ideas", June 8, 2007
Hyphen Magazine, "Fire Breather", Issue 11, Spring 2007
Public Art Review, Issue 23, Spring-Summer 2005
The Davis Enterprise, "Artist aims to rejuvenate seniors with new piece", June 12, 2005
Artweek, Volume 36, Issue 4, May 2005
Dancer's Group, "Sight Lines" May 05
Artweek, Volume 34, Issue 6, July/August 2003
Nichi Bei Times, "Kana Tanaka, Glass Art Exhibition", June 2003
The Davis Enterprise, Art Review, "Indoor Summer Shower", August 7, 2003
The Napa Valley Register, Arts & Entertainment, "Light Plays", December 6, 2001
National Museum of Women in the Arts, "Kana Tanaka: Beyond the Familiar", Holiday issue, 2000
This Side Up! (The Netherlands), Winter issue, 1999

Resumé

KANA TANAKA

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Exhibit A: Proposal – Written and Visual Description
City of Hayward, Public Art Project
Hayward 21st Century Library and Community Learning Center
Atrium Suspended Sculpture

EXHIBIT A
SCOPE OF WORK

Crystals
by Kana Tanaka

Inspired by the concept of Net Zero energy building design and the heritage trees in the plaza, the new suspended sculpture for the Atrium will capture and reflect the feeling of looking up the very tall trees... the branches reaching up to the sky... collecting energy from sunlight and rainwater... and bringing that feeling inside the atrium.

The detail of the sculpture embraces the historical aspect of the Hayward—Salt industry from the 1850s to 1980s. The fact that salt was harvested using the sun—or solar energy and the “Archimedes screw pump” which used “wind” as an energy source. This is reflected by using the “salt crystals” to utilize in the new suspended sculpture.

The suspended art location spans the whole length of atrium area (60 feet), as two components. The one on the south will come down from around the skylight opening and end near the upper landing of the staircase between the 2nd and 3rd floors. It will hang down about 27 feet from the ceiling (10 feet clearance from landing). The north side component will hang down to the lower landing of the staircase between the 1st and 2nd floors, about 30 feet from the ceiling.

Estimated up to 1,876 in number and measuring between 1.5” to 3” in width, handmade glass crystals will be suspended from $\emptyset 3/64$ ” stainless steel aircraft cables.



Exhibit B: Terms of Compensation
City of Hayward, Public Art Project
Hayward 21st Century Library and Community Learning Center
Atrium Suspended Sculpture

Total fee for design, fabrication and installation of the commission is \$82,500.00. Artist shall submit invoices for phases of design, fabrication, and delivery/installation, as those phases begin except as noted below, and as listed below in this Exhibit B. City shall pay Artist in a timely manner – within no more than 30 days following the submittal of Artist invoice.

Design Phase: Coordination and discussion with Architect, Art Consultant and City Team Members of design and execution of commission. \$13,000 less initial design fee = \$12,000

Fabrication Phase A: Begin Fabrication with the purchase of all materials, as well as the contracting of any subcontractors or studio assistants; fabrication through 50% of commission. \$38,000

Fabrication Phase B: Fabrication through completion; This phase begins at 50% of completion with an in person studio visit of architect, art consultant and city team members. \$22,5000

Delivery and Installation (payable after successful delivery and installation of commission): Deliver and install commission. \$10,000

Exhibit C: Commission Schedule
City of Hayward, Public Art Project
Hayward 21st Century Library and Community Learning Center
Atrium Suspended Sculpture

Design Phase: Coordination and discussion with Architect, Art Consultant and City Team Members of design and execution of commission. November 2015

Fabrication Phase A: Begin Fabrication with the purchase of all materials, as well as the contracting of any subcontractors or studio assistants; fabrication through 50% of commission. March 2016

Fabrication Phase B: Fabrication through completion; This phase begins at 50% of completion with an in person studio visit of architect, art consultant and city team members. July 2016

Installation Coordination: Provide City with a plan for installation of the Commission, including equipment, access and other requirements that must be coordinated with the City, library design consultant and/or construction contractor, including needs for any mounting/lighting requirements.

Delivery and Installation: Deliver and install commission. March 2017

Note: This Commission Schedule is based on a current projection of the library construction to completion and is based on the status of the project at this time. The library construction schedule and the Commission Schedule are dependent upon weather, unforeseen conditions, change orders and other factors and are subject to change. Artist will be informed as to the library construction progress and any corresponding and necessary changes to the Commission Schedule as they become apparent.

We Are Matik is an LA-based team of transdisciplinary creative talents that interweave storytelling, design and emerging technologies to create one-of-a-kind-experiences.

By blending disciplines from product and environmental design, to engineering and technical development, We Are Matik incorporates a versatile array of abilities to create technologically and aesthetically boundaries-pushing works that celebrate and challenge human interaction and perception.

We Are Matik has had the privilege to design and implement experiences for partners such as Samsung, Disney, Sonos, Jay Z and many more.



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Work

Samsung Sensory Vignette (2015)

3 Sensory Vignettes allowing attendees to immerse themselves in the features and design of the Galaxy S6 products

Client | Samsung
Partners | PMK*BNC
Event / Location | Los Angeles (Quixote Studio) and New York (Cedar Lake Studio)

Hyundai Vending Machine (2015)

Interactive Vending Machine Experience for Hyundai enthusiasts at SEMA show

Client | Hyundai
Partners | INNOCEAN
Event / Location | Las Vegas

Samsung Galaxy Studio (2013 - Present)

Pop-up experience featuring 4 different activation types, (Tablet Wall, Interactive Kids Table, 3D Landscape and 180 Camera)

Client | Samsung
Partners | PMK*BNC
Event / Location | Samsung Store SoHo, New York

Sonos CyFi Lab (2014)

Immersive audio / visual experience exploring the transformation of Sonos' HiFi sound into immersive "cymatic" patterns For Sonos

Client | Sonos
Event / Location | Re/Code Code Conference, Terranea Resort CA

Toilet Paper Launcher (2013)

Physically brought to life a gadget from the game that got the most votes through a social media portal and campaign.

Client | Disney
Partners | SOAP Creative
Event / Location | D23, Digital Campaign Content

Martell Caractere Reveal (2013)

Projection-mapped performance installation sharing the history and process behind Martell's Cognac: Caractère

Client | Martell
Partners | Forward
Event / Location | Paramour Mansion, Los Angeles

Interactive Pods (2013)

A series of 5 custom built interactive pods, for attendees to learn about Paul Mitchell's product offerings and test their knowledge through unique game challenges.

Client | JPMS

Event / Location | Paul Mitchell's "Gathering" at Caesars Palace, Las Vegas

Samsung Galaxy Gesture Wall (2013)

An interactive display comprised of Galaxy devices to emphasize the new "Air Gesture" feature as users interact with the installation with dynamic audio / visual feedback.

Client | Samsung

Partners | PMK*BNC

Event / Location | NY (65 Unit), Comic-Con, San Diego (182 Unit)

M.C.H.G Listening Experience (2013)

The main visual installation for the exclusive listening party of Jay-Z's "Magna Carta Holy Grail" album release.

Client | Samsung / Jay Z

Partners | PMK*BNC

Event / Location | Liberty Warehouse, Brooklyn, NY

Smile-Bot (2012)

An interactive bot that responds with audio / visual elements to a participants' smiles.

Client | Internal

Event / Location | Mindshare LA

The Curl Experience (2012)

Designed a maze-like tunnel of projection-mapped "testimonials", stage elements and a photo op.

Client | JPMS

Event / Location | Paul Mitchell's "Gathering" at Aria Hotel, Las Vegas

TEDxUSC (2012)

A massive interactive set for the main stage that brought to life the theme: "Journey Through the Spheres of Influence"

Client | TEDx

Partners | Syyn Labs

Event / Location | TEDx at USC

BNR Night (2012)

Projection mapped surfaces that played off of the venue architecture for Boys Noize performance.

Client | The Well

Event / Location | Ukrainian Cultural Center

Sync (2012)

An interactive installation that translates tactile input of a visitor's pulse into a visual experience

Client | Internal

Event / Location | Mindshare LA

AT&T Interactive Float (2012)

Designed and developed a custom interface module which allowed for 2012 Chinese New Year Parade goers to change the color of the AT&T's sponsored float via SMS text message.

Client | AT&T

Partners | The 1st Movement, The Marketing Arm

Event / Location | San Francisco Lunar New Year Parade

Dream Tweet (2011, 2012, 2013)

Interactive installation that projection-mapped tweets with unique typefaces that change based on the keywords and hashtags used (each event featured unique variations)

Client | Iterations have been created for Paul Mitchell and Samsung

Event / Location | Gallery Nucleus, Paul Mitchell's "Gathering" event SXSW

AT&T Interactive Float (2012)

Designed and developed a custom interface module which allowed for 2012 Chinese New Year Parade goers to change the color of the AT&T's sponsored float via SMS text message.

Client | AT&T

Partners | The 1st Movement, The Marketing Arm

Event / Location | San Francisco Lunar New Year Parade

Robot Box (2011)

A designed "pod" to speculate about the future interaction between humans and robots.

Client | Little Tokyo Design Week

Event / Location | Little Tokyo Design Week

Project Holiday Projection (2010)

A music-synced projection-mapped Christmas performance

Client | City of Santa Ana

Partners | FREE THE ROBOTS

Event / Location | Spurgeon Building, Santa Ana

Midas (2009)

An interactive permanent installation that visual responds to people's shadows and movement

Client | 826 Valencia

Event / Location | The Echo Park Time Travel Mart

Awards

2015 Davey Awards Interactive Multimedia Gold Winners

Samsung Galaxy Studio

2014 W3 Awards, Environmental / Experiential Gold Winner (Consumer Electronics)

Sonos CyFi Lab

2014 Communicator Awards, Interactive Media Award Of Excellence

Interactive Pods

2013 Davey Awards, Interactive Multimedia Best In Show

Interactive Pods

EXHIBIT A SCOPE OF WORK

1. Overview

This work effort is to design, develop, and integrate one custom interactive experience for Site 4 within the new community library for the City of Hayward, California.

2. Work

a. Interactive Experience and Display

Custom developed interactive display with depth cameras, motion and proximity sensors integrated into architecture. Display consists of matrixed LCD monitors, final placement and dimensions TBD.

- Hardware
 - Narrow bezel matrixed LCD Displays. To cover approximately 20feet per wall. Final display count and dimensions contingent on budget.
 - Video matrixing system
 - Gestural sensors
 - Integrated depth cameras distributed across space, TBD.
 - Mounting / Architecture
 - Video wall mounting and framing system to be developed with architecture.
 - Ventilation and cooling
 - Maintenance accessibility
- Data Types (TBD)

Upon user interaction, the following data aggregated is revealed in an abstract visual interpretation of digital tree rings, final design TBD.

 - **Knowledge**
 - Integration with daily library statistics and metrics, TBD.
Possibilities contingent on data accessibility but not limited to:
Number of daily visitors, number of books checked out, etc
 - History of Hayward can be presented, all content to be provided by the City of Hayward
 - **Environment**
 - Local Weather, Seismic Activities, Traffic pulled from open APIs
 - Past data to be provided by the City of Hayward
 - **Community**
 - Current News of Hayward Community, via RSS
 - Geotagged Social Engagement
 - Any fun community facts or history to be provided by the City of Hayward
- Display States
 - **Ambient State**
 - Passive experience, no direct interaction. Visuals morphs and

responses to passersby.

■ **Interactive State**

- Participatory experience, direct interaction when users stop and interact. Upon body gestures and proximity to screen, the visuals forms into abstract tree rings displaying aggregated data making up the rings. Proximity and motion morphs the rings into unique shapes and patterns (TBD).

b. **Interactive Display Integration**

We Are Matik will work closely with architecture firm as technical and design consultants to best integrate the experience seamlessly into the developing architecture.

c. **On Site Installation**

We Are Matik will provide installation labor to integrate interactive display and embedded sensors.

3. Requirements

The following lists the requirements for this project:

a. **Assets**

- i. City of Hayward to provide any artwork, graphics, facts, data, to be aggregated and displayed as a data type.

b. **Architecture**

- i. We Are Matik to work closely with architecture firm for integration of all electronic equipment with adequate ventilation and cooling, along with accessibility for maintenance and updates.

c. **Power**

- i. Adequate power must be supplied to power all equipment, minimum 4 (4) 20 amp 110v circuit (TBD).

d. **Data**

- i. A hardline broadband connection (Ethernet 10/100) to be provided by the City of Hayward.

e. **Fire Marshal Regulations**

- i. We Are Matik, and the City of Hayward must work together to adhere to City's Fire Marshal Regulations.

4. Maintenance

- A maintenance package along with budget can be provided for frequent updates: monthly, quarterly or annual (Maintenance budget, TBD).
- Troubleshooting, phone and local technical support. Remote management, and updates. (Maintenance budget, TBD)
- Hardware replacement if required (Hardware, and labor fees apply, TBD)

5. Deliverables

- One (1) Custom Interactive Display
 - Software Development
 - Hardware Display Installation

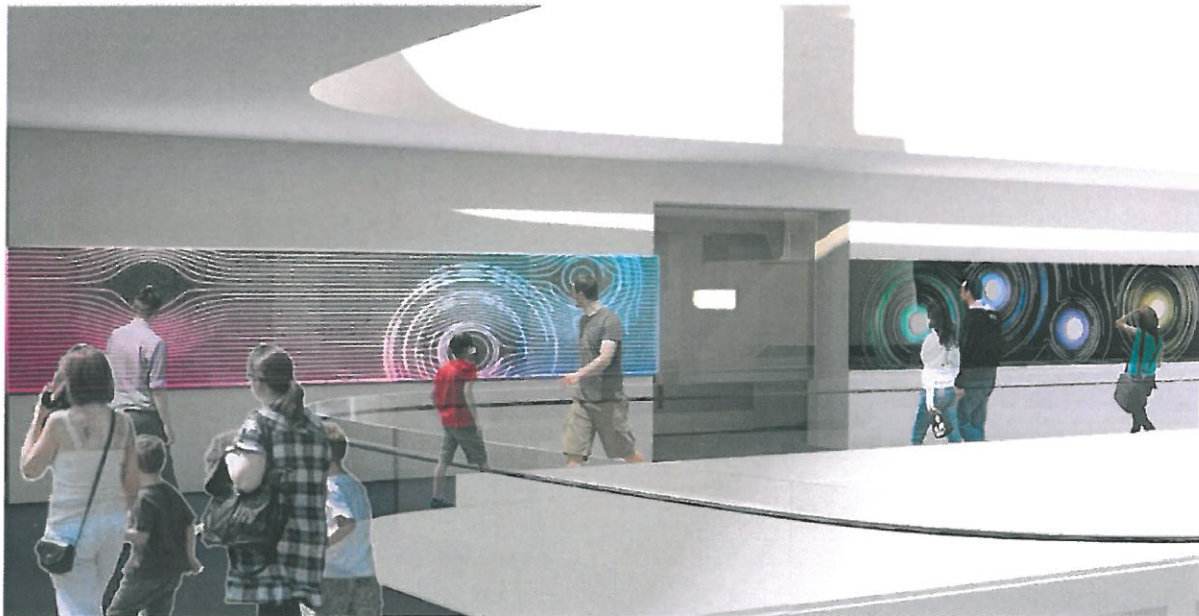


Exhibit B: Terms of Compensation
City of Hayward, Public Art Project
Hayward 21st Century Library and Community Learning Center
Second Floor New Media Commission

Total fee for design, fabrication and installation of the commission is \$58,000.00. Artist shall submit invoices for phases of design, fabrication, and delivery/installation, as those phases begin, and as listed below in this Exhibit B. City shall pay Artist in a timely manner – within no more than 30 days following the submittal of Artist invoice.

Design Phase: Coordination and discussion with Architect, Art Consultant and City Team Members of design and execution of commission. \$9,000 less initial design fee = \$8,250

Fabrication Phase A: Begin Fabrication with the purchase of all materials, as well as the contracting of any subcontractors or studio assistants; fabrication through 50% of commission. \$24,750

Fabrication Phase B: Fabrication through completion; This phase begins at 50% of completion with an in person studio visit of architect, art consultant and city team members. \$18,000

Delivery and Installation: Deliver and install commission. \$6,250

Exhibit C: Commission Schedule
City of Hayward, Public Art Project
Hayward 21st Century Library and Community Learning Center
Second Floor New Media Commission

Design Phase: Coordination and discussion with Architect, Art Consultant and City Team Members of design and execution of commission. November 2015

Fabrication Phase A: Begin Fabrication with the purchase of all materials, as well as the contracting of any subcontractors or studio assistants; fabrication through 50% of commission. February 2016

Fabrication Phase B: Fabrication through completion; This phase begins at 50% of completion with an in person studio visit of architect, art consultant and city team members. July 2016

Delivery and Installation: Deliver and install commission. March 2017

Note: This schedule applies to the status of the project at this time. The schedule may change with construction progress. All parties will be informed as to that progress and any changes in the schedule as they become apparent.

SAMPLE



CITY OF HAYWARD

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

Staff Report

File #: WS 16-004

DATE: January 26, 2016

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Overview of Geologic Hazard Abatement Districts

RECOMMENDATION

That the City Council receives a presentation by Development Services Department staff, assisted by Certified Engineering Geologist Eric Harrell, describing how a Geologic Hazard Abatement District (GHAD) works, what the process for creating a GHAD is, what a GHAD can and cannot fund, and how the assessment process for a GHAD works.

BACKGROUND

At its meeting on November 17, 2015, the City Council unanimously approved Resolution 15-224, which declared that the City of Hayward is subject to the Geologic Hazard Abatement District Law (Public Resources Code Section 26550 et seq.). Such action is necessary in order for a GHAD to be formed.

The City Council further directed the City Clerk to file a Notice of Exemption from the California Environmental Quality Act (CEQA) and to send the Resolution and Notice of Exemption to the State Clearinghouse as required by the GHAD law, which was done.

DISCUSSION

As required by conditions of approval associated with the 2005 approval of the La Vista development and related Development Agreement, a GHAD is required to be formed associated with the development.

Since this would be the first GHAD formed in Hayward, staff believes it will be helpful for the City Council and the public to hear a brief presentation on how GHADs are formed and how they are governed. To assist with this Work Session, attached is an outline of the GHAD formation process (Attachment I).

In addition, there is an attached publication produced by the California Association of Geologic Hazard Abatement Districts, which discusses the benefits of a GHAD, the process of how GHADs are formed, what the powers of a GHAD are, how GHADs are financed, and how GHADs are governed once they are formed (Attachment II).

Staff has invited Eric Harrell from Engeo, who is preparing the required GHAD *Plan of Control* for the La Vista development, to assist with the presentation and to answer any questions that the Council may have. Mr. Harrell has extensive experience with the creation and operation of GHADs in California and is very knowledgeable on the topic.

ECONOMIC AND FISCAL IMPACT

There is no economic or fiscal impact associated with the Work Session discussion of how GHADs are formed and operated. Having a GHAD in place ensures funding will exist for, among other purposes, maintenance of geotechnical improvements and a reserve fund in the event of a geologic-related failure of open-space slopes.

PUBLIC CONTACT

The public will have the opportunity to attend the January 26, 2016 Work Session and comment on the presentation on GHADs and at future City Council meetings as the GHAD formation process continues (see Next Steps below).

NEXT STEPS

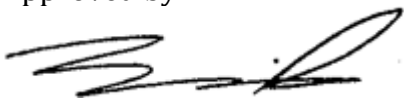
Staff has received a petition from the developer of the La Vista project requesting creation of the GHAD. An agenda item has been tentatively scheduled for the next meeting on February 9 to ask that the City Council adopt a resolution that would set March 1, 2016 as a public hearing date for creation of the GHAD. The public will have the opportunity to comment on the potential formation of a GHAD at that time. In addition, a GHAD *Plan of Control* will be considered, a GHAD Board of Directors will be determined, a GHAD budget will be created, and an intent to order assessments will be initiated. The public will also have the opportunity to comment on these items at the public hearing.

Prepared by: Peter Rei, PE, Contract Development Review Engineer

Reviewed by: Sara Buizer, AICP, Planning Manager

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



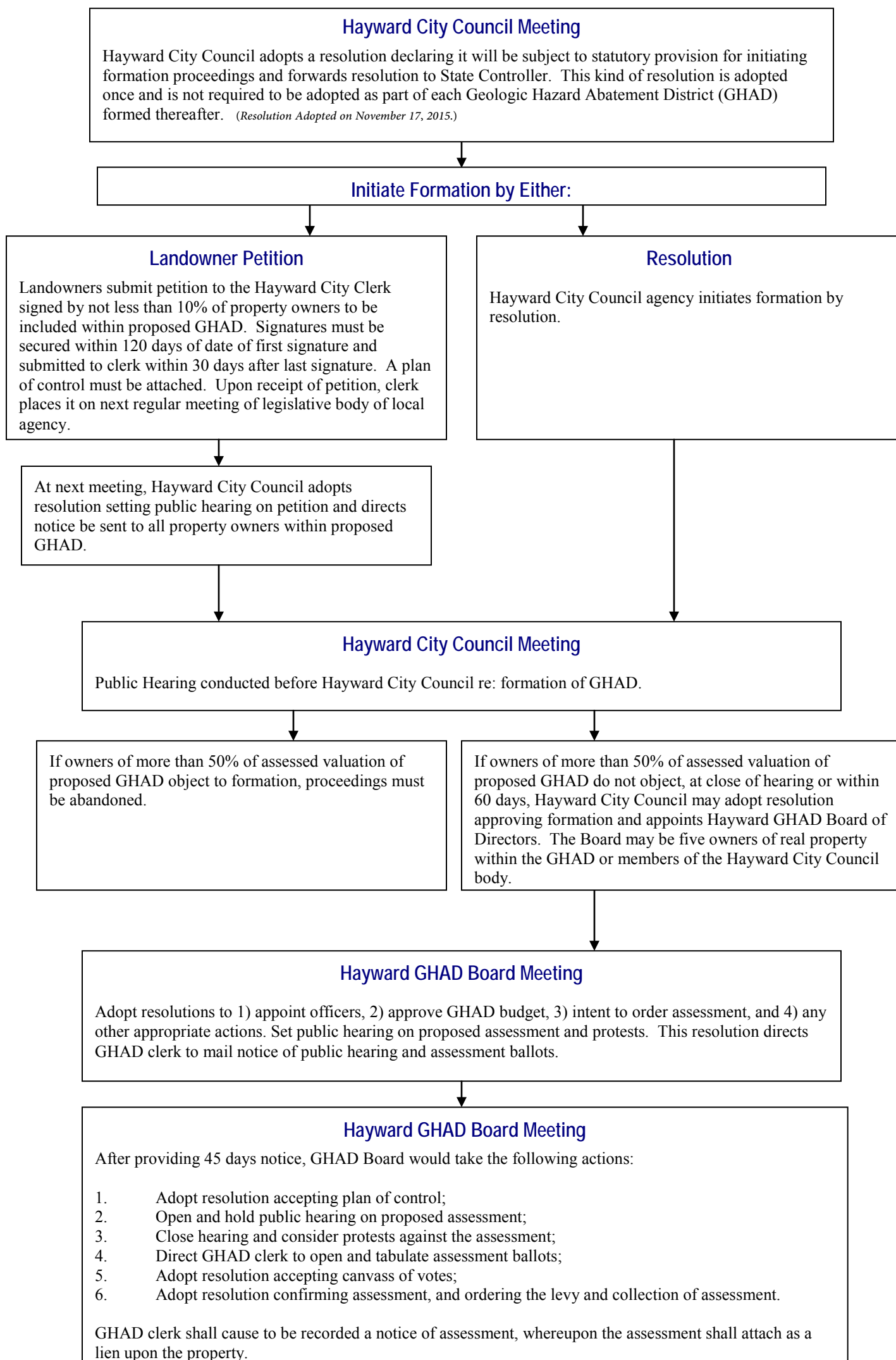
Fran David, City Manager

Attachments:

Attachment I
Attachment II

Outline of GHAD Formation Process
Geologic Hazard Abatement Districts Handout

HAYWARD GHAD (LA VISTA DEVELOPMENT) Outline of GHAD Formation Process



Hayward City Council Meeting

Hayward City Council adopts a resolution declaring it will be subject to statutory provision for initiating formation proceedings and forwards resolution to State Controller. This kind of resolution is adopted once and is not required to be adopted as part of each Geologic Hazard Abatement District (GHAD) formed thereafter. *(Resolution Adopted on November 17, 2015.)*

Initiate Formation by Either:

Landowner Petition

Landowners submit petition to the Hayward City Clerk signed by not less than 10% of property owners to be included within proposed GHAD. Signatures must be secured within 120 days of date of first signature and submitted to clerk within 30 days after last signature. A plan of control must be attached. Upon receipt of petition, clerk places it on next regular meeting of legislative body of local agency.

Resolution

Hayward City Council agency initiates formation by resolution.

At next meeting, Hayward City Council adopts resolution setting public hearing on petition and directs notice be sent to all property owners within proposed GHAD.

Hayward City Council Meeting

Public Hearing conducted before Hayward City Council re: formation of GHAD.

If owners of more than 50% of assessed valuation of proposed GHAD object to formation, proceedings must be abandoned.

If owners of more than 50% of assessed valuation of proposed GHAD do not object, at close of hearing or within 60 days, Hayward City Council may adopt resolution approving formation and appoints Hayward GHAD Board of Directors. The Board may be five owners of real property within the GHAD or members of the Hayward City Council body.

Hayward GHAD Board Meeting

Adopt resolutions to 1) appoint officers, 2) approve GHAD budget, 3) intent to order assessment, and 4) any other appropriate actions. Set public hearing on proposed assessment and protests. This resolution directs GHAD clerk to mail notice of public hearing and assessment ballots.

Hayward GHAD Board Meeting

After providing 45 days notice, GHAD Board would take the following actions:

1. Adopt resolution accepting plan of control;
2. Open and hold public hearing on proposed assessment;
3. Close hearing and consider protests against the assessment;
4. Direct GHAD clerk to open and tabulate assessment ballots;
5. Adopt resolution accepting canvass of votes;
6. Adopt resolution confirming assessment, and ordering the levy and collection of assessment.

GHAD clerk shall cause to be recorded a notice of assessment, whereupon the assessment shall attach as a lien upon the property.

GEOLOGIC HAZARD ABATEMENT DISTRICTS (GHADS)

PREPARED BY THE CALIFORNIA ASSOCIATION OF GEOLOGIC HAZARD ABATEMENT DISTRICTS

1. What is a GHAD?

Geologic Hazard Abatement Districts (GHADs) are governmental districts formed to address geologic hazards. GHADs may be formed for the purpose of prevention, mitigation, abatement or control of a geologic hazard and can also be formed for mitigation or abatement of structural hazards that are partly or wholly caused by geologic hazards. (Public Resources Code [“*Pub. Res. Code*”] § 26525.) A “geologic hazard” is broadly defined as an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement or any other natural or unnatural movement of land or earth. (*Pub. Res. Code* §§ 26507.)

2. History of GHADs

In 1979, the California State Legislature adopted the GHAD Law (*Pub. Res. Code* §§ 26500 - 26654) in response to the Portuguese Bend landslides in the Palos Verdes area of Los Angeles County. The GHAD law was authored by then State Senator Robert Beverly. This law gives local agencies the authority to form districts that could speedily address “an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth.” (*Pub. Res. Code* § 26507). The first GHAD was formed in 1981 in the Portuguese Bend area to arrest a slide and prevent homes from sliding into the Pacific Ocean.

To date, we are aware of 40 GHADs (or similar districts) that have been formed throughout the State to reduce the risk of, and when necessary abate damage caused by, landslides, land subsidence, coastal erosion and similar geologic hazards.

3. GHAD Powers

A GHAD is a political subdivision of the State. It is not an agency or instrumentality of a local agency. (*Pub. Res. Code* §§ 26525, 26570.) As such, GHADs perform certain governmental and proprietary functions as a political subdivision of the State. (*Pub. Res. Code* § 26571.)

A GHAD is governed by an elected board consisting of landowners within the district or the members of the applicable city council or board of supervisors. (*Pub. Res. Code* §§ 26567, 26583.) GHADs are authorized to acquire, construct, operate, manage or maintain improvements on public or private lands. Under GHAD Law, “improvement” means any activity that is necessary or incidental to the prevention, mitigation, abatement, or control for a

geologic hazard, including, without limitation, construction, maintenance, repair or operation of any improvement. (*Pub. Res. Code § 26505.*) GHADs may exercise the power of eminent domain. (*Pub. Res. Code § 26576.*)

In considering the formation of a GHAD, a plan of control must be prepared that describes the geologic hazards and includes a plan for prevention, mitigation, abatement and control of these hazards. This plan of control must be prepared by a Certified Engineering Geologist. The plan of control is considered by the legislative body in forming the GHAD and sets out the activities to be implemented by the GHAD.

4. Lands Included in a GHAD

There is no limitation on the number of acres that can be included in a GHAD. A GHAD may include lands in more than one local agency (city or county) and the lands may be publicly or privately owned. (*Pub. Res. Code §§ 26531, 26532.*) The lands comprising the GHAD need not be contiguous so long as all lands included within a district are specially benefited by the proposed construction to be undertaken by the GHAD in the plan of control. (*Pub. Res. Code §§ 26530, 26534.*) However, no parcel of real property shall be divided by the boundaries of the proposed district. (*Pub. Res. Code § 26533.*)

Land may be annexed to an existing GHAD following the procedures for formation of a GHAD; however, the GHAD board of directors assumes the responsibilities of the legislative body of the city or county in this annexation. Annexation is subject to the approval of the legislative body which ordered formation of the GHAD. (*Pub. Res. Code § 26581.*)

5. GHAD Financing

GHADs have numerous funding powers that allow them to finance improvements consistent with the plan of control. A GHAD's primary source of funding is through land owner assessments. (*Pub. Res. Code § 26650.*) These assessments, which attach as liens on property, may be collected at the same time in the same manner as general taxes on real property. (*Pub. Res. Code § 26654.*) All assessment proceedings must also comply with Proposition 218 adopted by the voters in 1996, the "Right to Vote on Taxes Act." (Arts. XIIC and XIID of the California Constitution.)

A GHAD is also authorized to finance improvements through the California Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915. (*Pub. Res. Code § 26587.*) In addition, a GHAD may accept financial or other assistance from public or private sources (*Pub. Res. Code § 26591*) and may borrow funds from private sources or local, state and federal government. (*Pub. Res. Code § 26593.*)

6. General Formation Process for GHADS

Notwithstanding any other provision of law, proceedings for GHAD formation are exclusive. (*Pub. Res. Code § 26560.*) Under State law, GHAD formation is exempt from both the need for approval by the Local Agency Formation Commission (LAFCO) (see *Las Tunas Beach Geologic Hazard Abatement District v. Superior Court (City of Malibu)*, 38 Cal. App. 4th 1002 (1995)) and from review under the California Environmental Quality Act (CEQA). (*Pub. Res. Code*

§ 26559.) Also, improvements caused to be undertaken under the GHAD Law and all activities in furtherance or in connection therewith are exempt from review under CEQA. (Pub. Res. Code § 26601.)

The following are the processes that must be taken in forming a GHAD.

a. Before a GHAD can be formed, the local agency must adopt a resolution declaring that it is subject to the GHAD Law and forward this resolution to the State Controller. (*Pub. Res. Code* § 26550.)

b. A plan of control must be prepared by a Certified Engineering Geologist. The plan must describe geologic hazards, their location, the GHAD boundaries, and include a plan for prevention, mitigation, abatement and control of these hazards. (*Pub. Res. Code* § 26509.) The plan should also identify the activities that are not covered by the GHAD such as individual drainage systems. The plan is the basic document that addresses the GHAD's ongoing activities, including the monitoring of geologic conditions, identification of geologic hazards, construction of needed improvements, and the maintenance, repair and replacement to facilities. (*Pub. Res. Code* §§ 26509 et. seq.) The plan is required to be attached to the formation petition and, thus, is before the public and the legislative body throughout the petition, protest, hearing and decision making stages.

c. Proceedings for the formation of a GHAD may be initiated by either (a) a petition signed by the owners of at least 10 percent of the property within the proposed GHAD (*Pub. Res. Code* §§ 26552, 26554); or (b) resolution of the legislative body. (*Pub. Res. Code* § 26558.)

d. The legislative body adopts a resolution setting a hearing and noticing by mail the owners of real property to be included within the proposed GHAD boundaries. These property owners may object to formation. (*Pub. Res. Code* § 26564.) If it appears at the time of the hearing that owners of more than 50 percent of the assessed valuation of the GHAD area object, the proceedings must be abandoned. (*Pub. Res. Code* § 26566.) The legislative body closes the public hearing and decides whether or not to form a GHAD. The legislative body must determine within 60 days of the close of the formation hearing whether to order formation. (*Pub. Res. Code* § 26567.)

e. If the legislative body orders formation, it must also select an initial board of directors for the GHAD. The legislative body may either select five landowners from the GHAD area or select itself. If the legislative body selects five landowners, the initial term shall be four years; after that, the landowners GHAD board shall be elected from the new GHAD. (*Pub. Res. Code* §§ 26567, 26583.) Otherwise, the legislative body stays as the governing body if it selects itself.

f. Before a GHAD can operate, the board of directors must pass a budget, appoint officers and if appropriate, levy an assessment. Proposition 218 makes it more time consuming and procedurally complex to levy an assessment.

7. Benefits in Forming GHAD

GHADS offer many benefits. First, through a plan of control GHADs act to prevent damage resulting from earth movement by identifying and monitoring potential geologic hazards and undertaking improvements as appropriate.

Second, a GHAD can quickly respond to a geologic hazard if one occurs due to its funding capability and technical expertise through the plan of control.

Third, a GHAD assessment can be easily collected since the assessment can be collected along with the general property tax. This avoids requiring separate collection by a private entity, such as a homeowners' association.

Fourth, GHADs are provided a degree of immunity from liability for actions they undertake. (Government Code § 865.) This degree of limited liability encourages the formation of GHADs and to pursue remedial action to abate the hazard.

Disclaimer: The materials provided are for informational purposes only, and are not offered as, and do not constitute engineering or legal advice or legal opinions and do not form a professional services relationship. Due to the changing nature of this area and the importance of individual facts, readers should not act or rely upon the information without seeking the advice of a lawyer. For more information please contact the California Association of Geologic Hazard Abatement Districts. Barbara Mahoney @ (925) 395-2537



CITY OF HAYWARD

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

Staff Report

File #: WS 16-009

DATE: January 26, 2016

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Update on City's Efforts for Renewal of Utility Users Tax

RECOMMENDATION

That the Council reviews preliminary polling results for renewal of the City's Utility Users Tax (UUT), confirms the recommendations of the Budget & Finance Committee, and considers possible next steps.

BACKGROUND

The Utility Users Tax (UUT) was approved by Hayward voters in May of 2009 as a means of protecting critical city services in the wake of the devastating budget cut on the heels of the Great Recession. The UUT is a 5.5% tax on the use of electricity, natural gas, telecommunications (including traditional telephone service, long distance service and cellular phone service), and video/cable television services. The tax was initially adopted with a ten year sunset clause, meaning that the tax is set to expire in May 2019, unless renewed by the voters.

The UUT currently generates \$16 million per year and is now the City's third largest revenue source behind property and sales taxes. About 75% of the revenue (roughly \$12 million) is directly allocated to public safety operations (police and fire). The remaining \$4 million generated funds other City programs such as streets and roads maintenance, library services and economic development programs. Even with an improving economy in recent years, revenues have lagged behind the demand for (and cost of) services. The City has walked a tightrope, slashing its budget to the bone while maintaining high levels of service. At the same time, employees from all bargaining groups have shouldered more of the cost of their benefits as the City has adjusted its compensation structure. Without the UUT, the City would have no choice but to enact severe service cuts in order to maintain fiscal stability and a balanced budget.

DISCUSSION

In the summer of 2015, staff began discussions regarding the renewal of the City's UUT. The UUT was originally adopted during a special election for the City. The City is pursuing renewal of the UUT at this point so that the matter can be placed on the ballot during a regular election held by the City. The City will hold a regular municipal election in June 2016. If the City is unsuccessful in renewing the UUT at this election, there will be an opportunity for two additional years of outreach and engagement with the

Hayward community about the need for this revenue source before the June 2018 election cycle.

The City hired Godbe Research to conduct a preliminary survey on customer satisfaction with City services and voter sentiments towards renewal of the UUT. The survey was conducted in November 2015 amongst 650 likely Hayward voters in the June 2016 election. The results of this survey are included as Attachment I and Godbe presented these results to the Budget & Finance Committee in December 2015. The presentation at tonight's meeting will go into more details regarding the survey results. Based on the survey data, the Budget & Finance Committee recommended that staff begin conversations with the community around renewal of the UUT at its current rate (5.5%) with a twenty year sunset clause. In this scenario, the renewal of the UUT would not go into effect until the current tax sunsets in 2019, and would remain in effect until 2039.

The Budget & Finance Committee also recommended that staff enter into an agreement with CliffordMoss to begin a significant community education and engagement effort over the next few months until the Council makes a decision about whether to place the measure on the ballot in June 2016. While City resources must not be utilized to campaign for a ballot measure, there is much that the Council, staff, and concerned citizens can do to educate the public about the importance of the UUT and the critical City services that it funds. The intent of this effort would be to listen to feedback from the community about City services and to understand any concerns community members have regarding the renewal of the UUT. This effort will include door to door community outreach, online engagement and direct mail to residents. Staff will present the findings from this outreach in late February/early March before the Council needs to make a decision on whether to place the renewal of the UUT on the June 2016 ballot. Staff will also work with Godbe Research to do another survey of likely voters in mid-February to provide further data upon which the Council can base this decision.

ECONOMIC AND FISCAL IMPACT

As mentioned earlier in this report, the UUT currently generates \$16 million per year and is now the City's third largest revenue source behind property and sales taxes. About 75% of the revenue (roughly \$12 million) is directly allocated to public safety operations (police and fire). The remaining \$4 million generated funds other City programs such as streets and roads maintenance, library services and economic development programs. Losing this revenue source would necessitate devastating cuts to critical City services.

In terms of the costs to prepare for a possible ballot measure, there are a couple key elements:


- 1) Surveying/Education and Outreach Effort: To date, the City has spent \$31,550 on the preliminary survey conducted by Godbe Research. A second tracking survey closer to a possible election date will likely cost approximately \$28,125. Staff anticipates that the contract with CliffordMoss for the outreach/education efforts will cost approximately \$40,000.
- 2) Election Costs: Based on recent information from the County Registrar of Voters, the City could spend approximately \$200,000 for an election held during the regular municipal election cycle (June 2016). The City Clerk has already included this cost in the FY2016 budget. If the City chose to pursue a stand-alone election date (a date when there are no other elections and the municipality would bear the costs), that cost could possibly double unless the decision was made to utilize a mail-in ballot process.

NEXT STEPS

If the Council confirms the recommendations of the Budget & Finance Committee, staff will embark on the community education/outreach process. Following that effort, staff intends to return to Council at the end of February with an update on the outreach and the results of the follow up survey conducted by Godbe Research. If the Council decides to place the renewal of the UUT on the June 2016 ballot, all of the paperwork would need to be filed with the County Registrar of Voters no later than March 11, 2016. This means that the Council would need to take action on this item at the March 8, 2016 City Council meeting.

Prepared and Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

Attachment I

Preliminary Poll Results- November 2015



GODBE RESEARCH
Gain Insight



City of Hayward: UUT Renewal Feasibility Survey

December 2015

Overview and Research Objectives

The City of Hayward commissioned Godbe Research to conduct a survey of local voters with the following research objectives:

- Assess potential voter support for a measure to renew the existing UUT at a new rate to maintain City services with funding that cannot be taken by the State;
- Prioritize projects and programs to be funded with the proceeds;
- Test the influence of supporting and opposing arguments on potential voter support;
- Identify the rate and duration at which voters will support the measure; and
- Identify any differences in voter support due to demographic and/or voter behavioral characteristics.

Methodology Overview

- Data Collection Telephone and Internet Interviewing
- Universe 18,836 likely June 2016 voters in the City of Hayward
- Fielding Dates November 5 through November 15, 2015
- Interview Length 20 minutes
- Sample Size 650
- Margin of Error $\pm 3.78\%$



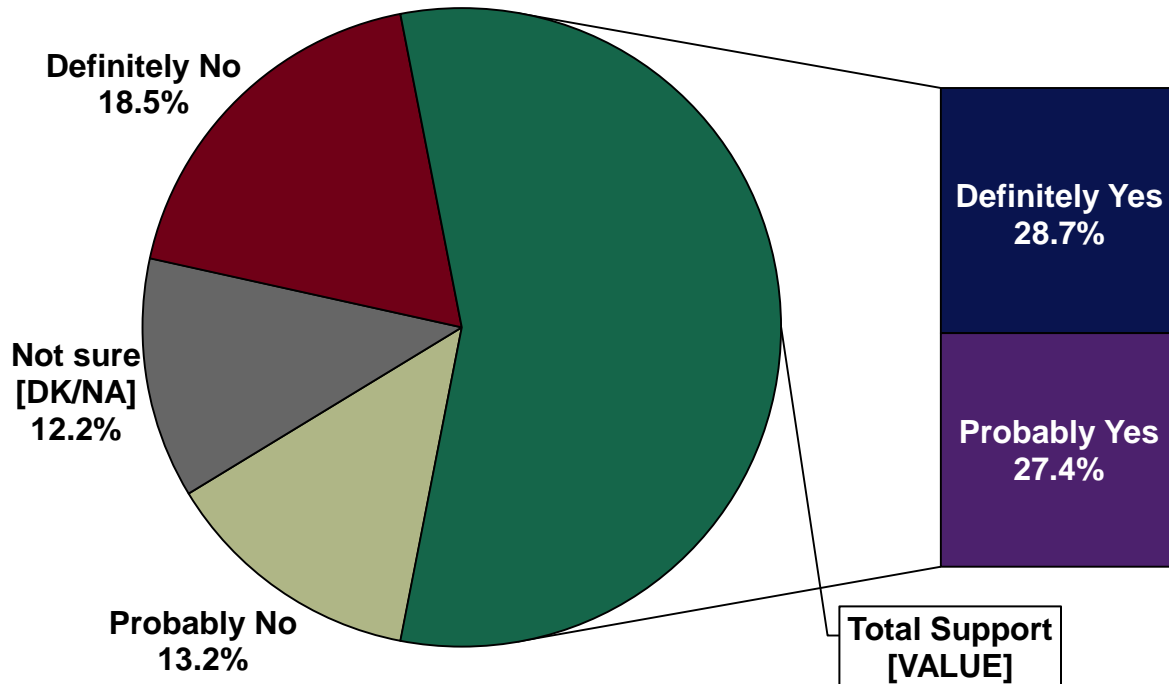
GODBE RESEARCH
Gain Insight



Key Findings

Q1. Uninformed Support for UUT Renewal

June 2016 (n=650)



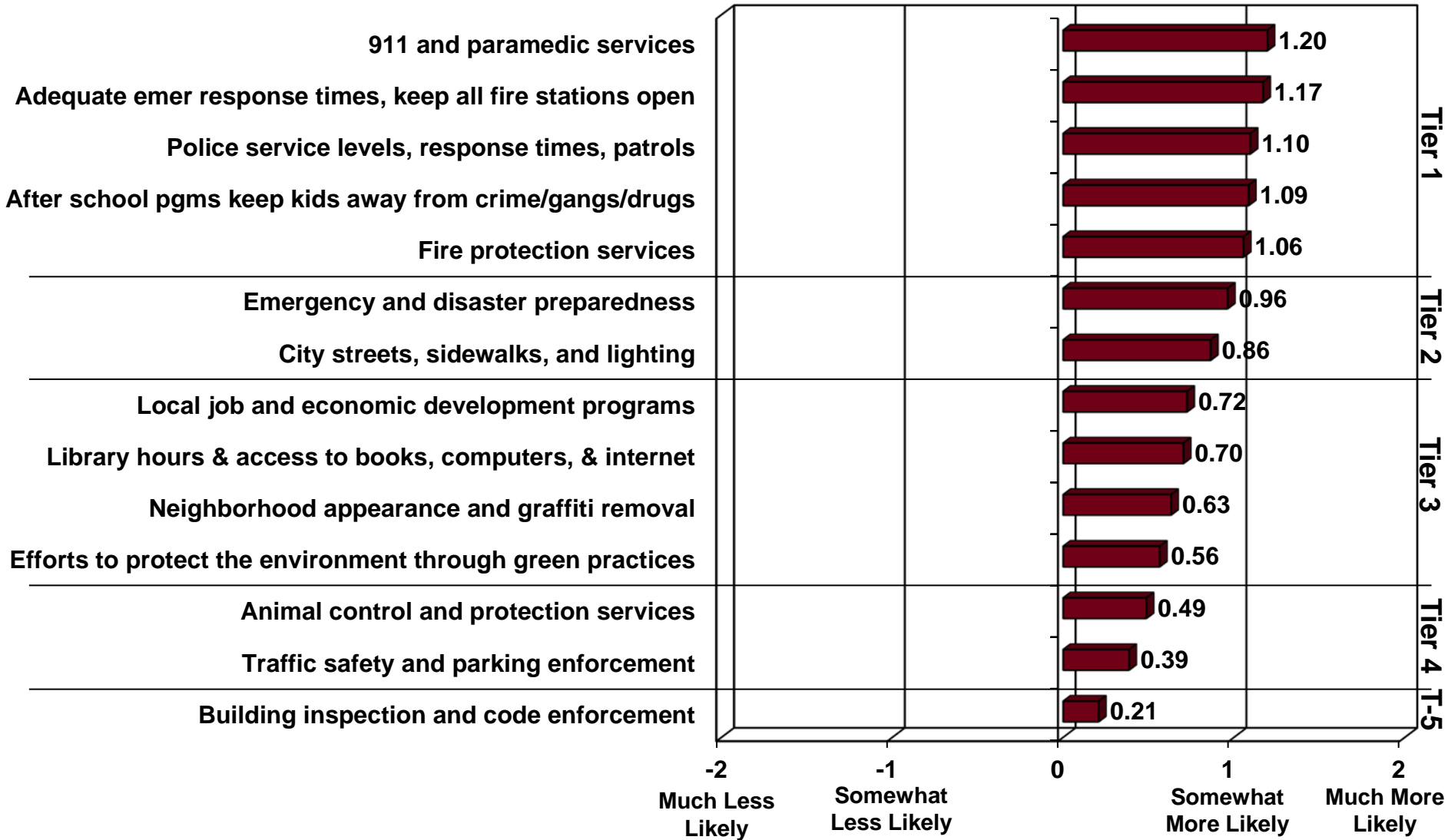
To maintain City of Hayward services including:

- maintaining firefighters, paramedics, fire stations, and neighborhood police patrols;
- protecting emergency response times;
- preserving youth and anti-gang programs, and
- emergency and disaster preparedness;

shall the City of Hayward renew the existing Utility Users Tax ordinance at a new rate of 6.25 percent on gas, electricity, video and telecommunications services, providing \$17 million annually, for 20 years, with exemptions available for low-income lifeline users; and all money dedicated to preserving Hayward city services?

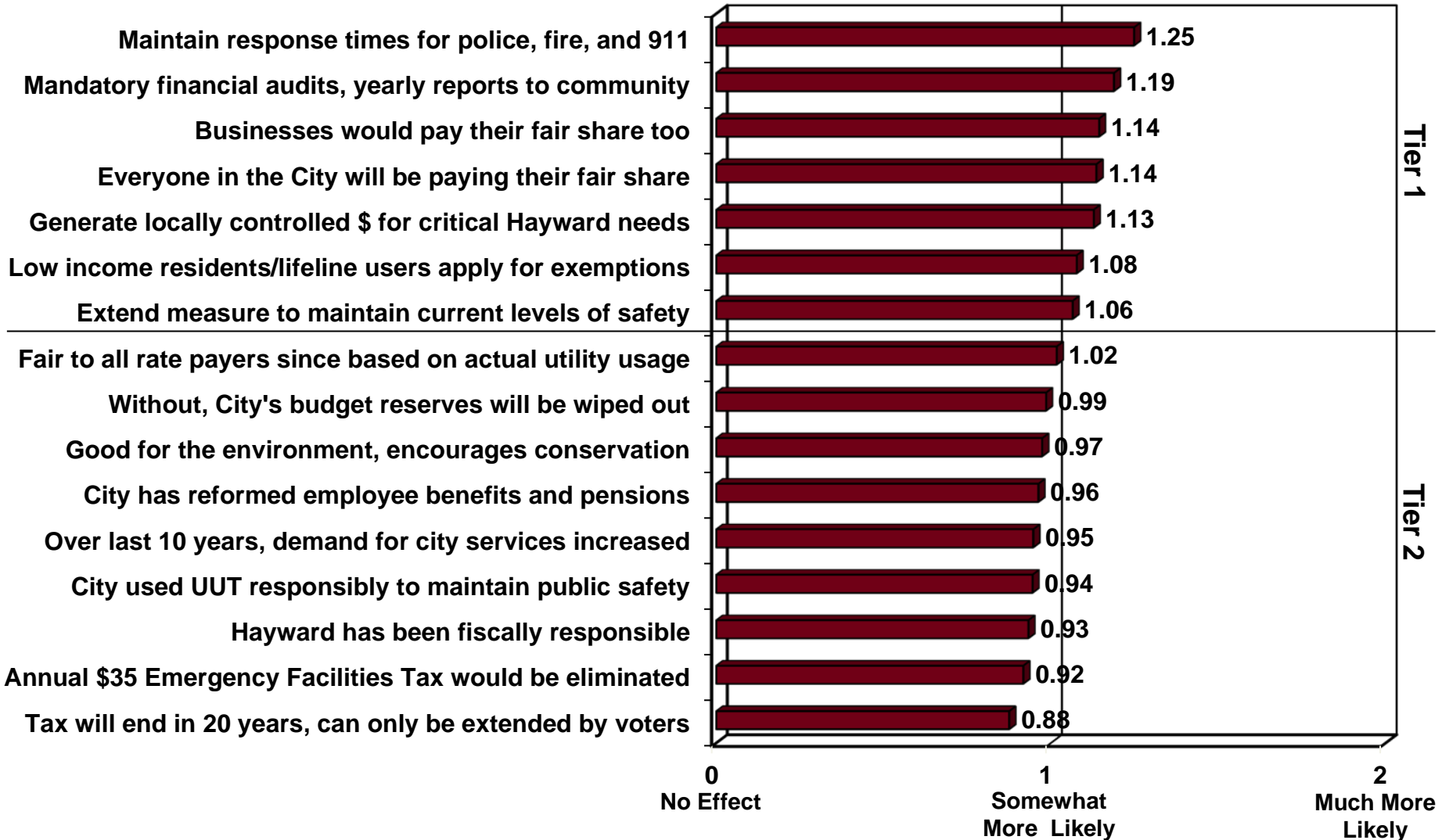
Q2. Features of the Measure

June 2016 (n=650)



Q3. Influence of Supporting Statements

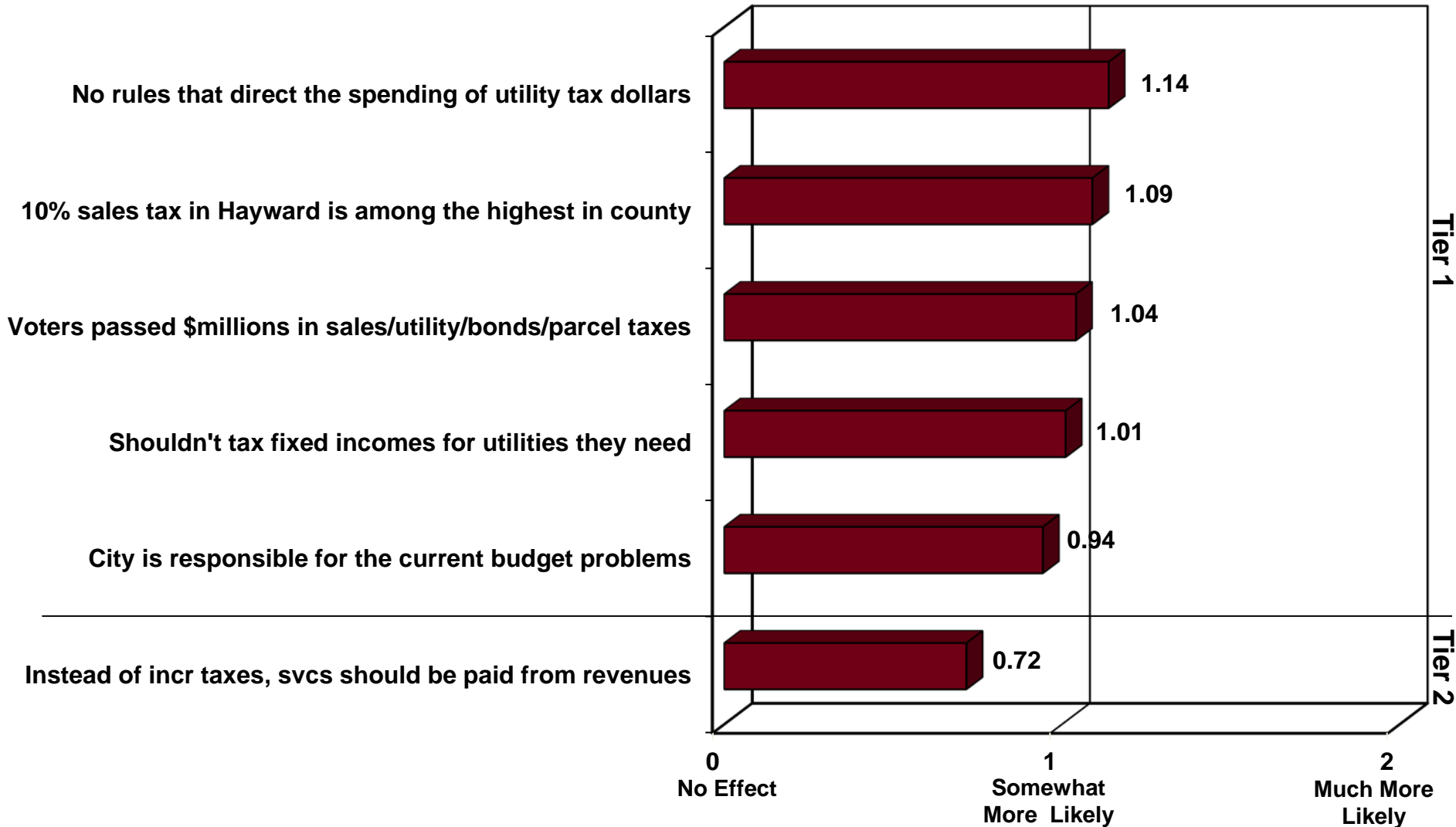
June 2016 (n=650)



Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: "Much More Likely" = +2, "Somewhat More Likely" = +1, and "No Effect" = 0.

Q4. Potential Opposition Statements

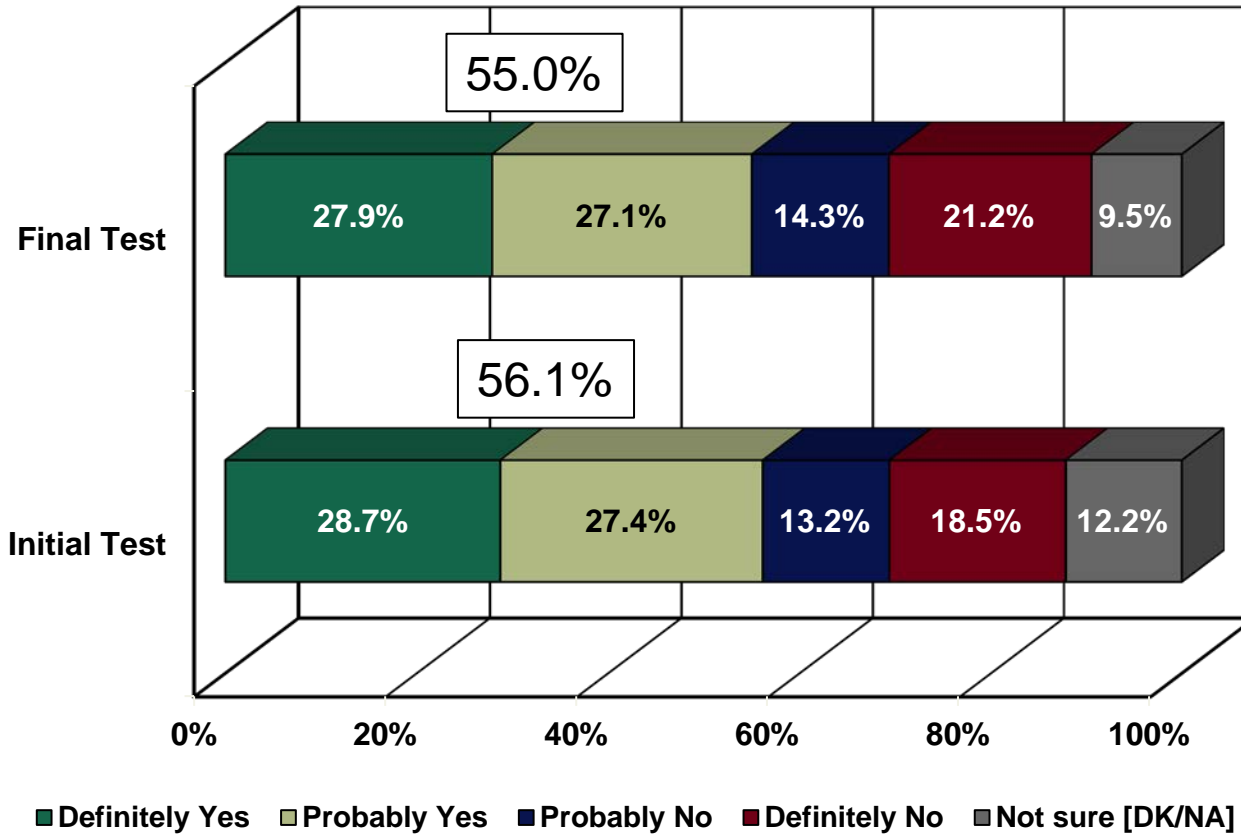
June 2016 (n=650)



Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: "Much More Likely" = +2, "Somewhat More Likely" = +1, and "No Effect" = 0.

Q5. Informed Support

June 2016 (n=650)

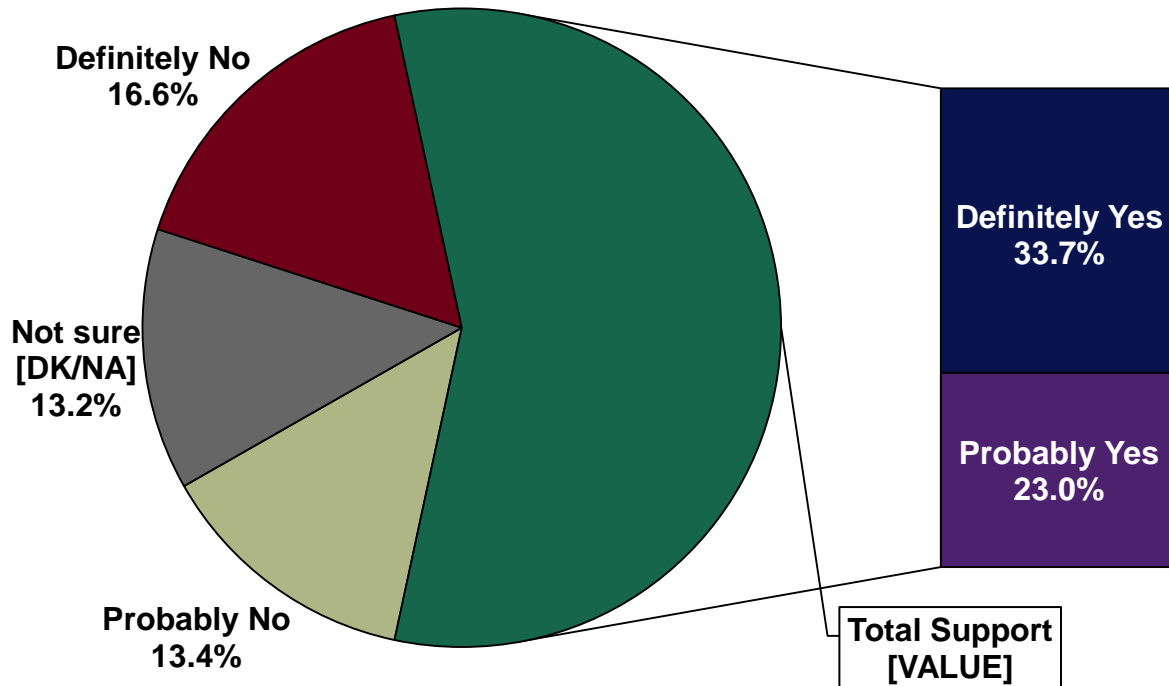


To maintain City of Hayward services including:

- maintaining firefighters, paramedics, fire stations, and neighborhood police patrols;
- protecting emergency response times;
- preserving youth and anti-gang programs, and
- emergency and disaster preparedness;

shall the City of Hayward renew the existing Utility Users Tax ordinance at a new rate of 6.25 percent on gas, electricity, video and telecommunications services, providing \$17 million annually, for 20 years, with exemptions available for low-income lifeline users; and all money dedicated to preserving Hayward city services?

Q6. Support for Alternate Measure: 6.25% for 10 Years Split Sample A (n=304)



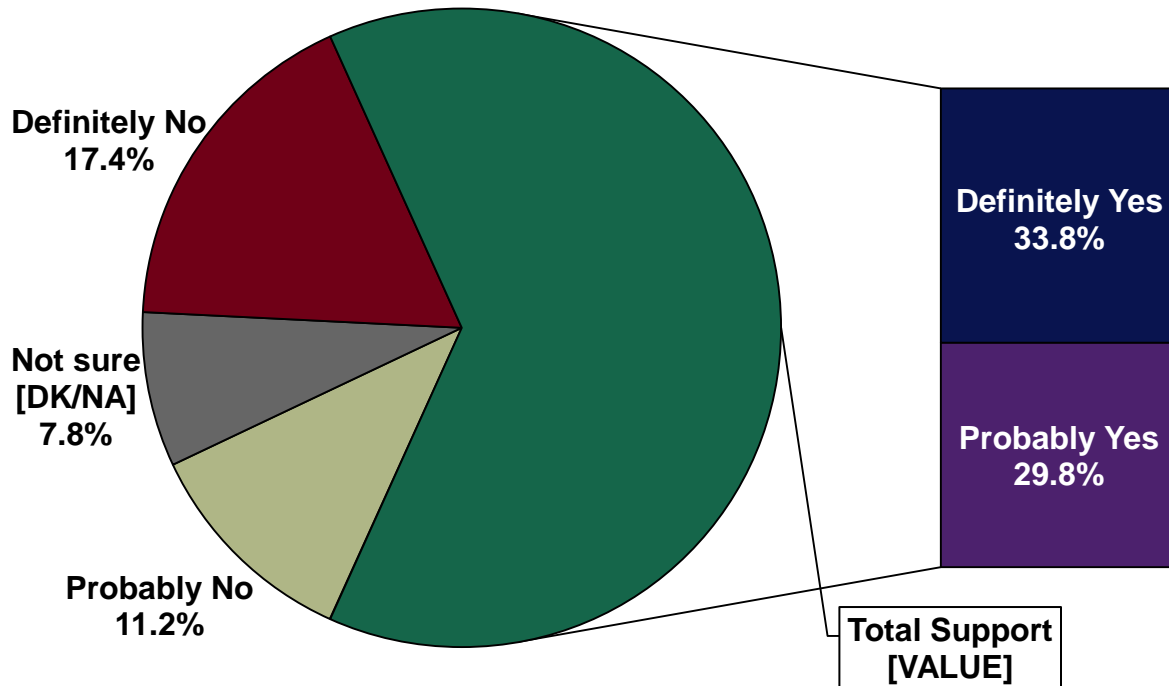
Instead of the measure just presented, an alternative measure might be presented to voters for a shorter time-period. Here's a summary of that measure:

To maintain City of Hayward services including:

- maintaining firefighters, paramedics, fire stations, and neighborhood police patrols;
- protecting emergency response times;
- preserving youth and anti-gang programs, and
- emergency and disaster preparedness;

shall the City of Hayward renew the existing Utility Users Tax ordinance at a new rate of 6.25 percent on gas, electricity, video and telecommunications services, providing \$17 million annually, for 10 years, with exemptions available for low-income lifeline users; and all money dedicated to preserving Hayward city services?

Q7. Support for Alternate Measure: 5.5% for 10 Years Split Sample B (n=346)



Instead of the measures just presented, an alternative measure might be presented to voters for a shorter time-period and a lower rate. Here's a summary of that measure:

To maintain City of Hayward services including:

- maintaining firefighters, paramedics, fire stations, and neighborhood police patrols;
- protecting emergency response times;
- preserving youth and anti-gang programs, and
- emergency and disaster preparedness;

shall the City of Hayward renew the existing Utility Users Tax ordinance at 5.5 percent on gas, electricity, video and telecommunications services, providing \$15 million annually, for 10 years, with exemptions available for low-income lifeline users; and all money dedicated to preserving Hayward city services?



GODBE RESEARCH
Gain Insight



www.godberesearch.com

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Nevada Office
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Reno, NV 89521

Pacific Northwest Office
601 108th Avenue NE, Suite 1900
Bellevue, WA 98004



CITY OF HAYWARD

Hayward City Hall
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Hayward, CA 94541
www.Hayward-CA.gov

Staff Report

File #: PH 16-007

DATE: January 26, 2016

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT

Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing for Financing of Airport Development Improvements by APP Properties, Inc.

RECOMMENDATION

That Council conducts a TEFRA hearing and adopts the attached Resolution approving the issuance, by the California Statewide Communities Development Authority (CSCDA), of Tax-Exempt Obligations to APP Properties, Inc. (APP) in an aggregate amount not to exceed \$6,000,000.

BACKGROUND

On December 15, 2009, Council approved the purchase and lease assignment of the Volo Holdings LLC leasehold (previously Hayward Jet Center) to Hayward FBO LLC, wholly owned by Airport Property Partners LLC, predecessor in interest to APP. This leasehold is now doing business as APP Jet Center and has a term through December 15, 2053. Council previously held a Tax Equity and Fiscal Responsibility Act (TEFRA) hearing for APP in 2009 in connection with the issuance by CSCDA of \$5 million of Airport Revenue Bonds for APP Jet Center and also held a TEFRA hearing for APP in 2010 in connection with the issuance by CSCDA of \$7 million of Airport Revenue Bonds for additional facilities at the APP Jet Center.

APP is a Maryland Corporation that owns and operates Fixed Base Operations at three U.S. airports, as well as one hangar complex. An FBO is a business that sells aviation fuel and provides services and storage for private and business aviation customers. APP's FBO locations are in Manassas, Virginia, Fort Pierce, Florida and Hayward, California. In addition, APP owns and operates approximately 65,000 square feet of hangars at Centennial Airport in Denver, Colorado.

The original company was formed in 2009 as Airport Property Partners LLC, and was converted to APP, a corporation taxable as a Real Estate Investment Trust, in May 2014. Mr. Thom Harrow is the Chief Executive Officer of APP and the sole owner of the company. APP's financial backing comes principally from Greenwich Investment Management (GIM), a Greenwich, Connecticut investment advisory firm. GIM manages in excess of \$350 million for its clients and has made numerous successful airport real estate related investments, including the air cargo sector, with locations at Ft. Lauderdale and Jacksonville, Florida and, more recently, in the FBO sector, including FBOs in Illinois, Connecticut, and Texas.

DISCUSSION

At this time, APP is requesting approval of up to \$6 million in tax-exempt bonds, again through CSCDA, in order to finance additional improvements on the leasehold at the Hayward Executive Airport. The project consists of the construction of a new 20,000 square foot aircraft storage hangar and attached 3,000 square foot passenger terminal area on the Company's leasehold. In addition, the project will include the renovation and upgrade of an existing 10,000 square foot aircraft storage hangar and associated 2,000 square feet of office space, along with the conversion of the Company's existing passenger terminal into approximately 2,000 square feet of office space.

The Company's aircraft storage hangars in Hayward are older structures, generally built in the 1970s. These structures are not ideal to house the most modern of today's business aircraft, which require a full complement of power and amenities and, in particular, minimum ceiling and door heights of 28 feet, which is the maximum height of business jet aircraft in use today.

Financing and Required TEFRA Hearing: Typically, CSCDA sets the not-to-exceed borrowing amount high to cover costs of the financing and to ensure another hearing is not required if initial estimates are exceeded. As CSCDA will be issuing these bonds through a private placement in increments of \$25,000, only the amount required and supportable by revenue projections will be sold. There is no risk to the City or the Airport because neither the City nor the Airport is issuing the bonds and bear no responsibility for repayment. As with any other mortgage arrangement, in the event the borrower defaults on the bond payments, the trustee could foreclose on the leasehold interest and take over operation of the FBO until securing a subsequent operator. Because California Communities only sells the bonds to select high-worth investors, the investors are responsible for reviewing the financial analysis provided to California Communities; thus, default is not likely. The source of payment for the bonds is the projected revenue from the operation of all four FBOs owned by APP. For federal tax purposes, the City is considered the owner of the improvements on the leasehold (normally, this actually occurs at the termination of the lease); however, the leaseholder is still responsible for possessory interest taxes and for all liabilities associated with the improvements, including the bond obligations.

The City has been a member of the CSCDA Joint Powers Authority since 1998. The issuance of tax-exempt bonds by CSCDA requires that the City conduct a public Tax Equity and Fiscal Responsibility Act (TEFRA) hearing. Airport improvements are one of the specific categories that are eligible for tax-exempt financing under the CSCDA Program.

TEFRA hearings have taken place in the past when the City issued bonds, usually for affordable housing. The purpose of a TEFRA hearing is to allow public comment, either for or against issuance of tax exempt bonds. CSCDA has designated Vanessa Lowry of the firm of Greenberg Traurig as Bond Counsel. She has reviewed the associated documents and this staff report. Staff requests that Council hold the hearing and approve the necessary documents.

ECONOMIC IMPACT

An important factor in the success of an airport is having well maintained and operated FBO facilities. This action is one aspect of ensuring that each FBO on the Airport contributes to that success. In addition to the direct revenue to the Airport, staff also anticipates that the facility upgrades will serve to attract additional corporate and transient traffic, which can have other economic benefits for the City.

It is also estimated that construction of the project will generate approximately 50 construction jobs over the anticipated nine-month construction period. Of greater importance, it is projected that occupants of the project will purchase 170,000 to 200,000 gallons of incremental aviation fuel. The Company's employees are primarily involved in the fueling and movement of aircraft such as those that will occupy the new hangar, as well as providing services to tenants of the hangar and owners and passengers of the aircraft. Servicing these new facilities will require the Company to retain additional full time employees as well as maintain its current employment base well into the future.

FISCAL IMPACT

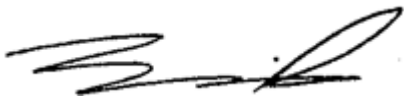
Because this action will not change the terms of the Hayward FBO, LLC leasehold, staff expects the fiscal impact to the Airport Fund to be minimal, although some increase in fuel flowage fees can be expected from the improvements to APP Jet Center. The project will also generate additional tax revenues to the City of Hayward through additional sales and real estate taxes. Also as noted above, the City or the Airport have no responsibility for any of the indebtedness assumed by APP.

PUBLIC CONTACT

A public notice of the TEFRA hearing was published in the *Daily Review* on January 8, 2016.

Prepared and Recommended by: Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution of the City Council of the City of Hayward approving the issuance by California Statewide Communities Development Authority of tax-exempt obligations in an aggregate principal amount not to exceed \$6,000,000.

HAYWARD CITY COUNCIL

RESOLUTION NO. 16_-_____

Introduced by Council Member _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD APPROVING THE ISSUANCE BY CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF TAX-EXEMPT OBLIGATIONS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,750,000, FOR THE FACILITY (AS DEFINED BELOW), AND AUTHORIZING RELATED ACTIONS

WHEREAS, Hayward FBO LLC, a California limited liability company (the “Borrower”), the sole member of which is App Properties, Inc., a Maryland corporation desires to construct and improve the full service fixed base of operations (“FBO”) private and corporate jet aviation facility (the “Facility”), including the construction of a new 20,000 square foot aircraft storage hangar and attached 3,000 square foot passenger terminal area at the Hayward Executive Airport (the “Project”). In addition, the Project will include the renovation and upgrade of an existing 10,000 square foot aircraft storage hangar and associated 2,000 square feet of related office space, along with the conversion of the existing passenger terminal into approximately 2,000 square feet of related office space at the APP Jet Center, located at the west side of Skywest Drive between Sueirro Street and Hesperian Boulevard in Hayward, California; and

WHEREAS, the Facility is located on land owned by the City of Hayward (the “City”) and leased to the Borrower pursuant to a ground lease and related agreements (collectively, the “Ground Lease”); and

WHEREAS, the Borrower wishes to rehabilitate and improve the Facility in accordance with the provisions of the Ground Lease; and

WHEREAS, the Borrower desires to finance the Project through the issuance by the California Statewide Communities Development Authority (the “Authority”) of tax-exempt obligations in an aggregate principal amount not to exceed \$5,750,000 (the “2016 Obligations”); and

WHEREAS, the parties intend that the City will be the federal tax owner of the Facility for purposes of Section 142(b) of the Internal Revenue Code of 1986, as amended, following the issuance of the 2016 Obligations; and

WHEREAS, the City has determined that there are significant public benefits in financing the rehabilitation and improvement of the Facility; and

ATTACHMENT I

WHEREAS, the Authority intends to assist the City in financing the rehabilitation and improvement of the Facility by issuing the 2016 Obligations; and

WHEREAS, all acts, things, and conditions required by the laws of the State of California and the City Charter to exist, to have happened and to have been performed precedent to and in connection with the issuance of the 2016 Obligations and the undertakings of the Authority and the City hereunder and thereunder exist, have happened and have been performed in regular and due time, form and manner as required by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that:

Section 1. The foregoing recitals are true and correct and this City Council does hereby so find and determine.

Section 2. The issuance by the Authority of the 2016 Obligations in an aggregate principal amount not to exceed \$5,750,000 (the "Financing") is hereby approved, and this City Council hereby acknowledges and consents to the financing of the rehabilitation and improvement of the Facility through the issuance of the 2016 Obligations, at one or more interest rates which are federally tax-exempt. This approval constitutes approval of the Financing by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Facility is located for the purposes of Section 147(f) of the Internal Revenue Code of 1986 and is given in satisfaction of Section 9 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the California Statewide Communities Development Authority dated as of June 1, 1988, as amended, among certain local agencies, including the City.

Section 3. The City Manager, Director of Finance, City Treasurer, City Attorney, City Clerk and all other officers, agents and employees of the City are, and each of them is, hereby authorized and directed to take any and all actions and execute and deliver any and all documents necessary or convenient to assist the Authority in the issuance of the 2016 Obligations. This City Council hereby ratifies, confirms and approves all other documents and all actions heretofore taken by the officers and agents of the City Council or the City with respect to the Financing.

Section 4. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

ATTACHMENT I

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

Staff Report

File #: LB 16-008

DATE: January 26, 2016

TO: Mayor and City Council

FROM: Library and Community Services Director

SUBJECT

Authorization of Issuance of Multi-Family Housing Revenue Bonds (Acquisition and Rehabilitation of Four Eden Housing, Inc.-Owned Affordable Housing Developments) 2016 Series A and Execution of Related Documents

RECOMMENDATION

That the City Council:

- a) Adopts the attached resolution authorizing the issuance of up to \$30,000,000 in tax-exempt multifamily housing revenue bonds, to assist in the acquisition and rehabilitation of four Eden Housing, Inc.-owned affordable housing developments; and
- b) Authorizes the City Manager to execute implementing documents in connection with the proposed bond issuance.

BACKGROUND

On July 21, 2015, Council approved financing for the acquisition and rehabilitation of four Eden Housing Inc.-owned affordable housing developments in Hayward comprising a total of 118 units of multifamily rental housing affordable to low and very low-income households (the "Project"). The report associated with this approval may be found at the following link:

<https://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2015/CCA15PDF/cca072115full.pdf#page=445> <<https://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2015/CCA15PDF/cca072115full.pdf>> (pages 444-468 of item #22). The full text of the report is also included as Attachment II to this report. Table A shows the names of the properties, their addresses, and the number of units in each of them:

Table A: The Properties Comprising the Project

Property Name	Location	Number of Units
742 Harris Ct. Apartments	742 Harris Court	4

Harris Court Apartments	734, 735, 743, 750, and 751 Harris Court	20
Cypress Glen	25100 Cypress Avenue	54
Huntwood Commons	27901 Huntwood Avenue	40
	Total:	118

Included in the City-approved financing are a series of loans (the “Loans”) that the City and the former Redevelopment Agency (the “Former RDA”) provided to Eden Housing Inc. (“Eden”) to fund the properties at different stages of development. To bring them up to underwriting guidelines currently utilized by public funding agencies, the Loans will be restructured as part of the Project implementation. The criteria utilized by staff for restructuring the Loans were described in detail at the July 21, 2015 meeting. As a result of the restructuring, the remaining City financing for the project will total approximately \$5.5 Million. In order to make the project feasible, Eden has also requested that the City issue Tax-Exempt Multi-Family Housing Revenue Bonds (the “Bonds”) for the Project.

DISCUSSION

Project Financing. In addition to the City-approved financing, the Project financing includes approximately \$26 Million in Bonds which will be largely repaid (at the end of construction) from permanent funding sources, including approximately \$15.7 Million of non-competitive 4% Low Income Housing Tax Credits (Tax Credits). Both the Bonds and the Tax Credits make up the largest source of external financing for the Project. A significant amount of Bonds (\$6.3 Million) will remain as permanent financing for the Project, as further described below. The following is an estimate of permanent funding sources for the Project:

Table B: Permanent Sources of Funding for the Project

Sources	Amount
Tax Exempt Bonds	\$6,325,000
City and former RDA Loans	\$5,538,674
Eden Seller Take Back Loan	\$8,058,103
Eden Permanent Loan	\$5,500,000
Income from Operations Prior to Conversion	\$667,038
Deferred Developer Fee	\$773,904
Capital Contribution - General Partner	\$1,373,139
Capital Contribution - Tax Credits/Limited Partner	\$15,703,438
Total:	\$43,939,296

The Bonds. Eden has requested that the City serve as issuer for the Bonds in an amount not to exceed \$30,000,000. In order to do so, in addition to approving the restructuring of the Loans, at the July 21, 2015 meeting, the City Council conducted a Tax Equity and Fiscal Responsibility Act of 1985 (TEFRA)

hearing and approved a resolution of inducement for federal tax purposes, authorizing the issuance of Bonds for the Project, subject to final approval of the City Council at this meeting. The Bonds are qualified private activity bonds which require an allocation of private activity volume cap from the State. Thus, on July 21, 2015 staff also requested authorization from the City Council to apply to the California Debt Limit Allocation Committee (CDLAC) for an allocation of private activity bond volume cap.

On October 21, 2015, CDLAC adopted a resolution granting an allocation of private activity bond volume cap to the City upon review of the application and a determination that the Project meets the program requirements. Eden has accepted a proposal from MUFJ Union Bank, N.A. ("Union Bank") to purchase the Bonds on a private-placement basis. The Funding Loan Agreement between the City and Union Bank, provides that the City does not back the Bonds and is not liable to make bond payments under any circumstances. Thus, the City is free of any responsibility or obligation to pay principal or interest on the Bonds. In addition, the City's credit worthiness is not involved in or affected by this transaction. In other words, the Bonds would be limited, special obligations of the City, meaning that the City simply acts as a conduit for the Bond issuance process and is not financially responsible for repayment.

Affordable homes for families for fifty-five years. As mentioned above, the Bonds will be complemented by non-competitive 4% Tax Credits. When used together, both programs provide the most favorable financing for the Project to effectively leverage the City's investment. In addition to this, most of the sources listed in the above table require soft repayment terms. This will enable the Project to rent approximately 40% of the units at rents affordable to very low-income families (those earning up to 50% of the Area Median Income (AMI)). The rest of the units will be affordable to low-income families (those earning up to 60% of AMI in this case). Current Alameda County low- and very low-income limits for a four-person household are \$46,750 and \$71,600, respectively.

Although the income limits will be held at the above-described levels, there are eleven current residents whose incomes initially qualified them as low- or very low-income tenants, but whose current incomes exceed the qualifying levels. Those residents will be allowed to continue to lease their units at affordable rents. However, all funding sources will require Eden to rent those units to income-eligible tenants when the current tenants vacate the units.

The different layers of Project financing (see Table B) will result in the recordation of covenants against the Project by each lender or funder involved. These covenants will overlap or complement each other, which will guarantee that all the units remain affordable for fifty-five (55) years to income-eligible families, subject to the continued occupancy of a few over-income tenants, as described in the preceding paragraph.

The attached bond resolution conditionally authorizes the issuance of the Bonds and authorizes the City Manager to execute the associated Bond documents, which are on file in the Office of the City Clerk. The resolution also names the law firm of Jones Hall as bond counsel and CSG Advisors as financial advisor to the City in connection with the issuance of the Bonds.

ECONOMIC IMPACT

An extensive list of the Project's benefits for the community was included in the staff report to Council

regarding the TEFRA Hearing and approval of the restructuring of the Loans (see the July 21, 2015 staff report referenced above). However, it is important to note that addressing the Project's rehabilitation needs will improve the properties' operating performance and ensure their long-term affordability and viability, thus promoting Council priorities and the City's Housing Element goals. The Project financing also results in approximately \$12 million of investment towards the physical improvement of the Project properties and, by extension, in the local economy.

FISCAL IMPACT

The issuance of the Bonds does not represent a financial impact to the General Fund and the General Fund is not responsible for repayment of the Bonds. An undetermined amount of revenue will be received by the City upon completion of the Project through bond issuance and administrative fees. These fees will help to offset some of the City staff costs associated with implementation and monitoring of the Project. All costs associated with issuance of the Bonds will be reimbursed through bond proceeds, including the City's financial advisors and legal counsel on affordable housing and bond counsel fees.

PUBLIC CONTACT

To comply with the Internal Revenue Code of 1986 (the Code), a Notice of the TEFRA hearing was published in the Daily Review on July 7, 2015. Consistent with the notice, the public hearing was later held by the City Council on July 21, 2015, when the restructuring of the existing City or Former RDA Loans was discussed and approved by Council. The formal approval of the bond documents by the City Council is the last legally-mandated public outreach step required for the issuance of the Bonds to take place. This requirement will be met through Council approval of staff's recommendation in this report.

NEXT STEPS

City Council adoption of the attached resolution, authorizing the issuance of the Bonds and the execution of the bond documents by the City Manager or her designee, will allow the Project to move forward. Closing of the Project financing is expected to occur on February 8. Construction will commence soon thereafter and is expected to be completed before the end of 2016 as current Project financial projections call for a ten-month construction schedule.

Prepared by: Omar Cortez, Housing Development Specialist

Recommended by: Sean Reinhart, Library and Community Services Director

Approved by:



Fran David, City Manager

File #: LB 16-008

Attachments:

Attachment I

Resolution Authorizing the Issuance of Bonds and
Related Actions

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-_____

Introduced by Council Member _____

RESOLUTION OF THE CITY OF HAYWARD
AUTHORIZING THE ISSUANCE, SALE AND DELIVERY
OF CITY OF HAYWARD 2016 MULTIFAMILY HOUSING
REVENUE NOTE (HAYWARD FOUR APARTMENTS);
AUTHORIZING THE EXECUTION AND DELIVERY OF A
FUNDING LOAN AGREEMENT, A CONSTRUCTION AND
PERMANENT LOAN AGREEMENT AND A REGULATORY
AGREEMENT AND DECLARATION OF RESTRICTIVE
COVENANTS; AND AUTHORIZING THE EXECUTION
AND DELIVERY OF AND APPROVING OTHER RELATED
DOCUMENTS AND APPROVING OTHER RELATED
ACTIONS IN CONNECTION THEREWITH

WHEREAS, Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code, as the same may be amended (the "Act"), and City of Hayward Ordinance No. 81-023, adopted on June 16, 1981 and codified at Article 10 of Chapter 8 of the City of Hayward Municipal Code, as the same may be amended (the "Ordinance" and together with the Act, the "Note Law") authorizes the City of Hayward (the "City") to incur indebtedness for the purpose of financing the acquisition, construction, rehabilitation and development of multifamily rental housing facilities to be occupied in whole or in part by persons of low and very low income; and

WHEREAS, the City has been requested to issue its 2016 Multifamily Housing Revenue Note (Hayward Four Apartments) (the "Note") in accordance with the Note Law, pursuant to a Funding Loan Agreement (the "Funding Loan Agreement"), between MUFG Union Bank, N.A., as the funding lender (the "Bank") and the City; and

WHEREAS, the proceeds of the Note are proposed to be loaned (the "Borrower Loan") by the City to CHHP, L.P., a California limited partnership (the "Borrower") affiliated with Eden Housing, Inc., pursuant to a Construction and Permanent Loan Agreement, among the City, the Bank and the Borrower (the "Borrower Loan Agreement"), to finance the acquisition and rehabilitation of a 118-unit, scattered site, multifamily rental housing project to be known as the Hayward Four Apartments (the "Project"), consisting of four separate multifamily residential rental housing facilities, all located on separate sites in the City, including (i) the 742 Harris Apartments, a four-unit facility located at 742 Harris Court, (ii) the Harris Court Apartments, a 20-unit facility located at 734, 735, 743, 750 and 751 Harris Court, (iii) the Cypress Glen Apartments, a 54-unit facility located at 25100 Cypress Avenue, and (iv) the Huntwood Commons Apartments, a 40-unit facility located at 27901 Huntwood Avenue; and

WHEREAS, as a condition to undertaking the foregoing transactions the City will require the Borrower to enter into one or more Regulatory Agreements and Declarations of Restrictive Covenants, between the City and the Borrower (the "Regulatory Agreements") for the separate facilities described in the preceding clause; and

WHEREAS, there have been placed on file with the City Clerk prior to this meeting the following documents and agreements in furtherance of the transactions described above:

- (1) A proposed form of Funding Loan Agreement;
- (2) A proposed form of Borrower Loan Agreement; and
- (3) A proposed form of Regulatory Agreement; and

WHEREAS, the City has received an allocation from the California Debt Limit Allocation Committee of private activity note volume cap in an amount sufficient to provide for the issuance of the Note (the "Allocation"); and

WHEREAS, all other conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of the Note as contemplated by this resolution and the documents referred to herein exist, have happened and have been performed in due time, form and manner as required by the laws of the State of California, including the Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, as follows:

Section 1. The City hereby finds and declares that the above recitals are true and correct.

Section 2. Pursuant to the Act and the Funding Loan Agreement, the City is authorized to issue a limited obligation revenue note, designated as "City of Hayward 2016 Multifamily Housing Revenue Note (Hayward Four Apartments)" in an aggregate principal amount not to exceed \$30,000,000 (the "Note"), in draw-down form or all at one time, and to deliver such Note to the Bank in exchange for the purchase price thereof. The Note shall be executed by the manual or facsimile signature of the City Manager of the City, and attested by the manual or facsimile signature of the City Clerk of the City, in the form set forth in and otherwise in accordance with the Funding Loan Agreement. The Note shall be a limited obligation of the City, payable solely from and secured solely by the pledge and assignment of certain payments from the Borrower under the Borrower Loan Agreement or funds otherwise provided under the loan documents for the Borrower Loan. None of the City, the State of California or any of its subdivisions shall be directly, indirectly, contingently or morally obligated to use any other moneys or assets to pay all or any portion of the debt service on the Note, to levy or pledge any form of taxation whatever therefor or to make any appropriation for the payment of the Note.

Section 3. The form of Funding Loan Agreement on file with the City Clerk is hereby approved. The City Manager or her designee is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Funding Loan Agreement in said form, with such additions thereto or changes therein as are recommended or approved by the authorized signatory upon consultation with note counsel to the City, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Funding Loan Agreement.

Section 4. The proceeds of the Note are authorized to be loaned to the Borrower pursuant to the Borrower Loan Agreement, to acquire, rehabilitate and develop the Project. The form of Borrower Loan Agreement on file with the City Clerk is hereby approved. The City Manager or her designee is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Borrower Loan Agreement in said form, with such additions thereto or changes therein as are recommended or approved by the authorized signatory upon consultation with note counsel to the City, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Borrower Loan Agreement.

Section 5. The form of Regulatory Agreement on file with the City Clerk is hereby approved. The City Manager or her designee is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver one or more Regulatory Agreements in said form, with such additions thereto or changes therein as are recommended or approved by the authorized signatory upon consultation with note counsel to the City, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the applicable Regulatory Agreements.

Section 6. The Note, when executed, shall be delivered to MUFG Union Bank, N.A., as the initial holder thereof, upon the funding of the initial advance of the Funding Loan (as defined in the Funding Loan Agreement) with the purchase price for the initial draw of the Note.

Section 7. The law firm of Jones Hall, A Professional Law Corporation, is hereby appointed note counsel to the City in connection with the issuance of the Note. The financial advisory firm of CGS Advisors, Inc. is hereby appointed financial advisor to the City in connection with the issuance of the Note. The fees and expenses of note counsel and the financial advisor are to be paid solely from the proceeds of the Note or directly by the Borrower.

Section 8. All actions heretofore taken by the officers and agents of the City with respect to the sale and issuance of the Note are hereby approved, confirmed and ratified, and the proper officers of the City, including the City Manager or her designee, are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Note in accordance with this Resolution and resolutions heretofore adopted by the City and in order to carry out the City's program of assistance in the financing of affordable housing, including but not limited to those certificates, agreements, deeds of trust and other documents described in the Funding Loan Agreement, the Borrower Loan Agreement, the Regulatory Agreements, and the other documents herein approved and any certificates, agreements or documents as may be necessary to further the purpose hereof, including, but not limited to, any subordination agreement required to be executed in connection with the proposed financing, but which shall not create any obligation or liability of the City other than with respect to the revenues and assets derived from the proceeds of the Note.

Section 9. This resolution shall take effect immediately upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA, January 26, 2016.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



DATE: July 21, 2015

TO: Mayor and City Council
Chair and Housing Authority Board Members

FROM: Director of Library and Community Services

SUBJECT: Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of: a) a Resolution Authorizing the Issuance of Bonds, Declaring the City's intent to Reimburse Certain Project Expenditures from Proceeds of the Bonds, and Authorizing the Submission of an Application to the California Debt Limit Allocation Committee, and b) Resolutions Authorizing the Restructuring of Existing Loans, All in Connection with Financing the Acquisition and Rehabilitation of Certain Affordable Housing Developments Owned by Eden Housing, Inc., and Its affiliates. Exempt from the California Environmental Quality Act pursuant to Section 15301 of the "CEQA" Guidelines.

RECOMMENDATION

That the City Council:

- a) Conducts a public hearing to consider the issuance of Tax-Exempt Multifamily Housing Revenue Bonds to assist in the acquisition and rehabilitation of certain affordable housing developments owned by Eden Housing, Inc., and its affiliates; and
- b) Adopts the attached resolution: i) approving the use of tax-exempt bond proceeds to reimburse project costs related to the acquisition and rehabilitation of certain affordable housing developments owned by Eden Housing, Inc. (Eden); ii) authorizing the filing of an application with the California Debt Limit Allocation Committee (CDLAC) for a portion of the State of California's ceiling of private activity bond allocation; and iii) approving the issuance of Tax-Exempt Multifamily Housing Revenue Bonds for purposes of Section 147(f) of the Internal Revenue Code of 1986 (Attachment I).
- c) Adopts the attached resolution approving the restructuring of certain loans required for project feasibility and for compliance with tax law (Attachment II).

That the Housing Authority:

- a) Adopts the attached resolution approving the restructuring of certain loans required for project feasibility and for compliance with tax law (Attachment III).

BACKGROUND

Earlier this year, Eden and the City’s Housing Division staff began to evaluate financing, including the issuance of Tax-Exempt Multifamily Housing Revenue Bonds (the “Bonds”), for the acquisition and rehabilitation of four Eden-owned properties in Hayward comprising a total of 118 units of multifamily rental housing affordable to low and very low-income households (the “Project”). Table A shows the names of the properties, their addresses, and the number of affordable units in each of them:

Table A: The Properties Comprising the Project

Property Name	Location	Number of Units
742 Harris Ct. Apartments	742 Harris Court	4
Harris Court Apartments	734, 735, 743, 750, and 751 Harris Court	20
Cypress Glen	25100 Cypress Avenue	54
Huntwood Commons	27901 Huntwood Avenue	40
	Total:	118

The City and the former Redevelopment Agency (the “Former RDA” through the Low-Moderate Income Housing Fund) provided critical financial support in the form of loans to Eden to fund the properties at different stages of development. In order to make the Project feasible and to comply with current tax law provisions, Eden has requested that the loans be restructured as further described below (the “Restructured Loans”). Eden has also requested that the City serve as the conduit issuer of the Bonds for the Project.

The actions at this meeting are only preliminary. The Bonds cannot be issued until the Bond allocation has been received from CDLAC, bond counsel has prepared all documents, the purchaser or underwriter of the Bonds has provided all necessary agreements, and the bond documents and final resolution are approved by Council. The actions today permit the submission process to CDLAC to begin but do not bind the City to ultimately issue any bonds.

The City has facilitated similar transactions in the past and Council is familiar with the actions required by the Code to initiate the process to issue tax-exempt bonds for affordable housing or other projects of public benefit. Recently, Council held three TEFRA hearings: one for the issuance of bonds for the South Hayward BART Affordable Project, currently under construction; one for the Hayward Senior Housing II development located at B and Grand Streets, completed earlier this year; and another for the issuance of bonds by the California Statewide Community Development Corporation for the Faith Manor Apartments, a rental complex owned by the Glad Tidings Community Development Corporation, currently in predevelopment.

DISCUSSION

The Original Loans and Overall Balance to Date. The following table summarizes the different loans that the City and/or the Former RDA Low-Moderate Income Housing Fund provided to Eden to help finance the development of the properties:

Table B: The Original Loans

Property	Source	Date of Note or Loan Agreement	"Original Loans"	Loan Rate
742 HARRIS	HOME	1/10/1999	\$ 165,000	4.691%, Simple
		SUBTOTAL	\$ 165,000	
HARRIS COURT	HOME	11/1/1998	\$ 825,000	4.762%, Simple
	RDA/Low-Mod	11/1/1998	\$ 275,000	4.762%, Simple
		SUBTOTAL	\$1,100,000	
CYPRESS GLEN	HOME	12/11/2007	\$ 200,000	3.00%, Simple
	CDBG	12/11/1987	\$ 455,000	11.5%/5% Compound
		SUBTOTAL	\$ 655,000	
HUNTWOOD COMMONS	HODAG	10/9/1987	\$ 730,000	9.17%, Compound
	CDBG	8/25/1998	\$ 170,000	9.17%, Compound
	HOME	9/26/2006	\$ 840,000	3.00%, Simple
	Workforce Housing Reward Program	2/5/2007	\$ 175,000	3.00%, Simple
		SUBTOTAL	\$1,935,000	
		TOTAL	\$3,855,000	

The City's original investment in the form of loans to the properties totaled \$3,855,000. A calculation of the interest accrued on the Original Loans to December 1, 2015, the date the Project financing is expected to close ("Closing"), yields an overall balance (principal and interest) of approximately \$11.2 Million. This balance is based on the terms of the Original Loans.

The Restructuring of the Original Loans. As mentioned in the Background section of this report, Eden has requested that the City and the Housing Authority (acting as housing successor agency to the Former RDA) restructure their existing loans to render the Project feasible. In consideration of the Project's loan repayment capacity and current financial projections, staff is recommending that the Council approves the restructuring of the Original Loans within the following parameters:

- 1) No write off of the Original Loans.
- 2) Partially forgiving the accrued interest on the Original Loans with high compounding interest rates (i.e., Huntwood Commons' HODAG and CDBG loans).¹
- 3) To obtain the new principal amount of the Restructured Loans (see Table C) for the high compounding interest-rate loans, add accrued interest at a 3% simple interest rate to those loans from the beginning of their term through Closing.
- 4) Keep the 3% simple interest rate (i.e., Cypress Glen and Huntwood Commons HOME loans) and the 4.762% and 4.691 simple interest rates (i.e., the loans for Harris Court and

¹ To determine the forgiveness amount, staff calculated the difference between the accrued interest based on original compounding rate for each of those loans and a 3% simple interest rate accrued from the beginning of their term through Closing.

742 Harris Court, respectively) for purposes of calculating accrued interest for the Original Loans with those rates and add the resulting accrued interest to obtain the respective Restructured Loans.

- 5) Recast the interest rates of all the Restructured Loans at a financially-feasible rate, which is anticipated to be the prevailing Applicable Federal Rate (AFR) at the time of the rate lock. As of the date of this report, the rate assumed in the Project's financial projections is 2.9% compounding, which translated into a simple rate is actually higher than 3%.

The calculation of the principal and interest of the Original Loans based on the above parameters yielded new or Restructured Loans whose combined total is approximately \$5.4 M.

Table C: The Restructured Loans

Property	Source	Unpaid Principal (Original Loan Amounts minus Payments)	Accrued Interest to Closing	Restructured Loans
742 HARRIS	HOME	\$ 165,000	\$ 116,219	\$ 281,219
HARRIS COURT	HOME	\$ 825,000	\$ 628,154	\$ 1,453,154
	RDA/Low-Mod	\$ 275,000	\$ 209,384	\$ 484,384
			SUBTOTAL	\$ 1,937,538
CYPRESS GLEN	HOME	\$ 200,000	\$ 48,000	\$ 248,000
	CDBG	\$ 435,738 ²	\$ 326,292	\$ 762,029
			SUBTOTAL	\$ 1,010,029
HUNTWOOD COMMONS	HODAG	\$ 348,985	\$ 212,008	\$ 560,993
	CDBG	\$ 170,000	\$ 139,400	\$ 309,400
	HOME	\$ 840,000	\$ 235,200	\$ 1,075,200
	Workforce Housing Reward	\$ 175,000	\$ 46,836	\$ 221,836
			SUBTOTAL	\$2,167,429
			TOTAL	\$5,396,215

Table D is a summary of the loan restructuring process with aggregate amounts only and the calculation of the Original Loans' accrued-interest forgiveness amount. Most of the interest forgiveness is attributable to the high-compounding interest-rate loans.

² One of the implications of calculating the accrued interest based on a lower interest rate was that some of the amortization Eden made towards the Huntwood Commons' HODAG loan and the Cypress Glen's CDBG loan needed to be applied to principal. This would not have been the case if the interest was calculated based on the higher original compounding rates.

Table D: Loan Restructuring Summary and Loan Forgiveness Amount*

Original Loans (total, principal only)	\$ 3.86
Interest on Original Loans (based on original terms)	\$ 7.34
Original Loans' Balance to Closing (total principal and interest)	\$ 11.20
Restructured Loans (based on above parameters, total new principal)	\$ 5.40
Forgiveness amount (Original Loan's Balance to closing minus Restructured Loans)	\$ 5.80

*approximate amounts, in millions.

New Fifty-FiveYear (City) Affordability Restrictions for the Entire Project. In exchange for the forgiveness of approximately \$5.8 Million and its agreement to restructure the loans, the City will record a new regulatory agreement against the Project, to restrict 100% of the units for low income households³ for fifty-five years from completion of the rehabilitation. The existing regulatory agreements will be modified along with the other existing loan documents.

The affordability restrictions⁴ in the existing regulatory agreements will generally remain the same. This approach will help maintain clarity for the Department of Housing and Urban Development (HUD) during the remaining HOME, CDBG, and HODAG funding reporting and monitoring periods, if applicable. Attachment IV is a matrix summarizing existing and proposed affordability restrictions by funding source, including the unit mix of all the properties. The CDBG program (one of the sources of funding as well) only requires that the funding provided meets a national objective upon initial occupancy and that the loans or grants are repaid if the intended use of the properties, in this case affordable rental housing, changes during the affordability period. For these reasons, CDBG is not part of Attachment IV.

Documentation of the Restructured Loans and Security. Each of the Restructured Loans will be documented by amended and restated documents or other modifications to the existing loan documents. However, because the Restructured Loans will be repaid from revenues generated by the entire Project as they are part of a “Common Scheme of Financing,” a term used in tax credit financing, the Restructured Loans will be cross-collateralized. In other words, the Restructured Loans will be secured by one single lien, a deed of trust recorded against the entire Project (all properties). Although this is a widely-used financing structure, the City’s Legal Counsel has verified that both the modification of the Original Loans and the cross-collateralization of the Restructured Loans comply with the regulations of the funding sources such as the HOME and CDBG programs.

In addition to the modifications to the loan documents, the nine loans included in Table B will be reduced to seven because the HOME loans for Harris Court and for 742 Harris Court as well as the two CDBG loans will be combined. This will slightly help reduce the significant amount of legal documents that need to be drafted. In the case of the Harris Court properties, this will be necessary because the two properties will be merged into one.

³ Based on newly-released income limits for 2015 by HUD, the low-income limit for family of four in Alameda County is \$71,600.

⁴ I.e., the number of units restricted, their affordability levels (low or very-low income), the duration of the restrictions (typically fifty-five years), etc.

Acquisition and Scope of Rehabilitation Work. Harris Court Apartments, Huntwood Commons, and Cypress Glen have been previously funded with Low-Income Housing Tax Credits (Tax Credits), and Harris Court and Huntwood Commons are still within their Tax Credit regulatory periods, restricting their use as housing affordable to low-income households. Since a re-syndication is part of the financing structure of the Project, a new ownership entity will be created to comply with Tax Credit regulations. In other words, although Eden or one of its affiliates is currently the Tax Credit general partner or ownership entity that manages the properties and provides the tax benefits to a limited partner, a new Tax Credit ownership entity (also an affiliate of Eden) will replace the current partnership. For this reason, the Project involves an acquisition.

Harris Court and 742 Harris Court are almost fifteen years old and Huntwood Commons and the Cypress Glen apartments are approximately thirty years old. Thus, in varying degrees, the properties have started to show signs of deterioration. In particular, Cypress Glen is in need of major upgrades and repairs. The restructuring of the Original Loans and the new financing will support a Project recapitalization and much needed rehabilitation, with additional energy-efficiency improvements, to the extent permitted by the budget. The Tax Credits are anticipated to bring in approximately \$14M in investor equity in support of the work to be performed. The scope of rehabilitation will include:

- addressing weatherproofing including roofs, windows, and building envelopes;
- upgrading the Project buildings to bring them up to building code changes and Tax Credit and bond issuance standards that have been enacted since the properties were originally placed-in-service;
- safety upgrades including seismic performance;
- universal accessibility upgrades;
- refreshing a portion of common areas and unit interiors; and
- upgrading all systems to a minimum lifespan of ten or more years.

Depending on the budget and required approvals, Eden will also:

- perform energy and water conservation improvements on the properties by installing photovoltaic and solar thermal systems;
- perform a larger-scale enhancement of common areas and unit interiors; and
- add new site and resident amenities.

Relocation. There will not be any permanent relocation or displacement of residents due to the rehabilitation work. However, due to the nature of the rehabilitation work for 742 Harris, Harris Court, and Cypress Glen, some temporary relocation will be necessary. Eden will retain an experienced third-party consultant to ensure compliance with all applicable federal and State laws governing relocation. Eden will make every effort to minimize the need for temporary relocation, and the consultant will be providing one-on-one counseling to residents to minimize the disruption to their daily lives and schedules.

The Project Financing and the Inducement and the TEFRA Hearing. In addition to the \$5.8 million interest forgiveness and the Restructured Loans (see Table D), the City-approved financing for the Project includes up to \$30 Million in Bonds which will be issued by the City to accommodate Eden's request. The Bonds will be complemented by approximately \$14 Million

of non-competitive 4% Tax Credits. Together, the Bonds and the Tax Credits constitute the largest source of external financing for the Project. These two programs are normally used together for the financing of affordable rental housing as they provide the most favorable financing for projects.

The Bonds would be limited special obligations of the City; payable only from the revenues from the Project, and the City would not have any obligation to advance any of its funds or its credit for the repayment of the Bonds. In other words, the City simply acts as a conduit for the Bond issuance process and is not financially responsible for repayment. It is currently anticipated that the Bonds would be sold on a private placement basis to a sophisticated institutional buyer.

In order to issue the bonds, the City and Eden need to apply to the California Debt Limit Allocation Committee (CDLAC) for an allocation of the State's ceiling of private activity bonds. CDLAC's rules require that the issuing jurisdiction adopt a resolution approving the submittal of the application prior to filing it with CDLAC. Upon Council's approval, staff and Eden intend to file the application for the Project within the next few weeks so that the application can be considered at CDLAC's October meeting.

In addition to approving the submittal of the CDLAC application, the Internal Revenue Code of 1986 (the Code) requires that the "applicable elected representatives" of the jurisdiction where a project to be financed with "private activity bonds" is to be situated, adopt a resolution approving the issuance of such bonds after holding a Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) public hearing, which must be noticed in a newspaper of general circulation. The City Council is being asked to hold such public hearing which, as required by the Code, was properly noticed on July 7.

Staff proposes using the same bond counsel (Jones Hall) as has been used for previous transactions involving the issuance of tax-exempt bonds for affordable housing developments. Jones Hall attorneys, like all the team of consultants proposed for this transaction, are very familiar with the City's processes and, as such, are able to provide the requested services more efficiently.

CEQA and NEPA. The Restructured Loans and proposed rehabilitation are categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 of the CEQA Guidelines because the rehabilitation work will be performed to existing facilities. In addition, NEPA (the National Environmental Protection Act) is not triggered because no new federal financing will be provided.

ECONOMIC IMPACT

The proposed rehabilitation work will not only improve the long term viability of the properties but will also ensure the long-term affordability of the units to Hayward families as a result of new fifty-five year covenants that will be recorded against the properties. The following are additional benefits of the Project rehabilitation:

- Improved Project sustainability: as mentioned in the previous section, the goal of the rehabilitation work is not only to extend the buildings and their major systems' useful life but also to perform, to the extent permitted by the budget, energy-efficiency improvements.

- Improved property management and mandated resident services: through close and frequent monitoring visits and audits, the Tax Credit Allocation Committee (TCAC), the State agency that administers the tax credits program, will ensure that the properties are well managed and that services and amenities adequate for the resident population are provided throughout their compliance period - the first fifteen (15) years after completion of the rehabilitation.
- Regional Housing Needs Allocation (RHNA): although no new affordable units will be created within the City limits, the City will receive partial credits towards State-mandated RHNA targets as the work on the properties will qualify as substantial rehabilitation, which is one of the means for unit-production credits under the RHNA/Annual Housing Element Progress Report guidelines. The Project will be reported on the corresponding RHNA Report as a project that helps the City further one of its Housing Element goals: to conserve and improve the condition of the existing housing stock.
- Potential funding or grants for much-needed local projects of community benefit: As mentioned above, the proposed work for the properties will meet the threshold to be categorized as substantial rehabilitation. This could present funding opportunities for the City through State programs that reward the creation or substantial rehabilitation of affordable housing such as the State Department of Housing and Community Development Department's Housing-Related Parks program. The City was recently awarded approximately \$1.1 Million through this program. Some of the credits the State counted towards the calculation of the award were from substantial rehabilitations of affordable housing projects in Hayward since 2010.
- Local employment: it is expected that the General Contractor will hire local workers to assist in the construction.

In sum, addressing the Project's rehabilitation needs will improve the properties' operating performance and ensure their long-term affordability and viability. Therefore, this Project advances Council priorities and the City's Housing Element goals.

FISCAL IMPACT

The restructuring of the Original Loans does not represent a financial impact to the General Fund or other special fund. There is no new investment of funding of the City or Housing Authority on the Project. The Original Loans will only be brought up to current affordable housing underwriting standards to improve the Project's feasibility and to comply with tax law.

The issuance of the Bonds does not represent a financial impact to the General Fund and the General Fund is not responsible for repayment of the Bonds. An undetermined amount of revenue will be received by the City upon completion of the Project through bond issuance and administrative fees. These will help to offset some of the staff costs associated with implementation and monitoring of the Project. All costs associated with issuance of the Bonds

will be reimbursed through bond proceeds, including the City's financial advisors and legal counsel on affordable housing and bond counsel fees.

NEXT STEPS

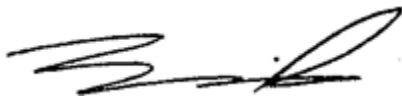
If the City Council adopts the attached resolutions authorizing the restructuring of the Original Loans, staff and its consultants will prepare the necessary legal documents to memorialize and secure the Restructured Loans. The final documents will not be brought back to Council because the resolutions authorize the City Manager to negotiate and execute the documents within the parameters outlined in the Discussion section of this report and developed in more detail in the attached Term Sheet (Attachment V).

Notice of the TEFRA hearing was published in the Daily Review on July 7, 2015. If the City Council adopts the attached resolution authorizing the bond issuance, staff and consultants will prepare documentation necessary for the bond issuance to take place. Staff will bring an item back to Council for approval of final bond documents.

Prepared by: Omar Cortez, Housing Development Specialist

Recommended by: Sean Reinhart, Library and Community Services Director

Approved by:



Fran David, City Manager

- Attachment I Resolution Authorizing the Issuance of Bonds and Related Actions
- Attachment II City Council Resolution Approving the Restructuring of the Original Loans
- Attachment III Housing Authority Resolution Approving the Restructuring of the Original Loans
- Attachment IV Summary of Existing and Proposed Affordability Restrictions on the Project
- Attachment V Term Sheet for Documentation of the Original Loans' Restructuring
- Attachment VI Acronyms Used in This Report

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF QUALIFIED RESIDENTIAL RENTAL PROJECT BONDS, AUTHORIZING AN APPLICATION TO THE CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE TO PERMIT THE ISSUANCE OF QUALIFIED RESIDENTIAL RENTAL PROJECT BONDS, AND APPROVING THE ISSUANCE OF QUALIFIED RESIDENTIAL RENTAL PROJECT BONDS IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE CODE

WHEREAS, the City of Hayward (the “City”) desires to engage in a program (the “program”) of financing the rehabilitation and construction of a multifamily rental housing;

WHEREAS, Eden Housing Inc., a California not-for-profit corporation the “Sponsor”), has made a request to the City for assistance with respect to the financing of the acquisition and rehabilitation of 118 units of multifamily rental housing located on four sites in Hayward, California, including: (1) 4 units at 742 Harris Court and known as 742 Harris Apartments, (2) 20 units at 734, 735, 743, 750, and 751 Harris Court and known as Harris Court Apartments, (3) 54 units at 25100 Cypress Avenue and known as Cypress Glen Apartments, and (4) 40 units at 27901 Huntwood Avenue and known as Huntwood Commons Apartments (collectively, the "Project"), which will be acquired, owned and operated by the Sponsor or a limited partnership or limited liability company established by the Sponsor or an affiliate thereof (the “Borrower”);

WHEREAS, all or a portion of the units in the Project are expected to be occupied by persons or families of lower or very low income; and

WHEREAS, the Sponsor has requested the City to issue its qualified residential rental project (the “Bonds”) in an amount not to exceed \$30,000,000, the proceeds of which would be loaned to the Borrower for the purpose of acquiring and rehabilitating the Project;

WHEREAS, the Borrower expects to pay certain expenditures (the “Reimbursement Expenditure”) in connection with the Project prior to the issuance of the Bonds for the purpose of financing costs associated with the Project on a long-term basis;

WHEREAS, Section 1.103-8(a)(5) and Section 1.150-2 of the Treasury Regulations require the City to declare its reasonable official intent to reimburse prior expenditures for the Project with proceeds of a subsequent borrowing;

WHEREAS, the Internal Revenue Code of 1986 and the applicable regulations thereunder require the Borrower to take this action in connection with the payment of certain

expenses in connection with the Project prior to issuance of tax-exempt bonds in order to allow the Borrower to be reimbursed for such expenditures;

WHEREAS, Chapter 11.8 of Division 1 of Title 2 of the Government Code of the State of California governs the allocation in the State of California of the state ceiling established by Section 146 of the Code among governmental units in the State having the authority to issue private activity bonds;

WHEREAS, Section 8869.85 of the Government Code requires a local agency to file an application for a portion of the state ceiling with or upon the direction of the California Debt Limit Allocation Committee ("CDLAC") prior to the issuance of private activity bonds;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, requires the City Council of the City (the "City Council"), as the elected representative of the City, the host jurisdiction of such facilities, to approve the issuance of the Bonds after a public hearing has been held following reasonable notice;

WHEREAS, a public hearing was held by the City on the date hereof at the City Council's meeting which commenced at the hour of 7:00 p.m. in the City Council Chambers, 777 B Street, Hayward, California 94541, following duly published notice thereof, and all persons desiring to be heard have been heard; and

WHEREAS, it is in the public interest and for the public benefit that the City Council, as the elected representative of the City, the host jurisdiction of such facilities, approve the issuance and delivery by the City, or by a joint powers authority of which the City is a member, of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, as follows:

Section 1. The City finds and determines that the foregoing recitals are true and correct.

Section 2. The City hereby declares its official intent to issue, at one time or from time to time, an aggregate of up to \$30,000,000 principal amount of the Bonds, the proceeds of which are to be loaned to the Borrower to finance a portion of the costs of the acquisition and rehabilitation by the Borrower of the Project, including, for the purpose of reimbursing to the Sponsor and the Borrower costs incurred for the Project prior to the issuance of the Bonds. The City Council hereby further approves the issuance of the Bonds in the amount of up to \$30,000,000 for purposes of Section 147(f) of the Internal Revenue Code of 1986.

Section 3. The Bonds will be payable solely from the revenues to be received by the City or by a trustee or agent of the City from the Borrower pursuant to a loan agreement or other agreement or agreements to be entered into between the City and the Borrower in connection with the financing of the Project.

Section 4. The issuance of the Bonds is subject to the following conditions: (a) the City and the Borrower shall have first agreed to mutually acceptable terms for the Bonds and of the sale and delivery thereof, and mutually acceptable terms and conditions of the Bond indenture, trust agreement, loan agreement, regulatory agreement and/or other related documents for the financing of the Project; (b) all requisite governmental approvals shall have first been

obtained; (c) a resolution approving the financing documents to which the City will be a party shall have been adopted by the City Council; and (d) an allocation of tax-exempt bond authority with respect to the Bonds shall have been received from the California Debt Limit Allocation Committee (“CDLAC”).

Section 5. The officers and agents of the City are hereby authorized to submit an application to CDLAC for an allocation of a portion of the State Ceiling (as that term is used in the California Government Code) in an amount not to exceed \$30,000,000 for application towards the issuance of the Bonds by the City to finance the Project. The officers and agents of, and financial advisors to, the City are hereby authorized, on behalf of the City, to submit to CDLAC all such other documents as may be required pursuant to the California Government Code in furtherance of the application. A cash deposit equal to one-half of one percent of the amount of allocation requested (not to exceed the maximum deposit pursuant to CDLAC guidelines), to be provided by or on behalf of the Borrower, is hereby authorized to be placed into an escrow account, and the officers of the City are hereby authorized to execute a deposit agreement with the Borrower as may be required with respect to such deposit, and to certify to CDLAC that such funds are available.

Section 6. It is intended that this Resolution shall constitute “some other similar official action” towards the issuance of bonds within the meaning of Section 1.103-8(a)(5) of the Treasury Regulations and “official intent” within the meaning of Section 1.150-2 of the Treasury Regulations, each as applicable under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 7. The law firm of Jones Hall, A Professional Law Corporation, is hereby designated as Bond Counsel to the City in connection with the issuance of the Bonds. The financial advisory firm of CSG Advisors Incorporated is hereby designated as Financial Advisor to the City in connection with the issuance of the Bonds. The fees and expenses of such firms for matters related to the Bonds shall be payable solely from the proceeds of the Bonds or other sources of funds of the Borrower.

Section 8. This Resolution shall take effect from and after its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA, July 21, 2015.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ATTEST: _____
Miriam Lens, City Clerk of the
City of Hayward

APPROVED AS TO FORM:

Michael Lawson, City Attorney of the
City of Hayward

CITY OF HAYWARD

RESOLUTION NO. 15-_____

Introduced by Councilmember _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HAYWARD AUTHORIZING THE MODIFICATION OF CITY
FINANCING FOR THE REHABILITATION OF CERTAIN HOUSING
OWNED BY EDEN HOUSING, INC. AND ITS AFFILIATES

WHEREAS, in 1998, the City of Hayward (the "City"), acting on behalf of the former Redevelopment Agency of the City of Hayward (the "Former RDA") provided a \$275,000 loan at 4.762% simple interest (the "RDA Loan") to Harris Court Associates, an affiliate of Eden Housing, Inc. ("Eden") and owner of Harris Court Apartments;

WHEREAS, in 1998, the City also provided a \$825,000 federal HOME Investment Partnership Program ("HOME") loan at 4.762% simple interest to Harris Court Associates for Harris Court Apartments (the "Harris Court HOME Loan");

WHEREAS, in 1999, the City provided a \$165,000 HOME loan at 4.691% simple interest to Eden for 742 Harris Court (the "742 Harris Court Loan");

WHEREAS, in 1987, the City provided a \$455,000 loan of Community Development Block Grant ("CDBG") funds at 11.5% interest to C.G.A. Associates (an affiliate of Eden) for the Cypress Glen Development (the "Cypress CDBG Loan");

WHEREAS, in 2007, the City provided a \$200,000 HOME loan at 3% simple interest to Eden for the Cypress Glen Development (the "Cypress HOME Loan");

WHEREAS, in 1988, the City provided a \$170,000 loan of CDBG Funds at a rate of 9.17% compounded interest to Eden for the Huntwood Commons Development (the "Huntwood CDBG Loan");

WHEREAS, in 1988, the City provided a \$730,000 loan of federal Housing Development Action Grant Program ("HoDAG") funds at a rate of 9.17% compounded interest to Eden for the Huntwood Commons Development (the "Huntwood HODAG Loan");

WHEREAS, in 2006, the City provided a \$840,000 HOME loan (the "Huntwood HOME Loan") and in 2007, the City provided a \$175,000 Workforce Housing Grant loan (the "Huntwood Workforce Housing Loan"), both bearing simple interest at a rate of 3% to Huntwood Commons Associates for the Huntwood Commons Development;

WHEREAS, Harris Court Apartments, 742 Harris Court, the Cypress Glen Development, and Huntwood Commons (collectively, the "Hayward 4 Development") are all in need of

rehabilitation and repair, as more specifically described in the Staff Report accompanying this resolution (the "Staff Report");

WHEREAS, in order to maximize the amount of rehabilitation work that is financially feasible to perform on the Hayward 4 Development and for the other reasons stated in the Staff Report, Eden and its affiliates intend to sell the Hayward 4 Development to a single tax credit partnership affiliate (the "Partnership") and modify the above described loans to benefit the Hayward 4 Development by creating a common scheme of financing for the Hayward 4 Development that will help to fund rehabilitation work at the four original projects, collectively;

WHEREAS, in order to assist in the feasibility of the Hayward 4 Development rehabilitation, the City desires to have the Housing Authority, as successor to the Former RDA modify the RDA Loan in a manner that is consistent with its concurrent approvals and the Staff Report;

WHEREAS, in order to assist in the feasibility of the Hayward 4 Development rehabilitation, the City desires to modify the other Hayward 4 Loans and amend, amend and restate, or otherwise modify the documents evidencing the other Hayward 4 Loans to reflect the following new principal amounts, which are generally equal to the unpaid principal amount of such loans plus interest accruing as described in the Staff Report (the "Hayward 4 Loans"): \$762,029 for the Cypress CDBG Loan and \$309,400 for the Huntwood CDBG Loan (which loans will be combined); \$248,000 for the Cypress HOME Loan, \$1,075,200 for the Huntwood HOME Loan; \$1,453,154 for the Harris Court Home Loan and \$281,219 for the 742 Harris HOME Loan (which loans will be combined); \$560,993 for the Huntwood HODAG Loan; and \$221,836 for the Huntwood Workforce Loan;

WHEREAS, the Hayward 4 Loans will all bear interest at a rate that will ensure the rehabilitation is financially feasible (expected at the Applicable Federal Rate);

WHEREAS, the City desires to retain the affordability at each of the four original projects by recording an affordability agreement restricting occupancy at the Hayward 4 Development to low income households (the "New Affordability Agreement") and by otherwise maintaining the affordability that is described in the Staff Report;

WHEREAS, the Hayward 4 Loans will be repaid from cash remaining after payment of development and operating costs of the Hayward 4 Development and will be secured by a deed of trust recorded against title to the Hayward 4 Development;

WHEREAS, the Borrower of the Hayward 4 Loans will be the Partnership;

WHEREAS, the modification of the Development is categorically exempt as a Class 1 exemption pursuant to Section 15301 of the CEQA Guidelines because the rehabilitation work will be performed to existing facilities.

NOW THEREFORE, based on the evidence presented to the City Council, including the Staff Report and oral testimony in this matter, the City Council does hereby find, determine, resolve and order as follows:

BE IT RESOLVED that the Recitals above are true and correct and by this reference makes them a part hereof.

FURTHER RESOLVED, that the City Council hereby approves the Hayward 4 Loans, and the making of such loans.

FURTHER RESOLVED, that the City Council hereby approves the New Affordability Agreement.

FURTHER RESOLVED, that the City Council hereby approves the execution and negotiation of documents evidencing the Hayward 4 Loans and the Affordability Agreement by the City Manager or her designee, in a manner and form that is consistent with the Staff Report and this Resolution and approved by the City Manager and City Attorney.

FURTHER RESOLVED, that the City Council hereby authorizes the City Manager or the City Manager's designee to take such other actions as may be reasonably necessary to facilitate the making of the Hayward 4 Loans and the rehabilitation of the Hayward 4 Development.

FURTHER RESOLVED, that the City Manager or the City Manager's designee is authorized to file a Notice of Exemption with respect to the Hayward 4 Loans and the Hayward 4 Development in accordance with CEQA.

FURTHER RESOLVED, that this Resolution shall take immediate effect upon its adoption.

HAYWARD, CALIFORNIA, _____, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COMMISSION MEMBERS:

 CHAIR:

NOES: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ATTEST: _____
Miriam Lens, City Clerk of the
City of Hayward

APPROVED AS TO FORM:

Michael Lawson, City Attorney of the
City of Hayward

HOUSING AUTHORITY OF THE CITY OF HAYWARD

RESOLUTION NO. HA 15-_____

Introduced by Commissioner

RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF HAYWARD AUTHORIZING THE MODIFICATION OF REDEVELOPMENT AGENCY FINANCING FOR THE REHABILITATION OF CERTAIN HOUSING OWNED BY EDEN HOUSING, INC. AND ITS AFFILIATES

WHEREAS, the Housing Authority of the City of Hayward (the "Authority") was formed to provide decent, safe and sanitary housing in the City of Hayward, and is designated as the housing successor to the dissolved Redevelopment Agency of the City of Hayward (the "Dissolved RDA") pursuant to California Health and Safety Code Section 34176;

WHEREAS, in 1998 the Dissolved Agency provided, through the City of Hayward, \$275,000 (the "RDA Loan") in financing to Harris Court Associates, an affiliate of Eden Housing Corporation ("Eden").

WHEREAS, the RDA Loan has earned interest at a rate of 4.762% per annum.

WHEREAS, in addition to Harris Court, Eden and its affiliates also own and operate the developments commonly referred to as 742 Harris Court, the Cypress Glen Development, and Huntwood Commons in the City of Hayward;

WHEREAS, Harris Court, 742 Harris Court, the Cypress Glen Development and Huntwood Commons (collectively, the "Hayward 4 Development") were also financed with loans from the City of Hayward (the "Additional City Loans") and are all in need of rehabilitation and repair, as more specifically described in the Staff Report accompanying this resolution (the "Staff Report");

WHEREAS, in order to maximize the amount of rehabilitation work that is financially feasible to perform on the Hayward 4 Development and for the other reasons stated in Staff Report, Eden and its affiliates intend to sell the Hayward 4 Development to a single tax credit partnership affiliate (the "Partnership") and modify the RDA Loan and the Additional City Loans to benefit the Hayward 4 Development by creating a common scheme of financing for the Hayward 4 Development that will help to fund rehabilitation work at the four projects collectively;

WHEREAS, in order to assist in the feasibility of the Hayward 4 Development rehabilitation, the Housing Authority desires to modify the RDA Loan by amending and restating the loan documents evidencing the RDA loan to provide for a new principal amount \$484,384,

which amount is equal to the original principal amount of the RDA Loan plus interest accruing at 3% simple interest per year (the "New Authority Loan");

WHEREAS, the New Authority Loan will bear interest at a rate that will ensure the rehabilitation is financially feasible;

WHEREAS, the Authority desires to retain the affordability at Harris Court to very low income households and low income households, as more specifically described in the Staff Report;

WHEREAS, the New Authority Loan will be repaid from cash remaining after payment of development and operating costs of the Hayward 4 Development and will be secured by a deed of trust recorded against title to the Hayward 4 Development;

WHEREAS, the Borrower of the Hayward 4 Loans will be the Partnership;

WHEREAS, the modification of the New Authority Loan is categorically exempt as a Class 1 exemption pursuant to Section 15301 of the CEQA Guidelines because the rehabilitation work will be performed to existing facilities.

NOW THEREFORE, based on the evidence presented to the Housing Authority Board, including the Staff Report and oral testimony in this matter, the Housing Authority Board does hereby find, determine, resolve and order as follows:

BE IT RESOLVED that the Recitals above are true and correct and by this reference makes them a part hereof.

FURTHER RESOLVED, that the Authority hereby approves the New Authority Loan and the making of the New Authority Loan to the Partnership;

FURTHER RESOLVED, that the Authority approves the execution and negotiation of documents evidencing the New Authority Loan by the Housing Authority's Executive Director or her designee, in a manner and form that is consistent with the Staff Report and this Resolution and approved by the Authority Executive Director and the Housing Authority General Counsel.

FURTHER RESOLVED, that the Authority hereby authorizes the Housing Authority's Executive Director or the Executive Director's designee to take such other actions as may be reasonably necessary to facilitate the making of the New Authority Loan and the rehabilitation of the Hayward 4 Development.

FURTHER RESOLVED, that the Housing Authority Executive Director or the Housing Authority Executive Director's designee authorizes to file a Notice of Exemption with respect to the New Authority Loan and Hayward 4 Development in accordance with CEQA.

Summary of Existing and Proposed Affordability Restrictions

Property	Restrictions (Sources)	Income Limit	Rent Limit	1-bdr.	2-bdr.	3-bdr.	Totals
Harris Court (merged) - 24 units	City Restructured Loans	@ 60% of AMI	60% TCAC Rents	4	10	10	24
	HOME Program	@ 50% of AMI	Low HOME Rent		1	2	3
		@ 60% of AMI	60% TCAC Rents	2	3	3	8
	Housing Authority	@ 80% of AMI	1/12 of 30% of 80% of AMI	2	6	5	13
Cypress Glen - 54 units (incl. manager's unit)	City Restructured Loans	@ 60% of AMI	60% TCAC rents	12	24	17	53
	HOME Program	@ 50% of AMI	Low HOME Rent		1	1	2
Huntwood Commons - 40 units (incl. manager's unit)	City Restructured Loans	@ 60% of AMI	60% TCAC Rents	12	19	8	39
	HODAG Program	@ 80% of AMI	1/12 of 30% of 50% of AMI		8	8	16
	HOME Program	@ 50% of AMI	Low HOME Rent	2	2	4	8
		@ 60% of AMI	60% TCAC Rents	10	17	4	31
	Workforce Housing Reward	@ 50% of AMI	Low HOME Rent	2	2	4	8
		@ 60% of AMI	60% TCAC Rents	10	17	4	31

Refinance of Soft Loans for Cypress Glen, Huntwood Commons, Harris Court and 742 Harris Court Developments

Properties	<ul style="list-style-type: none"> • Cypress Glen Development • Huntwood Commons • Harris Court • 742 Harris
Parties	<ul style="list-style-type: none"> • City as Lender of CDBG, HOME, HODAG and Workforce Housing Reward Grant Funds • Housing Authority in its capacity as housing successor to the RDA as Lender of RDA Funds • Eden Housing Inc., as Sponsor and its affiliate CHHP L.P, as the Owner and Borrower
CDBG Financing	<p>The two CDBG loans will be modified and combined to reflect the new principal amounts of:</p> <ul style="list-style-type: none"> • \$762,029 (former Cypress Glen loan of \$455,000) • \$309,400 (former Huntwood Commons loan of \$170,000)
HOME Financing	<p>The four existing HOME Loans will be modified to reflect the new principal amounts of:</p> <ul style="list-style-type: none"> • \$248,000 (former Cypress Glen loan of \$200,000) • \$1,075,200 (former Huntwood Commons loan of \$840,000) • \$1,453,154 (former Harris Court loan of \$825,000) • \$281,219 (former 742 Harris loan of \$165,000)
HODAG Financing	<p>The HODAG loan will be modified to reflect the new principal amount of:</p> <ul style="list-style-type: none"> • \$560,993 (former Huntwood Commons loan of \$730,000)
RDA/Housing Authority Financing	<p>The RDA/Housing Authority Loan will be modified to reflect the new principal amount of:</p> <ul style="list-style-type: none"> • \$484,384 (former Harris Court loan of \$275,000)
Workforce Housing Reward Grant Financing	<p>The Workforce Housing Grant loan will be modified to reflect the new principal amount of:</p> <ul style="list-style-type: none"> • \$221,836 (former Huntwood loan of \$175,000)
Interest	<p>The rate will be agreed to by the City Manager to maximize the rehabilitation scope and maintain financial feasibility consistent with tax requirements (expected to be the Applicable Federal Rate)</p>
Repayment	<p>Residual Receipts (to be shared among the City and Housing Authority Loans on a prorata basis as a first priority, and thereafter to the Seller Carryback loan). Cost savings shall be paid to the Housing Authority and City, as determined by the City. Any funds paid to Eden or Seller at acquisition in connection with their loans</p>

	shall be reinvested into the project in accordance with the project budget approved by the City or used to pay down the Housing Authority and City loans as a first priority.
Non-Recourse	The loans will be non-recourse to the Borrower
Affordability	<p>The Affordability at each individual project will be maintained:</p> <ul style="list-style-type: none"> • Cypress Glen: 1 very low income HOME two-bedroom unit and 1 very low income HOME three-bedroom unit. City restricted until 2062. • Huntwood Commons: 8 very low and 31 60% AMI HOME units. One- to three-bedroom units. City Restricted until 2062. • 742 Harris: 2 60% AMI HOME two- and three-bedroom Units and 2 low income one- and two-bedroom units. City restricted until 2054. • Harris Court: 9 very low income HOME Units and 11 low income units. 2 and 3 bedroom units. City restricted until 2053. <p>An additional affordability agreement will be recorded against all properties to maintain affordability to low income households. It will be in place for 55 years following the completion of the rehabilitation (2072).</p>
Conditions Precedent to Closing on Modified Documents	<ul style="list-style-type: none"> • The City has approved the rehabilitation scope and plans and specifications • City has approved Eden's financing plan • City has received evidence of insurance and payment and performance bonds • Eden has obtained all permits needed for rehabilitation work • City has approved construction contract • Reporting related to any of the properties is current • City has approved form of lease and marketing plan • Comply with applicable relocation requirements • Any subordination of the City or Housing Authority financing does not limit the effect of the Deed of Trust and/or Regulatory Agreement before a foreclosure, nor require the consent of the Senior Lender to exercising remedies
Construction	<ul style="list-style-type: none"> • 12-18 month construction period

Key Terms and Acronyms Used in the Staff Report

AFR:	Applicable Federal Interest Rate
AMI:	Area Median Income
The Bonds:	Tax-Exempt Multifamily Housing Revenue Bonds
CDBG:	Federal Community Development Block Grant Program
CDLAC:	California Debt Limit Allocation Committee
CEQA:	California Environmental Quality Act
Closing:	Expected date the Project financing is expected to close (December 1, 2015)
The Code:	The Internal Revenue Code of 1986
Eden:	Eden Housing, Inc.
Former RDA:	Former Redevelopment Agency of the City of Hayward
HOME:	Federal HOME Investment Partnerships Program
HODAG:	Housing Development Action Grants Program
HUD:	U.S. Department of Housing and Urban Development
NEPA:	National Environmental Protection Act
RHNA:	Regional Housing needs Allocation
Tax Credits:	Low-Income Housing Tax Credits
TCAC:	State of California Tax Credit Allocation Committee
TEFRA Hearing:	Tax Equity and Fiscal Responsibility Act of 1982 public hearing