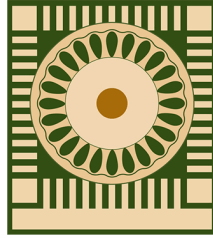


CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, January 29, 2019

7:00 PM

Council Chambers

City Council

SPECIAL CITY COUNCIL MEETING**CALL TO ORDER Pledge of Allegiance: Council Member Salinas****ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PRESENTATION**

Modern Mosquito Control: Challenges and Opportunities
Presentation by Ryan Clausnitzer, Mosquito Abatement District Manager

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes 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 19-007](#) Minutes of the Special City Council Meeting on January 8, 2019

Attachments: [Attachment I Draft Minutes of 1/8/2019](#)

2. [MIN 19-010](#) Minutes of the Special City Council Work Session on January 15, 2019

Attachments: [Attachment I Draft Minutes of 1/15/2019](#)

3. [CONS 19-029](#) Authorize the City Manager to Amend the Cooperating Agreement with the East Bay Municipal Utility District for Preparation of a Groundwater Sustainability Plan for the East Bay Plain Subbasin

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

4. [CONS 19-056](#) Resolution Declaring Intention to Vacate Excess Right-of-Way Easement Fronting 3138 Baumberg Avenue and Setting the Date and Time of the Public Hearing

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Exhibit A and B to Resolution](#)
 [Attachment IV Street Map](#)

5. [CONS 19-057](#) Resolution Declaring Intention to Vacate Excess Right-of-Way Easement Fronting 26010 Production Avenue and Setting the Date and Time of the Public Hearing

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Exhibit A and B to Resolution](#)
 [Attachment IV Street Map](#)

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.

6. [WS 19-006](#) Consider a Moratorium on Certain Businesses Including Massage Parlors, Alcohol-only Establishments, Tobacco or Vaping Retail, Check Cashing, and Fast Food (Report from Development Services Director Simpson)

Attachments: [Attachment I Staff Report](#)
[Attachment II Massage Establishments](#)
[Attachment III Tobacco Establishments](#)
[Attachment IV Check Cashing Establishments](#)
[Attachment V Map of Half-Mile Buffer](#)
[Attachment VI Map of Drive-Through Restaurants](#)
[Attachment VII Land Use Summary](#)

LEGISLATIVE BUSINESS

7. [LB 19-006](#) Authorize the Formation of a Council Homelessness-Housing Task Force for a Period of Two Years, Beginning March 2019 through March 2021 (Report from City Manager McAdoo)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III 2-21-17 Staff Report CIC Formation](#)

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 SPECIAL MEETING, COUNCIL RETREAT, Sunday, February 3, 2019, 9:00 AM

PUBLIC COMMENT RULES

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

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



CITY OF HAYWARD

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

File #: MIN 19-007

DATE: January 22, 2019

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Minutes of the Special City Council Meeting on January 8, 2019

RECOMMENDATION

That the City Council approves the minutes of the Special City Council meeting on January 8, 2019.

SUMMARY

The City Council held a special meeting on January 8, 2019.

ATTACHMENTS

Attachment I Draft Minutes of 1/8/2019



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 8, 2019, 7:00 p.m.

The Meeting of the City Council 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, Márquez, Mendall, Lamnin,
Wahab, Salinas
MAYOR Halliday
Absent: None

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson reported the City Council convened in closed session at 6:00 p.m., concerning a conference with property negotiators pursuant to Government Code 54956.8, regarding: Civic Center, 22300 Foothill Boulevard, APNs 415-0250-111-02; 415-0250-112-00; 415-0250-113-00; and noted there was no reportable action related to the item.

PUBLIC COMMENTS

Mr. Jim Drake, Hayward resident, spoke about the conditions of approval related to the trees and shrubs on Jackson Street.

Ms. Mary Ann Higgs, Hayward resident, requested consideration for an ordinance requiring property owners, who have accessory dwelling units or short-term rentals such as Air BnB units, to provide one off street parking space for each rental unit.

Mr. Jerry Turney, Hayward Hangar Group (HHG) representative, showed a graph depicting hangar rent and CIP trendlines, and asked for a hangar rent freeze.

Mr. Didacus Ramos, Hayward resident, congratulated elected and reelected Council members, pledged to help increase voter turnout, provide housing and services assistance, and increase Hayward's minimum wage.

Ms. Kate Turney, HHG representative, provided a document for the record and asked for a hangar rent freeze until the rent parallels with the Bay Area CPI.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about self-driving vehicles and PG&E's potential liabilities.

Mr. Ghobad Zarch Sadeghi provided a document for the record and spoke about various items.

Consent Item No. 2 was removed from the Consent Calendar for separate vote.

CONSENT

1. Minutes of the Special City Council Meeting on December 11, 2018 **MIN 19-001**

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the Special City Council Meeting on December 11, 2018.

2. Approval to Appropriate Funds from the Measure C Operating Fund for the 2016 Lease Purchase of 532 Radios for Police and Field Personnel, Not to Exceed \$2,600,000 **CONS 19-001**

Staff report submitted by Development Services Director Simpson, dated December 18, 2018, was filed.

Council Member Wahab urged City staff to refrain from spending funds before getting approval for future items and noted she would be supporting the item on the floor.

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

Resolution 19-001, "Resolution to Appropriate Measure C Operating Funds to Pay for a Lease-Purchase Agreement with Motorola Solutions for 532 EBRCSA Compatible Radios for Police and Field Personnel, not to Exceed \$2,600,000"

Council Member Márquez disclosed she had to recuse herself from participating on Public Hearing Item 3 because her family owns property near the proposed establishment, and she left the Council Chambers.

PUBLIC HEARING

3. Approval of a Revised Application for the Proposed Establishment of a Cocktail Bar and Lounge with Food Service and Cabaret Entertainment Located at 990 "B" Street, Assessor Parcel No. 428-0056-057-00. VGJB, Inc. (Applicant); Corinne and Timoleon Zaracotas (Property Owners), Requiring Approval of Conditional Use Permit Application No. 201802339 (Report from Development Services Director Simpson) **PH 19-001**

Staff report submitted by Development Services Director Simpson, dated January 8, 2019, was filed.

Development Services Director Simpson announced the staff report and introduced Assistant Planner Martinez who provided a synopsis of the staff report.



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 8, 2019, 7:00 p.m.

Discussion ensued among Council Members, City staff, and Hayward Police Department Detective Wright regarding: the proposed project being in a high reporting district for police calls for service; extending the kitchen service hours; entertainment at the proposed venue; future opportunities for outdoor patio; Type 48 license from the California Department of Alcoholic Beverage Control (ABC) for bar/lounge; proposed security plan; family-friendly options for weekends.

Mayor Halliday opened the public hearing at 7:43 p.m.

Mr. Aric Yevevina, Hayward resident and business owner, urged the Council to approve the application for the proposed 990 Cocktail Bar and Lounge and asked that the definition of "restaurant" be clarified.

Ms. Corinne Zaxacotas, 990 B Street property owner, spoke in support of the proposed 990 Cocktail Bar and Lounge.

Mr. Jay Baltazar, project applicant with VGJB, Inc., and Mr. Vic Gill spoke about the proposed establishment and answered questions from the City Council regarding the revised business plan.

Mayor Halliday closed the public comment section at 8:04 p.m.

Mayor Halliday and Council Members Lamnin, Salinas and Wahab disclosed having individually met with project proponents.

Council Member Mendall noted he was in favor of entertainment uses such as a bowling alley or bocce ball and full-service restaurants and approving a night club was a risk based on a track record of night club establishments that failed in the downtown and the generated calls for Police service.

Council Member Mendall offered a motion directing staff to come back to the Council with findings for denial of the revised application.

There being no second to the motion, it died for lack of a second.

Council Member Zermeño noted that while there was a record of poorly-operated bars in the downtown, the applicant had included a small kitchen to the business and recommended that the establishment open earlier to provide lunch/coffee options to patrons.

Council Member Zermeño offered a motion per staff's recommendation.

Council Member Salinas seconded the motion and noted the business proposal could potentially serve as a catalyst for other bars and/or restaurants in the downtown, was interested about the prospect of having seafood bars on the sidewalk and was generally satisfied with the proposed security plan.

Council Member Lamnin offered a friendly amendment to the motion to have the entertainment hours extended to seven days a week. Council Member Zermeño and Council Member Salinas were amenable to the friendly amendment.

Council Member Lamnin offered a second friendly amendment to extend food service hours until midnight. Discussion ensued among Council Members, City staff, and the applicant about extending food service hours. As Council Member Zermeño and Salinas were not amenable, Council Member Lamnin withdrew her friendly amendment.

Council Member Wahab supported the applicant's business model and successful track record in San Jose and encouraged him to consider providing a brunch food option on weekends.

Mayor Halliday noted she continued to be concerned about approving a bar at a location with other bars nearby and based on a record of bars that had caused problems in the past. Mayor Halliday was amenable to evaluating entertainment opportunities when the Downtown Plan is considered.

It was moved by Council Member Zermeño, seconded by Council Member Salinas, and carried with the following vote with an amendment to extend the live entertainment component of the establishment to seven days a week, to approve the resolution:

AYES:	COUNCIL MEMBERS Zermeño, Lamnin, Wahab, Salinas
NOES:	COUNCIL MEMBERS Mendall MAYOR Halliday
ABSTAIN:	None
ABSENT:	COUNCIL MEMBERS Márquez

Resolution 19-002, "Resolution Approving Conditional Use Permit Application No. 201802339 to Establish a Cocktail Bar and Lounge with Cabaret Entertainment at 990 "B" Street in Downtown Hayward"

The City Council took a five-minute recess and reconvened the meeting at 8:36 p.m.

Council Member Márquez returned to the Council Chambers.



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 8, 2019, 7:00 p.m.

LEGISLATIVE BUSINESS

4. Introduction of an Ordinance of the City of Hayward, Amending Chapter 7 of the Hayward Municipal Code by Amending Sections 7-2.00, 7-2.10 and 7-2.15 and Adding Sections 7-2.46 and 7-2.47 to Establish a "Dig-Once" Policy of Installing Underground Conduits and Adoption of a Resolution Amending the Master Fee Schedule for Related Program Fees (Report from Deputy City Manager Ott) **LB 19-001**

Staff report submitted by Deputy City Manager Ott, Information Technology Director Kostrzak, and Deputy Public Works Director Garcia, dated January 8, 2019, was filed.

Management Analyst II Stefanski provided a synopsis of the staff report.

Discussion ensued among Council Members, City staff, and Mr. Jory Wolf of Magellan Advisors, regarding: trenchless underground construction; trench length; and the five-year moratorium on construction and the deposit.

Mayor Halliday opened the public hearing at 8:51 p.m.

Mr. Brett Woollum, Tekify Fiber & Wireless CEO, recommended that the proposed ordinance be modified prior to its approval to address his concerns with trenchless installation and the five-year moratorium.

Mayor Halliday closed the public hearing at 8:58 p.m.

Council Member Salinas noted the Council Technology Application Committee had vetted the proposed ordinance and policy and offered a motion per staff's recommendation.

Council Member Mendall seconded the motion.

Council Member Mendall noted the proposed policy sought to encourage the installation of fiber by reducing costs and preventing City streets from being torn unnecessarily. He added that if the provisions were not meeting the goal, there would be an opportunity to revise the proposed ordinance and possibly grant exceptions.

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

Resolution 19-003, "Resolution Amending the City of Hayward
Fiscal Year 2019 Master Fee Schedule Associated with

Amendments to the City of Hayward Municipal Code
Establishing the “Dig-Once” Policy for Installing Underground
Conduits”

Introduction of Ordinance 19-_, “Introduction of an Ordinance of
the City of Hayward, California, Amending Chapter 7, Article 2 of
the Hayward Municipal Code by Amending Sections 7-2.00, 7-
2.10, and 7-2.15 and Adding Sections 7-2.46 and 7-2.47 to
Establish a “Dig Once” Policy for Installing Underground
Conduits”

5. Introduction of an Ordinance of the City of Hayward, Adding Article 4 of Chapter 7 to the Hayward Municipal Code for Regulating Wireless Communication Facilities in the Public Right of Way and Adoption of a Resolution Amending the Master Fee Schedule for Related Program Fees (Report from Deputy City Manager Ott) **LB 19-002**

Staff report submitted by Deputy City Manager Ott, Information
Technology Director Kostrzak, and Interim Public Works
Director Ameri, dated January 8, 2019, was filed.

Management Analyst II Stefanski provided a synopsis of the staff report.

Discussion ensued among Council Members, City staff, and Mr. Jory Wolf of Magellan Advisors regarding: the Federal Communications Commission’s (FCC) order that allows governments to recover the costs associated with allowing wireless facilities within the public right of way; health and safety impacts of wireless installation and construction; regulations for wireless communication facilities implemented by other municipalities; noticing requirements for property owners and occupants within a radius of 300 feet from each antenna location being proposed; the City’s lease rate and the initial Master License Agreement (MLA); and notification to interested parties regarding applications for small cells.

Mayor Halliday opened the public hearing at 9:31 p.m.

Mr. Dante Williams, Verizon Wireless representative, recommended the City hold a meeting with telecommunication providers to discuss the proposed MLA and lease rate.

Mr. Brett Woollum, CEO & Founder, Tekify Fiber & Wireless, cautioned the Council about small cells and the proposed annual rent of \$1,500 per pole.

Mr. Marco Montoya, External Relations Manager and Contractor with Extenet Systems, encouraged the City to reach out to telecommunication providers to address concerns with the proposed MLA.

Mayor Halliday closed the public hearing at 9:39 p.m.



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 8, 2019, 7:00 p.m.

Council Member Márquez offered a motion per staff's recommendation with a modification to Section 7-4.60 to notify property owners and occupants within a radius of 500 feet from each antenna location being proposed, and with a recommendation that requests to be notified about installation of macro and micro cells be added to the City's website via Access Hayward under Topic Areas.

Council Member Salinas seconded the motion on the floor.

Council Member Mendall noted the Council's action was aimed at retaining local control, was confident negotiations would be done in good faith, and with no evidence of health impacts, the City could move forward knowing that modifications could occur later if needed.

Council Member Wahab expressed concern about the environmental and health impacts and noted that based on current information, the City could move forward and could reassess its position based on negotiations.

Mayor Halliday noted there was a demand for service, noted this was an effort to maintain local control, and encouraged staff to be mindful of locations when approving small cell applications.

It was moved by Council Member Márquez, seconded by Council Member Salinas, and carried unanimously, to approve the following with a modification to Section 7-4.60 Discretionary Review (b) (1) by changing 300 with 500 feet, and with direction that requests to be notified about installation of macro and micro cells would be added to the City's website via Access Hayward under Topic Areas:

Resolution 19-004, "Resolution Amending the City of Hayward Fiscal Year 2019 Master Fee Schedule Associated with Amendments to Chapter 7 the City of Hayward Municipal Code Adding Article 4 Establishing Regulations for Wireless Communication Facilities in the Public Right of Way"

Introduction of Ordinance 19-_, "Introduction of an Ordinance of the City of Hayward, California, Amending Chapter 7 of the Hayward Municipal Code by Adding Article 4 to Establish Regulations for Wireless Communication Facilities in the Public Right of Way"

CITY MANAGER'S COMMENTS

City Manager McAdoo provided five comments: 1) possible City's operations and finances

impacted by the federal shutdown; 2) the Hayward Downtown Specific Plan community meeting on January 12, 2019 at City Hall; 3) the Depot Road Affordable Housing Project community meeting on January 10, 2019 at California Crosspoint Academy hosted by Abode Services and the City of Hayward; 4) the 2019 Dr. Martin Luther King Jr. Birthday Celebration on January 21, 2019, at the Chabot College Performing Arts Center; and 5) update on citywide improved Hayward's average Pavement Condition Index.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Lamnin made two announcements: 1) a Martin Luther King Jr. Day event on January 21, 2019 at Hayward City Hall Plaza sponsored by the South Hayward Parish; and 2) a StopWaste December 2018's Topic Brief about Meal Delivery Kit Packaging.

Council Member Salinas thanked Hayward students who volunteered and helped the Kids' Breakfast Club prepare and distribute breakfast meals during the winter break.

Mayor Halliday announced the City Council held a Special Meeting/Tour of the Berkeley STAIR Center for Homeless Individuals on January 7, 2019, thanked staff and elected officials from the City of Berkeley and everyone who made the tour possible, and noted the Council would be discussing a related item on January 22, 2019.

Council Member Wahab requested that the City Council consider the possibility of introducing an equal pay ordinance for the City of Hayward. Mayor Halliday asked staff to include information about the possibility of raising the City's minimum wage. The majority of the City Council was amenable to having staff conduct a high-level analysis that can be presented to the Council Economic Development Committee.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:11 p.m., in memory of Ms. Nancy Schluntz.

Ms. Nancy Schluntz served as Executive Director of the Family Emergency Shelter Coalition (FESCO), served as a pet loss bereavement counselor and pet loss group facilitator, was a volunteer at Sulphur Creek, and received an award for ten years of service. Mayor Halliday asked staff to work with the Schluntz family to find a suitable place and plant a tree in memory of Nancy Schluntz.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

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

File #: MIN 19-010

DATE: January 29, 2019

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Minutes of the Special City Council Work Session on January 15, 2019

RECOMMENDATION

That the City Council approves the minutes of the Special City Council Work Session on January 15, 2019.

SUMMARY

The City Council held a special work session on January 15, 2019.

ATTACHMENTS

Attachment I Draft Minutes of 1/15/2019



MINUTES OF THE SPECIAL CITY COUNCIL WORK SESSION MEETING
Conference Room 2A
777 B Street, Hayward, CA 94541
Tuesday, January 15, 2019, 5:30 p.m.

The Meeting of the Special Hayward City Council Work Session was called to order by Mayor Halliday at 5:30 p.m., followed by the Pledge of Allegiance led by Council Member Wahab.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lamnin, Wahab, Salinas
MAYOR Halliday
Absent: None

PUBLIC COMMENTS

Mr. Randy Wright, Community Task Force member, thanked everyone for the opportunity to serve on the Task Force and spoke about his experience.

Mr. Charlie Peters, Clean Air Performance Professionals representative, commented that through respect things can be made better.

Ms. Sheila Burks, Community Task Force member, thanked everyone for the opportunity to serve and urged everyone to embrace the power of outreach to the community.

WORK SESSION

1. Update on the Commitment for an Inclusive, Equitable, and Compassionate City and the Hayward Police Department Community Advisory Panel (Report from City Manager McAdoo) **WS 19-003**

Staff report submitted by Police Chief and Assistant City Manager Hurtado, dated January 15, 2019, was filed.

City Manager McAdoo and Management Analyst James provided an update on the Commitment for an Inclusive, Equitable and Compassionate Community, Police Chief Koller spoke about the recommendation for the Community Advisory Panel (CAP), and Community Task Force member Moore shared the work accomplished by the Task Force so far.

Members of the City Council expressed appreciation for the work accomplished by the Community Task Force and City staff over the last two years.

Council Members offered the following recommendations: look for funding opportunities after forming a 501(c) (3) non-profit organization such as applying for Social Services funding and organizing fundraisers; provide the City Council with an update on the implementation of the Commitment work plan and the Hayward Police Department Community Advisory Panel

(CAP) on an annual basis, perhaps every January; allow for public comments prior to CAP closed session discussions designated as confidential; hold CAP meetings in different locations and consider off business hours to enable public participation; consider a Hayward Youth Commission representative to serve on the CAP; consider future recruitments of CAP members to be incorporated into the annual recruitment of members of the City's commissions and task force to ensure diverse representation; avail from opportunities for CAP members to attend community meetings/events; populate the City's website community calendar of events; evaluate adding a section in City Council staff reports geared for items that relate to the Commitment work plan; leverage expertise of non-profit agencies and resources offered to them through the Hayward Chamber of Commerce; consider transitioning the Neighborhood Alert Program into the Community non-profit and consider a name that captures the intent and values of the Commitment; consider partners such as the Ethnic Studies Department at California State University East Bay and Chabot College to leverage resources; utilize the library to incorporate a robust curriculum that covers an array of experiences across all disciplines where staff and the community can engage on an ongoing basis; encourage the community to reach out to the City Council if they want to be nominated for service on the CAP and gauge community at large input about service on the CAP and application process; consider staff from departments/divisions such as Fire and Social Services to serve on the CAP to garner differences of opinion; consider the conjunction of the Neighborhood Alert Program (NAP) and CAP or ask members of the NAP to serve on the CAP; and consider the NAP or a Community Foundation to serve as a fiscal agent for the community non-profit.

ADJOURNMENT

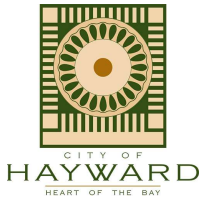
Mayor Halliday adjourned the meeting at 6:39 p.m., and noted the City Council would reconvene at 7:00 p.m. for the regular meeting.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

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

File #: CONS 19-029

DATE: January 29, 2019

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT

Authorize the City Manager to Amend the Cooperating Agreement with the East Bay Municipal Utility District for Preparation of a Groundwater Sustainability Plan for the East Bay Plain Subbasin

RECOMMENDATION

That Council adopts a resolution authorizing the City Manager to amend the Cooperating Agreement with the East Bay Municipal Utility District to jointly prepare a Groundwater Sustainability Plan for the East Bay Plain Subbasin.

SUMMARY

The Sustainable Groundwater Management Act (SGMA) was signed into law in 2014 to provide for comprehensive and sustainable management of groundwater resources within the State. Hayward and the East Bay Municipal Utility District (EBMUD) are the exclusive Groundwater Sustainability Agencies (GSAs) overlying the East Bay Plain Subbasin and, as such, are jointly responsible for the long-term sustainable management of the groundwater basin. On June 5, 2018, Council authorized execution of a Cooperating Agreement with EBMUD, under which the parties agree to work together and share the costs to prepare a single Groundwater Sustainability Plan (GSP) for the Subbasin in accordance with SGMA. The Cooperating Agreement includes a preliminary scope of work, schedule and budget for the project based on staff level estimates. Since the Cooperating Agreement was executed, staff has worked with EBMUD to procure technical consultant services to assist with the preparation of the GSP. Staff is requesting authorization from Council to make minor revisions to the Cooperating Agreement to reflect the actual consultant scope of work, schedule, and costs for the project. No other changes are proposed at this time, and the amendment will not have a material effect on the City's obligations.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution

File #: CONS 19-029



DATE: January 29, 2019

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT: Sustainable Groundwater Management: Authorization for the City Manager to Amend the Cooperating Agreement with the East Bay Municipal Utility District for Preparation of a Groundwater Sustainability Plan for the East Bay Plain Subbasin

RECOMMENDATION

That Council adopts a resolution authorizing the City Manager to amend the Cooperating Agreement with the East Bay Municipal Utility District to jointly prepare a Groundwater Sustainability Plan for the East Bay Plain Subbasin.

SUMMARY

The Sustainable Groundwater Management Act (SGMA) was signed into law in 2014 to provide for comprehensive and sustainable management of groundwater resources within the State. Hayward and the East Bay Municipal Utility District (EBMUD) are the exclusive Groundwater Sustainability Agencies (GSAs) overlying the East Bay Plain Subbasin and, as such, are jointly responsible for the long-term sustainable management of the groundwater basin. On June 5, 2018, Council authorized execution of a Cooperating Agreement with EBMUD, under which the parties agree to work together and share the costs to prepare a single Groundwater Sustainability Plan (GSP) for the Subbasin in accordance with SGMA. The Cooperating Agreement includes a preliminary scope of work, schedule and budget for the project based on staff level estimates. Since the Cooperating Agreement was executed, staff has worked with EBMUD to procure technical consultant services to assist with the preparation of the GSP. Staff is requesting authorization from Council to make minor revisions to the Cooperating Agreement to reflect the actual consultant scope of work, schedule, and costs for the project. No other changes are proposed at this time, and the amendment will not have a material effect on the City's obligations.

BACKGROUND

The Sustainable Groundwater Management Act (SGMA) was signed into law in 2014 to provide for comprehensive and sustainable management of groundwater resources within the State. The legislation provides a framework for groundwater management at the local level through formation of Groundwater Sustainability Agencies (GSAs) and implementation

of Groundwater Sustainability Plans (GSPs). The requirements to form GSAs and develop and implement GSPs is mandatory for medium- and high-priority ranked groundwater basins and voluntary for low- and very-low ranked groundwater basins. Hayward became the GSA for the portion of the medium-priority East Bay Plain Subbasin underlying the City in June 2017. EBMUD is the GSA for the remaining portion of the Subbasin.

As the GSA for a portion of the East Bay Plain Subbasin, the City is responsible for developing and implementing a GSP to sustainably manage and utilize groundwater within its management area without causing undesirable results. SGMA requires that medium-priority basins be managed under an adopted GSP by January 31, 2022. Upon approval from the City Council on June 5, 2018, the City entered into a Cooperating Agreement on June 25, 2018 with EBMUD to jointly prepare a single GSP for the entire Subbasin. Working collaboratively with EBMUD will reduce duplication of technical work and thus the cost of preparing a GSP for both agencies. The following link to the June 5 Council report provides additional background and discussion of the key provisions of the Cooperating Agreement.¹

The Cooperating Agreement includes a preliminary scope of work, project schedule and budget to prepare the GSP that was based on staff estimates. The Cooperating Agreement anticipates the use of outside consultants to assist with the preparation of the GSP. Since the time the Cooperating Agreement was executed, EBMUD and City staff have refined the scope of work, schedule, and budget through the process of jointly selecting a technical consultant team to assist with preparation of the GSP. The estimated project costs have also become more certain after EBMUD, on behalf of the GSAs, executed a grant agreement with the State Department of Water Resources (DWR) in November 2018 for \$1 million in funding under Proposition 1 to help fund the GSP development. EBMUD and City staff are interested in amending the Cooperating Agreement to reflect the actual consultant scope of work, schedule, and budget. These minor changes are further described under Discussion.

The June 5, 2018 staff report also discusses the State's recent efforts to reprioritize groundwater basins. DWR is required under SGMA to periodically reassess groundwater basin prioritizations to reflect new information or requirements. In May 2018, DWR released new draft basin prioritizations that recommended re-classifying the East Bay Plain Subbasin as a very low-priority basin, making preparation of a GSP a voluntary, rather than a mandatory requirement. Preparation of a GSP, whether a mandatory or voluntary requirement, would ensure long-term sustainable management and protection of the City's groundwater resources. Therefore, given that EBMUD and the City have received a \$1 million grant towards preparing a GSP and the prioritization of the East Bay Plain Subbasin may continue to change in the future such that a GSP is required, staff recommended on June 5 that the City continue with its current approach to sustainable groundwater management and preparing a GSP cooperatively with EBMUD.

In August 2018, EBMUD and Hayward submitted a joint letter to DWR questioning the data used for the reprioritization and requesting that DWR use the most up to date information available for the Subbasin. On January 4, 2019, DWR released its final recommendations for

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=3518462&GUID=B02415CC-0E35-4651-A514-0136EE070AB8&Options=&Search=>

new basin prioritizations. The East Bay Plain Subbasin will remain a medium-priority basin, subject to the requirement of SGMA.

DISCUSSION

The Cooperating Agreement between the City and EBMUD anticipates the use of outside consultants to assist with the preparation of the GSP. Technical support is specifically needed to:

- Create the groundwater model for the East Bay Plain Subbasin
- Collect and synthesize data
- Develop sustainability goals and sustainable management criteria, and actions needed to achieve the management objectives; and
- Prepare the draft and final GSP document

Technical Consultant Selection

The Cooperating Agreement outlines a process for EBMUD to be the Contracting Entity and for the parties to jointly select a qualified consultant. EBMUD and City staff worked closely to develop a request for proposal (RFP) that EBMUD issued in August 2018. A total of six firms submitted proposals. After an objective review and scoring process by EBMUD and City staff, four of the firms were invited to participate in an interview process, which was also scored using a consistent and objective methodology.

The firm selected was Lohdorff & Scalmanini Consulting Engineers (LSCE). LSCE has proposed a highly qualified team of engineers and support staff for this project and is familiar with the East Bay Plain Subbasin, especially the southern part of the Subbasin that underlies Hayward. The negotiated total cost of services for LSCE is \$1,591,442, including optional services, which is lower than the costs proposed by the other three firms that were interviewed, which ranged from \$1,725,800 to \$2,001,400. EBMUD staff received approval from its Board of Directors to execute an agreement with LSCE at the January 22, 2019 Board meeting.

Proposed Changes to Cooperating Agreement

The Cooperating Agreement executed on June 25, 2018 includes a preliminary scope of work, project schedule and budget to prepare the GSP largely based on information included in the Proposition 1 grant application. However, as part of the RFP process, EBMUD and City staff refined the scope of work to include additional services that the parties agreed may be necessary to successfully prepare a GSP. These services include:

- Incorporating additional information and analyses into the GSP to meet the salt and nutrient management requirements of the State's newly amended Recycled Water Policy
- Evaluation of data management systems for long-term management of data collected during GSP preparation and implementation
- Optional support for environmental compliance and permitting

The Cooperating Agreement also addresses the allocation of costs between EBMUD and Hayward for the work to prepare the GSP. Each party has agreed to be responsible for paying for its own internal staff costs. The parties further negotiated a cost allocation of 35 percent for the City and 65 percent for EBMUD for technical consulting services, based on the division of responsibilities and benefits to each agency.

Table 1 shows a comparison of the City’s estimated share of costs to prepare the GSP that were described in the June 5, 2018 staff report for the Cooperating Agreement versus the proposed amended budget that reflects the consulting contract with LSCE. The negotiated total cost of services for LSCE is \$1,591,442, including optional services. Under the cost allocation provisions of the Cooperating Agreement, EBMUD would directly contract with LSCE and the City would reimburse EBMUD for 35 percent of the invoiced consultant costs, or up to a maximum of \$557,000. Assuming that the parties receive the maximum grant reimbursement from the State of \$1 million, the City’s net share of consultant costs (after receipt of the City’s proportion of grant funding) is not expected to exceed \$207,000. As described in the June 5 report, based on cash flow needs and the timing of grant reimbursement from the State, EBMUD will setup a separate account to deposit agency contributions, grant funds, and from which to make disbursements to consultants. The City’s total upfront contributions would not exceed \$557,000, with the City’s net amount for paying consultants (after receipt of grant funding) estimated at \$207,000.

Table 1. Estimated City Share of Costs to Prepare GSP

	Cooperating Agreement Preliminary Budget June 2018 ^(a)	Cooperating Agreement Amended Budget January 2019
Total Consultant Budget	\$1,490,000 (estimated)	\$1,591,442 (actual)
City Share of Consultant Cost		
Estimated Maximum Cost-Share (Upfront Cost)	\$575,000	\$557,000
Maximum Prop 1 Grant Reimbursement	<u>(\$375,000)</u>	<u>(\$350,000)</u>
Net Cost-Share	\$200,000	\$207,000
City staff time (estimated)	\$150,000	\$150,000
Total	\$350,000	\$357,000

(a) The cost-share estimates included in the June 5, 2018 staff report account for uncertainties in the consultant budget and grant funding. The amended budget uses the cost allocation formula and actual consultant costs and grant funding.

In addition to its share of the consultant costs, Hayward will also be responsible for its internal costs related to supporting this effort. At this time, staff is estimating that internal costs will be in the range of \$150,000, but the actual costs will not be known until the technical work gets underway and staff has a better understanding of the resources needed to

represent the City's interests in developing the GSP. The City's total share of costs to prepare the GSP is estimated at \$357,000.

SGMA requires that all medium-priority groundwater basins be managed under a GSP by January 31, 2022. This deadline is also included in the grant agreement. The project schedule has been updated to assume that notice to proceed is issued to the technical consultant team by the end of January 2019.

ECONOMIC IMPACT

Costs for implementing the GSP have not been fully evaluated and will largely depend on actions needed to sustainably manage the basin. SGMA provides mechanisms for GSAs to recover costs for groundwater management through water rates, pump and extraction fees, and grants. The City's implementation costs are difficult to estimate at this time, but are not expected to significantly affect customer water rates.

FISCAL IMPACT

The Water Improvement Fund in the Capital Improvement Program (CIP) includes funds for groundwater-related activities such as preparation and implementation of a GSP. At this time, staff anticipates that the City's cost for developing the GSP will be about \$357,000, including \$207,000 for reimbursement to EBMUD for consultant costs and \$150,000 for internal costs. However, staff believes that the estimate will increase once work on the GSP begins and the internal resources needed to support development of the GSP are better understood. The existing allocation in the CIP is sufficient to fund the City's share of preparing the technical studies and investigations, along with developing a GSP that complies with SGMA requirements. Implementation costs will depend on the needed actions. There will be no impact on the General Fund.

STRATEGIC INITIATIVES

This agenda item does not directly relate to one of Council's Strategic Initiatives.

SUSTAINABILITY FEATURES

The City's emergency wells are an important part of Hayward's water supplies and critical to reliably delivering water in the event of an earthquake or other disruptions to imported surface water supplies. Hayward's role as a GSA and responsibility for developing a GSP provide the authority to ensure that the groundwater beneath the City is protected and sustainably managed for the future. A long-term commitment to groundwater sustainability increases Hayward's overall water supply reliability, maximizes local sources, and diversifies the City's water supplies, which will help the City respond to future water supply uncertainties and the effects of climate change.

PUBLIC CONTACT

SGMA requires active stakeholder participation in development of GSPs to ensure common understanding and transparency throughout the process. Key stakeholders include large groundwater users and neighboring agencies, such as the Hayward Area Park and Recreation District, Chabot College, Alameda County and Alameda County Water District.

Staff has developed an interested parties list to keep stakeholders apprised of the City's activities, and together with EBMUD, will be implementing a Stakeholder Communication and Engagement (C&E) Plan. The C&E Plan provides a roadmap for meeting SGMA's requirements for stakeholder outreach and incorporates a broad variety of communication methods, including stakeholder meetings, social media, and websites. The C&E Plan also calls for formation of a Technical Advisory Committee (TAC), comprised of individuals with relevant technical backgrounds, to review technical documents and provide comments and recommendations. The TAC will include professionals with diverse perspectives and experience.

Both the City and EBMUD also maintain websites² where interested parties can access information and updates.

NEXT STEPS

If Council concurs, staff will amend the Cooperating Agreement with EBMUD to jointly develop a single GSP for the East Bay Plain Subbasin with grant funding from DWR.

Prepared by: Jan Lee, Water Resources Manager

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

Approved by:



Kelly McAdoo, City Manager

² The City's website can be viewed at: [City of Hayward](http://www.cityofhayward.org)

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE COOPERATING AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT FOR PREPARATION OF A GROUNDWATER SUSTAINABILITY PLAN FOR THE EAST BAY PLAIN SUBBASIN

WHEREAS, the California Legislature has adopted, and the Governor has signed into law, the Sustainable Groundwater Management Act of 2014 (SGMA), which authorizes local agencies to ensure sustainable management of groundwater resources; and

WHEREAS, SGMA requires that by January 31, 2022, all groundwater basins designated by the California Department of Water Resources (DWR) as high- or medium-priority basins that are not subjected to critical conditions of overdraft be managed under a single Groundwater Sustainability Plan (GSP), coordinated GSPs prepared by the Groundwater Sustainability Agency or Agencies (GSA) managing the basin, or an alternative plan, as provided for in Cal. Water Code Section 10720.7(a); and

WHEREAS, the East Bay Plain Subbasin 2-009.04 (East Bay Plain Subbasin) is categorized as a medium-priority groundwater basin and subject to the provisions of SGMA; and

WHEREAS, Hayward and East Bay Municipal Utility District (EBMUD) are the exclusive GSAs for their respective management areas in the East Bay Plain Subbasin; and

WHEREAS, Hayward and EBMUD have agreed that working cooperatively to prepare a single GSP that covers the entire East Bay Plain Subbasin would be feasible and mutually beneficial; and

WHEREAS, on June 5, 2018, the Hayward City Council authorized the City Manager to execute a Cooperating Agreement with EBMUD to set forth the roles, responsibilities, cost-sharing, and other commitments to jointly develop a single GSP for the East Bay Plain Subbasin in compliance with SGMA; and

WHEREAS, the Cooperating Agreement was fully executed on June 25, 2018; and

WHEREAS, the Cooperating Agreement included a preliminary scope of work, schedule, and budget based on information available at the time of execution; and

WHEREAS, the Cooperating Agreement anticipated the use of outside technical resources to support the preparation of the GSP; and

WHEREAS, Hayward staff worked closely with EBMUD staff to develop a Request for Proposals, evaluate consultant proposals, and select the most qualified consulting firm; and

WHEREAS, the final scope of work, schedule and budget have been negotiated with the consultant, and it is in the best interests of both parties to amend the Cooperating Agreement to incorporate the updated information; and

WHEREAS, amending the Cooperating Agreement will have no material effect on the terms and provisions of the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to amend the Cooperating Agreement with East Bay Municipal Utility District for preparation of a Groundwater Sustainability Plan for the East Bay Plain Subbasin to reflect the final scope of work, schedule and budget for the project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

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

File #: CONS 19-056

DATE: January 29, 2019

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT

Resolution Declaring Intention to Vacate Excess Right-of-Way Easement Fronting 3138 Baumberg Avenue and Setting the Date and Time of the Public Hearing

RECOMMENDATION

That the City Council adopts the Resolution of Intent (Attachment II) to vacate a portion of right-of-way at 3138 Baumberg Avenue, reserving easements for public utilities and the City's public service facilities and scheduling a public hearing on February 19, 2019.

SUMMARY

New sidewalk and street improvements were recently completed at 3138 Baumberg Avenue. A portion of the existing street right-of-way, behind the new sidewalk, is not needed for public street purposes and has not been used as such in the past. The fronting property owner has requested the City to vacate the portion of the street right-of-way not needed for street purposes to allow uses not conflicting with existing public utilities in the area. The request submitted by the property owner conforms to the City adopted General Plan and its mobility and complete streets guidelines.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment II	Exhibit A & B to Resolution
Attachment IV	Street Map



DATE: January 29, 2019

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT: Resolution Declaring an Intention to Vacate Excess Right-of-Way Easement fronting 3138 Baumberg Avenue and Setting the Date and Time of the Public Hearing

RECOMMENDATION

That the City Council adopts the Resolution of Intent (Attachment II) to vacate a portion of right-of-way at 3138 Baumberg Avenue, reserving easements for public utilities and the City's public service facilities and scheduling a public hearing on February 19, 2019.

SUMMARY

New sidewalk and street improvements were recently completed at 3138 Baumberg Avenue. A portion of the existing street right-of-way, behind the new sidewalk, is not needed for public street purposes and has not been used as such in the past. The fronting property owner has requested the City to vacate the portion of the street right-of-way not needed for street purposes to allow uses not conflicting with existing public utilities in the area. The request submitted by the property owner conforms to the City adopted General Plan and its mobility and complete streets guidelines.

BACKGROUND

The Baumberg Avenue street right-of-way was initially created for Ramos Street on the Map of Ramos Subdivision in October 1919. Later, this right-of-way was widened, and the street improvements were partially completed, aligned with Arden Road to the west. Recently completed street improvements have left the ground behind the new sidewalk unimproved, which attracts illegal dumping that must be removed by City staff. The referenced area is also shown in Attachment III.

The proposed street right-of-way vacation will reserve easements for public utilities, the City's sewer and water mains, and their appurtenances to allow continued use by such existing or additional public service facilities. The street right-of-way requested for vacation is approximately 4,621 square feet and is described in Exhibits A and shown in Exhibit B (Attachment IV) to this report.

DISCUSSION

The existing street right-of-way behind the new sidewalk at 3138 Baumberg Avenue has limited scope for streetscape enhancement or other street related uses because of existing

underground sewer and water mains, and overhead utilities. The proposed vacation conforms to the general guidelines of the General Plan, which calls for improving the local economy, increasing the tax base, and generating public revenue. Baumberg Avenue will continue to serve as a public street with access from fronting properties. The proposed vacation will make available a portion of the currently unused Baumberg Avenue right-of-way for use by the adjoining landowner, eliminate the need for the City to clean and maintain it, and return the area to the property tax roll.

ECONOMIC IMPACT

The proposed street vacation and its taxable use by the fronting property owner would have positive economic impact.

FISCAL IMPACT

The property owner has deposited funds with the City to compensate for City's costs related to the street right-of-way vacation. The deposited funds will be used to cover any expenses related to the street right-of-way vacation; this action should have no fiscal impact on the City's General Fund.

STRATEGIC INITIATIVES

The requested action supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work, and play for all. The requested street right-of-way vacation will maintain the public street use and un-encumber the land not needed for such use for business purposes.

SUSTAINABILITY FEATURES

The action taken as per this report will allow better land use along Baumberg Avenue and reduce public resources for the needed clean-up and maintenance.

PUBLIC CONTACT

Notice of Public Hearing complying with the requirements of California Streets and Highways Code Section 8300 will be published and posted on-site. The public hearing will be on the date and time specified in the City Council approved Resolution of Intent (tentatively February 19, 2019).

NEXT STEPS

The effective date of vacation will be when the Resolution of Vacation adopted by Council is filed for recordation with the Alameda County Recorder.

Prepared by: Mo Sharma, Associate Civil Engineer
Dan S. Scott III, City Surveyor

Recommended by: Alex Ameri, Interim Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'Kelly McAdoo', written in a cursive style.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-_____

Introduced by Council Member _____

RESOLUTION DECLARING AN INTENTION TO VACATE EXCESS RIGHT-OF-WAY EASEMENT FRONTING 3138 BAUMBERG AVENUE AND SETTING THE DATE AND TIME OF THE PUBLIC HEARING

WHEREAS, the City Council intends to vacate a portion of street right-of-way at 3138 Baumberg Avenue not improved or used for street purposes, reserving easements to construct, maintain, operate, replace, remove or renew public utilities, sanitary sewers and storm drains and appurtenant structures, and the City's public service facilities; and

WHEREAS, Baumberg Avenue (Ramos Street) right-of-way was accepted as a public highway in 1919 by the Alameda County Board of Supervisors, as shown on the Map of Ramos Subdivision which was later annexed to the City of Hayward.

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

1. City Council does hereby declare its intention to vacate a portion of public street right-of-way fronting 3138 Baumberg Avenue, reserving easements to construct, maintain, operate, replace, remove or renew public utilities, sanitary sewers and storm drains and appurtenant structures, and the City's public service facilities; and
2. These vacation proceedings are conducted pursuant to Section 8320 et seq. of the California Streets and Highways Code; and
3. Reference is hereby made to the map on file in the office of the City Clerk for further particulars pertaining to the proposed vacation and the description of the area to be vacated, attached hereto as Attachment IV; and
4. Tuesday, February 19, 2019 at the hour of 7:00 PM in the Council Chambers at 777 B Street, Hayward, California, is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation; and
5. Copies of this Resolution of Intent shall be posted conspicuously, no more than 300 feet apart, along the lines of the subject right-of-way or parts thereof proposed to be vacated at least two weeks before the date set for hearing. In any event, not less than three copies of this resolution of intent shall be posted; and

6. A copy of this resolution of intent shall be published in The Daily Review, a newspaper of general circulation, once each week during two successive weeks prior to the hearing, pursuant to Streets and Highways Code section 8322(c)(1).

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

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

APNs 461-0020-019, 461-0020-005
and 461-0020-006
FILE #18020

Exhibit "A"
Legal Description
Proposed Street Vacation Baumberg Avenue

All that certain property situated in the City of Hayward, County of Alameda, State of California described as follows:

Being a portion of that certain parcel of land described in the Grant Deed to ZANETTE AND MENNA PROPERTIES, LLC recorded September 12, 2006 under Recorder's Series Number 2006346516, Official Records of said County, together with a portion of Baumberg Avenue (Formerly Ramos Street) as shown on that certain Map of Ramos Subdivision filed October 21, 1919 in Book 6 of Maps at Page 33, Alameda County Records, more particularly described as follows;

Commencing at the northwesterly corner of Lot D, as shown on that certain map Tract 8039 filed November 30, 2015 in Book 335 of Maps at Page 58, Alameda County Records;

1. Thence South 41°32'48" East 25.00 feet along the westerly line of said Lot D to the southeasterly line of said Baumberg Avenue (50 feet in width);
2. Thence South 46°29'08" West 46.35 feet along last said line to the **Point of Beginning**;
3. Thence South 46°29'08" West 209.29 feet along last said line to a line that is parallel with and 10.00 feet easterly of the southeasterly line of said Baumberg Avenue;
4. Thence North 04°22'32" East 45.32 feet along said parallel line to the beginning of a curve concave easterly and having a radius of 50.00 feet;
5. Thence northerly 14.78 feet along said curve through a central angle of 16°56'02";
6. Thence North 21°18'34" East 11.30 feet to the beginning of a curve concave southeasterly and having a radius of 24.00 feet;
7. Thence northeasterly 21.99 feet along said curve through a central angle of 52°29'36" to the beginning of a reverse curve concave northerly and having a radius of 430.00 feet;
8. Thence easterly and northeasterly 139.38 feet along said curve through a central angle of 18°34'21" to said southeasterly line of Baumberg Avenue and the **Point of Beginning**;

Containing 4621 Square Feet, more or less

A Plat Map Exhibit B is attached hereto and made a part hereof.

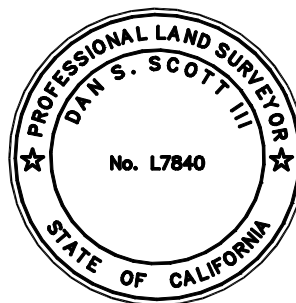
End of Description

Surveyor's Statement

This description was prepared pursuant to Section 8726 of the Business and Professions Code of the State of California, by or under the supervision of:

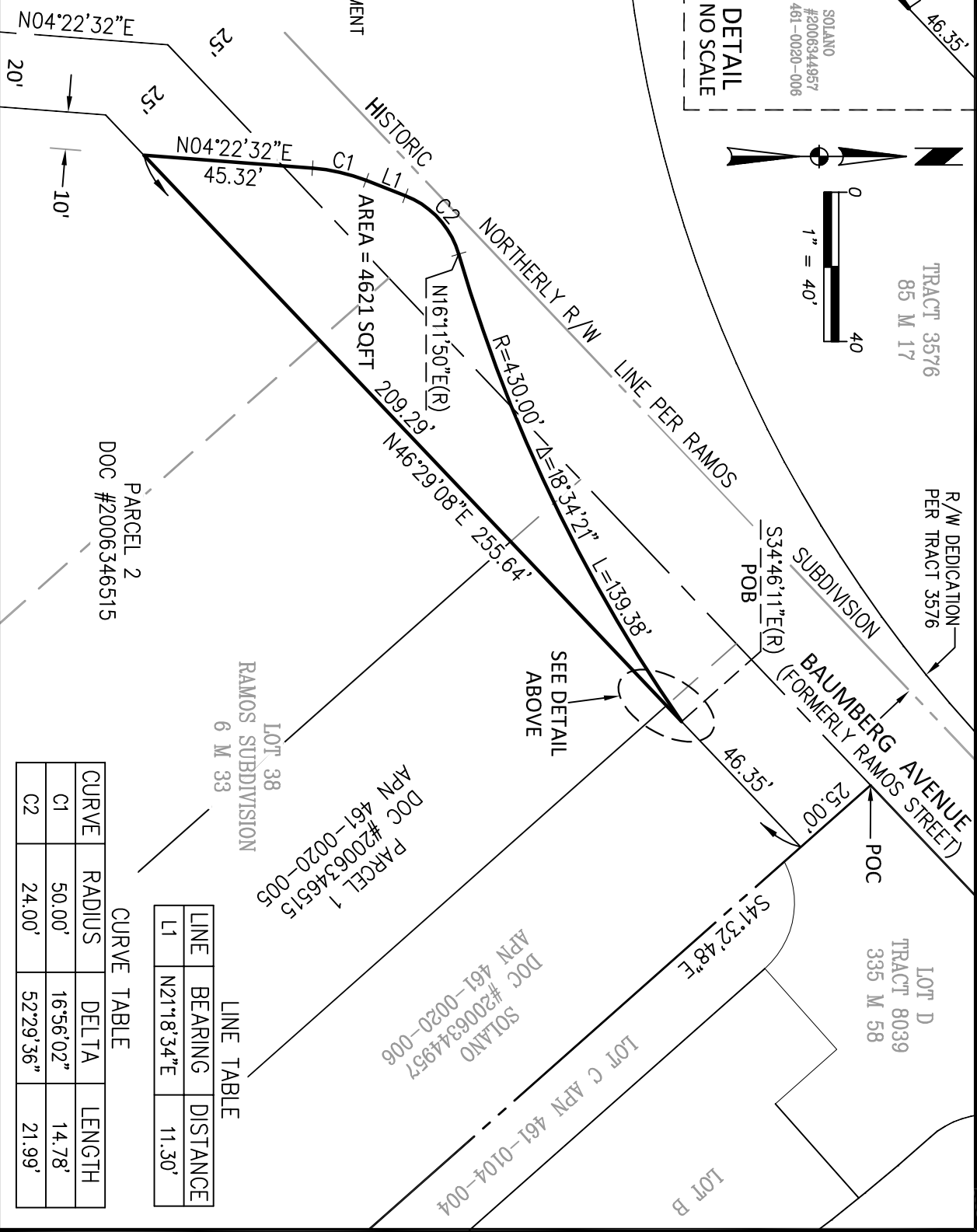
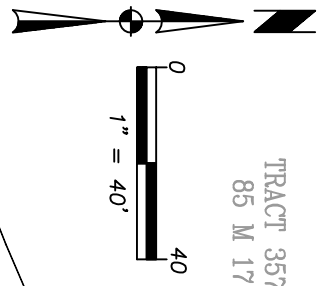
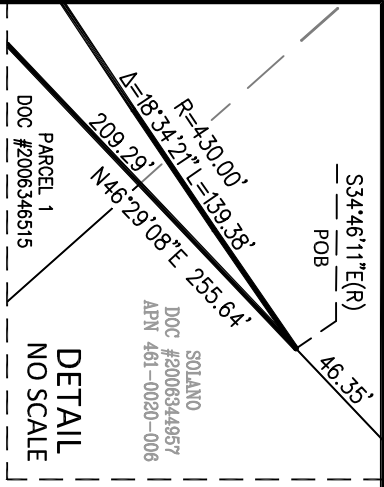
PRELIMINARY

Dan S. Scott III, PLS 7840 September 13, 2018
Date





LEGEND:
 POC - POINT OF COMMENCEMENT
 POB - POINT OF BEGINNING



CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH
C1	50.00'	16°56'02"	14.78'
C2	24.00'	52°29'36"	21.99'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N21°18'34"E	11.30'

**CITY OF HAYWARD
 ENGINEERING DIVISION**

**EXHIBIT B
 PLAT TO ACCOMPANY LEGAL DESCRIPTION**

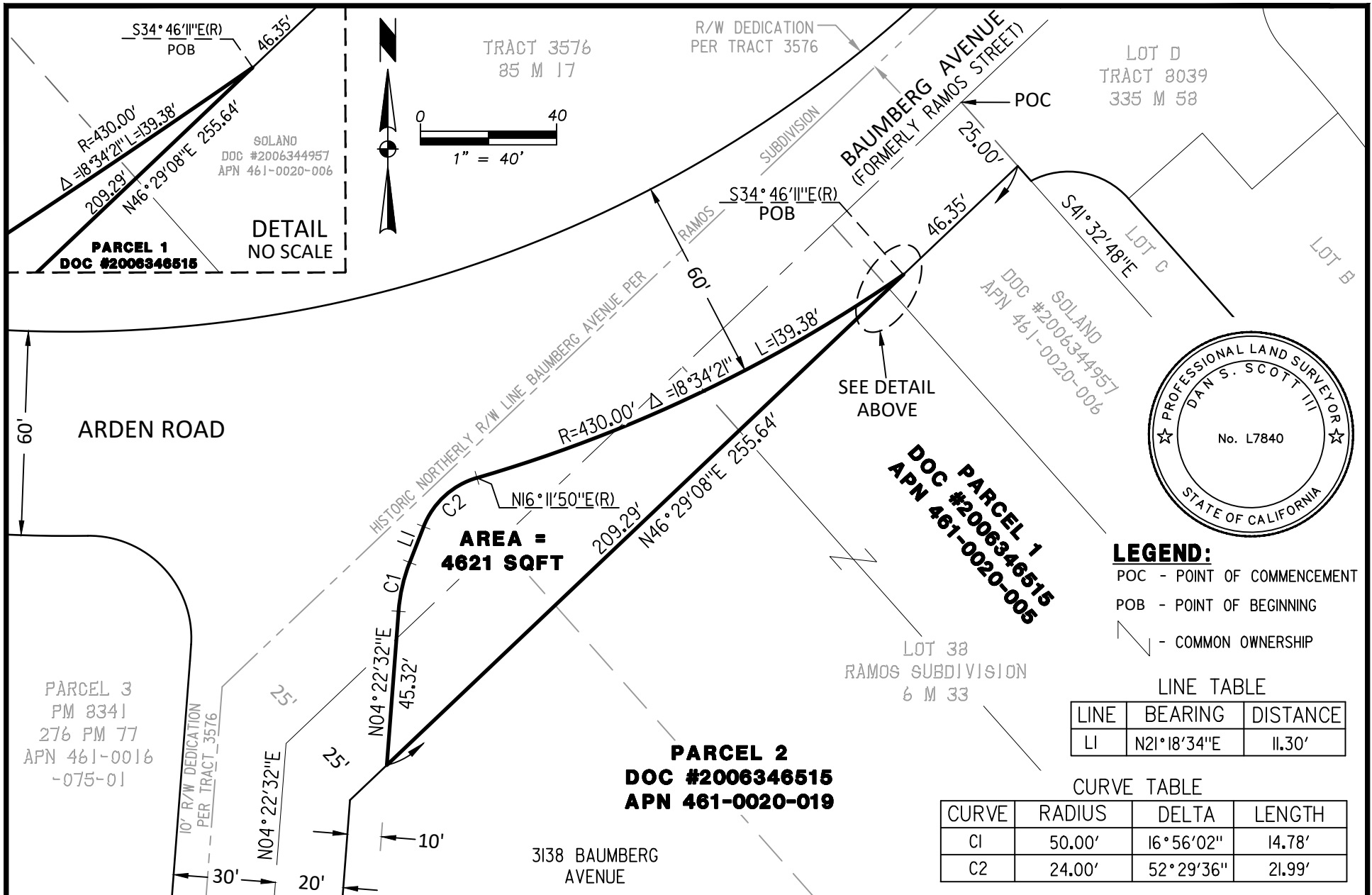
DRAWN BY: DSS
 CHECKED BY: DSS
 APPD. BY: DSS

DATE: SEPTEMBER 2018
 SCALE: 1" = 40'
 APPROVED

REV	DATE	BY

CITY SURVEYOR CITY OF HAYWARD
 STREET VACATION
 BAUMBERG AVENUE
 ALAMEDA COUNTY CALIFORNIA

DWG. NO. 18020
 FILED
 SH. 1 OF 1



CITY OF HAYWARD ENGINEERING DIVISION			EXHIBIT B PLAT TO ACCOMPANY LEGAL DESCRIPTION			DWG. NO. 18020	
						FILED	
DRAWN BY: DSS CHECKED BY: DSS APPD. BY: DSS			DATE: JANUARY 2019 SCALE: 1" = 40' APPROVED			SHT. 1 OF 1	
REV	DATE	BY	CITY SURVEYOR	DIR. PUBLIC WORKS	CITY OF HAYWARD	ALAMEDA COUNTY	CALIFORNIA



CITY OF HAYWARD

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

File #: CONS 19-057

DATE: January 29, 2019

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT

Resolution Declaring Intention to Vacate Excess Right-of-Way Easement Fronting 26010 Production Avenue and Setting the Date and Time of the Public Hearing

RECOMMENDATION

That the City Council adopts the Resolution of Intent (Attachment II) to vacate a portion of right-of-way at 26010 Production Avenue, reserving easements for public utilities and the City's public service facilities, and scheduling a public hearing on February 19, 2019.

SUMMARY

A portion of the existing street right-of-way, behind the existing street curb, is not needed for public street purposes. The fronting property owner has requested the City to vacate the portion of the street right-of-way not needed for street purposes to allow landscape improvements and other permitted uses not conflicting with existing public utilities in the area. The request submitted by the property owner conforms to the City adopted General Plan and its mobility and complete streets guidelines

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Exhibit A & B to Resolution
Attachment IV	Street Map



DATE: January 29, 2019

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT: Resolution Declaring Intention to Vacate Excess Right-of-Way Easement Fronting on 26010 Production Avenue and Setting the Date and Time of the Public Hearing

RECOMMENDATION

That the City Council adopts the Resolution of Intent (Attachment II) to vacate a portion of right-of-way at 26010 Production Avenue, reserving easements for public utilities and the City's public service facilities, and scheduling a public hearing on February 19, 2019

SUMMARY

A portion of the existing street right-of-way, behind the existing street curb, is not needed for public street purposes. The fronting property owner has requested the City to vacate the portion of the street right-of-way not needed for street purposes to allow landscape improvements and other permitted uses not conflicting with existing public utilities in the area. The request submitted by the property owner conforms to the City adopted General Plan and its mobility and complete streets guidelines.

BACKGROUND

The street right-of-way located at the corner of Production Avenue and Eden Landing Road was initially created for Tract 2898, Eden Landing Industrial Park on June 30, 1967, with the intent of creating an attractive City maintained landscaped entry to the area. The area was landscaped and developed as a public place. The area behind the street curb, is currently unimproved. The fronting property owner has offered to maintain the area as a landscaped buffer, if the street right-of-way is vacated. The referenced area also shown in Attachment III.

The proposed street right-of-way vacation will reserve easements for public utilities, the City's sewer and water mains, and their appurtenances to allow continued use by such existing or additional public service facilities. The street right-of-way requested for vacation is approximately 5,360 square feet and is described in Exhibits A and shown in Exhibit B (Attachment IV) to this report.

DISCUSSION

The proposed vacation conforms to the general guidelines of the General Plan, which calls for improving the local economy, increasing the tax base, and generating public revenue. Production Avenue will continue to serve as a public street with access from fronting properties. The proposed vacation will make available a portion of the currently unused street right-of-way for use by the adjoining landowner, eliminate the need for the City to clean and maintain it, and return the area to the property tax roll.

ECONOMIC IMPACT

The proposed street vacation and its taxable use by fronting property owner would have some positive economic impact.

FISCAL IMPACT

The property owner has deposited funds with the City to compensate for City's costs related to the street right-of-way vacation. The deposited funds will be used to cover any expenses related to the street right-of-way vacation; this action should have no fiscal impact on the City's General Fund.

STRATEGIC INITIATIVES

The requested action supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work, and play for all. The requested street right-of-way vacation will maintain the public street use and un-encumber the land not needed for such use for business purposes.

SUSTAINABILITY FEATURES

The action taken as per this report will allow better land use along Production Avenue and reduce public resources for the needed clean-up and maintenance.

PUBLIC CONTACT

Notice of Public Hearing complying with the requirements of California Streets and Highways Code Section 8300 will be published and posted on-site. The public hearing will be on the date and time specified in the City Council approved Resolution of Intent (tentatively February 19, 2019).

NEXT STEPS

The effective date of vacation will be when the Resolution of Vacation adopted by Council is filed for recordation with the Alameda County Recorder.

Prepared by: Mo Sharma, Associate Civil Engineer
Dan S. Scott III, City Surveyor

Recommended by: Alex Ameri, Interim Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION DECLARING INTENTION TO VACATE EXCESS RIGHT-OF-WAY
EASEMENT FRONTING 26010 PRODUCTION AVENUE AND SETTING THE DATE
AND TIME OF THE PUBLIC HEARING

WHEREAS, the City Council intends to vacate a portion of street right-of-way at 26010 Production Avenue not improved or used for street purposes, reserving easements to construct, maintain, operate, replace, remove or renew public utilities, sanitary sewers and storm drains and appurtenant structures, and the City's public service facilities; and

WHEREAS, Production Avenue excess right-of-way was accepted as a public highway in 1967, as shown on the Map of Tract 2898 Eden Landing Industrial Park, filed June 30, 1967; and

WHEREAS, the property owner at 26010 Production Avenue has requested this City Council to vacate the portion of Production Avenue right-of-way not improved or used for street purposes as provided for under Section 8321 of the Streets and Highways code.

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

1. City Council does hereby declare its intention to vacate a portion of public street right-of-way fronting 26010 Production Avenue, reserving easements to construct, maintain, operate, replace, remove or renew public utilities, sanitary sewers and storm drains and appurtenant structures, and the City's public service facilities; and
2. These vacation proceedings are conducted pursuant to Section 8320 et seq. of the California Streets and Highways Code; and
3. Reference is hereby made to the map on file in the office of the City Clerk for further particulars as to the proposed vacation and the description of the area to be vacated, attached hereto as Exhibits A and B respectively; and
4. Tuesday, February 19, 2019 at the hour of 7:00 PM in the Council Chambers at 777 B Street, Hayward, California, is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation; and

5. Copies of this Resolution of Intent shall be posted conspicuously, no more than 300 feet apart, along the lines of the subject right-of-way or parts thereof proposed to be vacated at least two weeks before the date set for hearing. In any event, not less than three copies of this resolution of intent shall be posted; and
6. A copy of this resolution of intent shall be published in the Daily Review, a newspaper of general circulation, once each week during two successive weeks prior to the hearing, pursuant to Streets and Highways Code section 8322(c)(1).

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

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

PRODUCTION AVENUE
FILE #19003

Exhibit "A"
Legal Description
Proposed Street Vacation Production Avenue

All that certain property situated in the City of Hayward, County of Alameda, State of California described as follows:

Being a portion of Production Avenue as dedicated, accepted, and shown on that certain map of Tract 2898 Eden Landing Industrial Park filed June 30, 1967, in Book 55 of Maps at Page 25, Alameda County Records, more particularly described as follows;

Beginning at a point lying on the westerly line of said Production Avenue, said point being the northwesterly terminus of that certain course shown as North 31°37'51" West 744.11 feet on said map;

Thence along said westerly line of Production Avenue the following four (4) courses, last said line being coincident with the general northerly line of Parcel 1, as shown on Parcel Map 660, filed January 8, 1971, in Book 64 of Parcel Maps at Page 100, Alameda County Records;

1. South 67°43'45" West 40.00 feet;
2. North 62°21'43" West 63.60 feet;
3. North 30°56'51" West 16.37 feet to the westerly boundary of said Tract 2898;
4. North 01°43'39" East 29.23 feet along last said line to the southerly line of Eden Landing Road as described in the Relinquishment of Highway Right of Way in the County of Alameda, Road 04-ALA-92-3.4-4.5 Request No. 31413 recorded January 25, 1968 on Reel 2114 at Image 872, Official Records of said County;
5. Thence North 61°31'18" East 8.94 feet along last said line to the beginning of a curve concave southerly and having a radius of 49.50 feet;
6. Thence easterly and southeasterly 75.03 feet along said curve through a central angle of 86°50'51" to the prolongation of said westerly line of Production Avenue;
7. Thence South 31°37'51" East 52.05 feet along last said line to the **Point of Beginning**;

Containing 5360 Square Feet, more or less

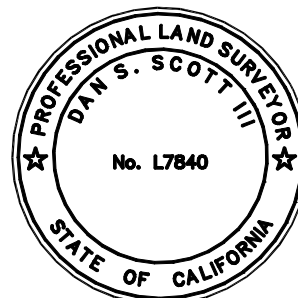
A Plat Map Exhibit B is attached hereto and made a part hereof.

End of Description

Surveyor's Statement

This description was prepared pursuant to Section 8726 of the Business and Professions Code of the State of California, by or under the supervision of:

Dan S. Scott III, PLS 7840 January 9, 2019
Date



STATE ROUTE 92

EDEN LANDING ROAD
 PARCEL 3 872
 RE 2114 IM

PARCEL 3 861
 RE 2114 IM

PARCEL 2
 PM 4314
 146 PM 1

LOT 2

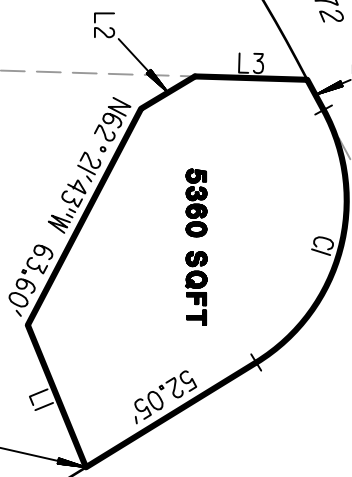
1" = 50'



TABLE

LINE/ CURVE	RADIUS	DELTA/ BEARING	LENGTH/ DISTANCE
L1	-	S67°43'45"W	40.00'
L2	-	N30°56'51"W	16.37'
L3	-	N01°43'39"E	29.23'
L4	-	N61°31'18"E	8.94'
CI	49.50'	86°50'51"	75.03'

LEGEND:
 - ACCESS CONTROLLED
 - POINT OF BEGINNING
 - ANGLE POINT



26010 EDEN LANDING RD.

PARCEL 1
 PM 660
 64 PM 100

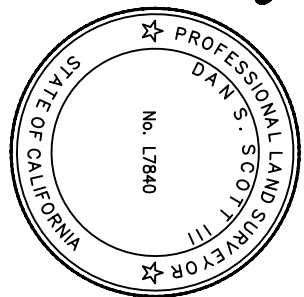
APN 461-0085-017

LOT 1
 TRACT 2898
 55 M 25

PRODUCTION AVENUE

60'

INVESTMENT BOULEVARD



CITY OF HAYWARD
 ENGINEERING DIVISION

EXHIBIT B
 PLAT TO ACCOMPANY LEGAL DESCRIPTION

STREET VACATION
 PRODUCTION AVENUE

CITY OF HAYWARD

ALAMEDA COUNTY

CALIFORNIA

DWG. NO. 19003

FILED

SHT. 1 OF 1

REV	DATE	BY	CITY SURVEYOR	DIR. PUBLIC WORKS

DRAWN BY: DSS

DATE: JANUARY 2019

CHECKED BY: DSS

SCALE: 1" = 50'

APPD. BY: DSS

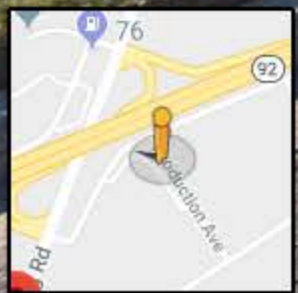
APPROVED

CITY SURVEYOR

DIR. PUBLIC WORKS



ROW Vacation





CITY OF HAYWARD

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

File #: WS 19-006

DATE: January 29, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Consider a Moratorium on Certain Businesses Including Massage Parlors, Alcohol-only Establishments, Tobacco or Vaping Retail, Check Cashing, and Fast Food

RECOMMENDATION

That the City Council reviews and provides direction related to a proposed moratorium on certain businesses.

SUMMARY

In December 2018, the Council directed staff to consider a moratorium on various businesses including massage parlors, tobacco and vaping retail establishments, check cashing businesses, fast food restaurants, and alcohol establishments based on concerns that the City was experiencing an over concentration of such uses and the potential impacts those uses have on the long-term vision for the City. Based on the background information, staff does not recommend such a moratorium for massage, tobacco, check cashing, and fast food restaurants as staff believes the existing regulatory framework can address any potential impacts these uses may cause. With respect to alcohol establishments, staff is requesting additional clarification from Council as to next steps if such a moratorium is recommended.

ATTACHMENTS

- | | |
|----------------|--|
| Attachment I | Staff Report |
| Attachment II | Massage Establishments |
| Attachment III | Tobacco Establishments |
| Attachment IV | Check Cashing Establishments |
| Attachment V | Map of Half-Mile Buffer from I-880 and S-92 Freeways |
| Attachment VI | Map of Drive-Through Restaurants with New Applications |
| Attachment VII | Land Use Summary |

File #: WS 19-006



DATE: January 29, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Work Session to Consider a Moratorium on Certain Businesses Including
Massage Parlors, Alcohol-only Establishments, Tobacco or Vaping Retail, Check
Cashing, and Fast Food

RECOMMENDATION

That the City Council reviews and provides direction related to a proposed moratorium on certain businesses.

SUMMARY

In December 2018, the Council directed staff to consider a moratorium on various businesses including massage parlors, tobacco and vaping retail establishments, check cashing businesses, fast food restaurants, and alcohol establishments based on concerns that the City was experiencing an over concentration of such uses and the potential impacts those uses have on the long-term vision for the City. Based on the background information, staff does not recommend such a moratorium for massage, tobacco, check cashing, and fast food restaurants as staff believes the existing regulatory framework can address any potential impacts these uses may cause. With respect to alcohol establishments, staff is requesting additional clarification from Council as to next steps if such a moratorium is recommended.

BACKGROUND

In December 2018, following the consideration of a proposed alcohol-only establishment in Downtown Hayward and concerns regarding an over-concentration of other uses city-wide, the City Council directed staff to consider a moratorium on various businesses including massage parlors, tobacco and vaping retail establishments, check cashing businesses, and fast food restaurants in addition to alcohol-only establishments.

Massage Establishments

The original Massage Permit Ordinance was adopted by the City in 1977 and later amended in 1978. Since that time, the Ordinance was replaced in 2006 and updated in 2015 with a more robust and stringent set of regulations that improved the ability of the City to deal with massage establishments that function as fronts for illicit sexual activity, minimize

opportunities for prostitution and human trafficking, and establishing operational and licensing protocols to ensure the preservation of public health, safety and welfare. The current Massage Permit Ordinance¹ mandates that all massage businesses and massage technicians be required to obtain a Massage Permit and be subject to a rigorous background and permitting process, which is managed by the Hayward Police Department (HPD).

Massage Permits are not required for some persons, such as physicians, chiropractors, physical therapists, acupuncturists, athletic trainers, or barbers/beauticians, who are duly licensed to practice their respective professions in the State. However, the Ordinance does make the permittee of a massage establishment responsible for all prohibited or required conduct and acts committed on the permittee's premises whether or not the permittee is personally involved or the prohibited or required conduct is committed by a direct employee, contract employee, or customer. Permittees are subject to random inspections and verification from HPD and are required to renew their licenses every two years. Additionally, licenses cannot be sold, transferred, or assigned to any other person and any new owner of a massage therapy establishment must submit a new application for a massage establishment permit in accordance with this Ordinance and is subject to the same background and screening requirements.

Prior to Ordinance adoption in 2006, HPD met with several massage establishment permittees and massage technicians to discuss the pending amendments to the Ordinance. At the time, there was significant support from those in the legitimate massage business to strengthen the requirements and regulations of the trade. Since adoption in 2006, there has been a decline in the number of land use applications related to massage establishments and staff believes that the additional background checks and screening requirements of potential applicants has deterred many of the illegitimate operators from Hayward.

Currently, the City has 18 known massage establishments operating within City limits. Of those 18 businesses, 15 have obtained and maintain current massage operating licenses from the City, which are valid through 2019-2020. The remaining three businesses have either no record with the City and/or do not hold licenses to legally operate. A map of the licensed massage establishments in the City are included as Attachment II.

Per Section 6-10.23 of the HMC², the Police Department can, during any hour in which a massage establishment is open for business, make an administrative inspection of each massage establishment for the purpose of determining compliance with this Article. If the establishment is found to be in violation, the City has the ability to take administrative, civil and/or criminal actions against the establishment, including revocation of the license and closure of the business. Since 2016, there has not been a revocation of any legally licensed massage establishment in the City. While there has been a record of illegitimate activities in the past related to massage parlors and massage technicians, the majority of the calls for

¹https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_C_H6BUPRTR_ART10MAPEOR

²https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_C_H6BUPRTR_ART10MAPEOR_S6-10.23IN

service that HPD currently receives are tied to illegal brothels and prostitution activities within multi-family residential apartments, and not from the legally permitted massage operators.

Massage parlors and similar massage activities are not permitted by right in any land use district in the City. In several commercially zoned districts, a massage parlor is allowed with the issuance of an Administrative Use Permit when the proposed massage use is ancillary to another established primary use, such as a beauty salon. Otherwise, massage parlors, as a principal use, require the issuance of a Conditional Use Permit by the Planning Commission and the issuance of a Massage Permit by the Hayward Police Department.

Tobacco Establishments

The regulations governing tobacco establishments were most recently updated in 2014 when the City Council adopted Resolution 14-093 and Ordinance 14-16 related to tobacco retailers, requiring a Conditional Use Permit for such facilities, limiting the location for any new tobacco retail establishments to areas of the City zoned General Commercial (CG), and established a Tobacco Retailers License (TRL) for all new and existing tobacco retailers. In addition to the requirements for a CUP and the TRL, tobacco retailers shall not be located within 500 feet of schools, parks, and other sensitive receptors. The combination of permitting requirements and the separation requirements described have significantly reduced the ability for any new businesses of this type to open.

According to the City's business license records, there are 113 tobacco retail establishments located in Hayward (Attachment III) that vary from gas stations to convenience markets to large format stores to tobacco only establishments. Of the total number of tobacco retail establishments, 85% of those were already existing in Hayward prior to the adoption of the new regulations in 2014.

Check Cashing and Payday Loan

Pay day lenders and check cashing businesses engage in the business of cashing checks, warrants, money orders, or similar short-term unsecured promissory notes for a fee. State law requires pay day lenders and check cashing businesses to register with the state, submit reports to the state and allows the state to issue penalties. The law also limits the fee (interest) charged by the lenders and check cashers. The check casher law does not apply to state and federally chartered banks, savings associations, credit unions and industrial loan companies, and retail establishments that cash checks or provide money orders for a minimum flat fee not exceeding \$2.

Pursuant to Hayward Municipal Code Section 10-1.3510, Uses and Activities Defined:

Check Cashing Store is defined as "an establishment primarily engaged in the cashing of checks for customers who usually do not have a checking account at a bank or other financial institution. Is commonly found in areas with easy access and high visibility."

A Payday Loan Facility is defined as "an establishment primarily engaged in the business of advancing funds to customers in situations where the customer uses his or

her entitlement to a future paycheck from some other source as collateral for the loan, and for which the customer pays a fee (percentage or otherwise) for the advancement.”

Under the City’s current regulations, Check Cashing Stores and Payday Loan Facilities are subject to Conditional Use Permit (CUP) approval in the Neighborhood Commercial District, Neighborhood Commercial – Residential District, General Commercial District, Office Commercial District and the Central Business District. In Downtown, Check Cashing Stores are permitted subject to CUP approval in the Central City-Commercial District and Central City-Plaza District (on the ground floor only); and subject to Administrative Use Permit (AUP) approval in the Central City-Residential District. Payday Loan Facilities are not permitted in Downtown zoning districts.

According to the City’s business license records, there are five check cashing businesses located in Hayward and no licensed Payday Loan Facilities. The businesses are dispersed throughout the City and are generally located in multi-tenant commercial buildings or in shopping centers along major arterials (Attachment IV). In addition, large-scale retail establishments such as Food Max, Chavez Market and Saudagar Cash and Carry offer check cashing as an incidental service. Check cashing businesses can also provide a valuable service to segments of the population that may not be able to establish a traditional bank account for a variety of reasons.

Fast Food Restaurants/Drive-Thru Establishments

The Hayward 2040 General Plan includes Goal 3 (Access to Healthy Foods) as part of the Community Health and Quality of Life Element. The primary intention of this goal is to expand year-round access to affordable, fresh, and healthy foods throughout the City. The General Plan states and includes the following policies:

HQL-3.1: Access to Healthy Foods The City shall strive to ensure that all residents are within walking distance of sources of fresh and healthy foods (e.g., grocery stores, healthy corner stores, farmers’ markets, and community gardens).

HQL-3.2: New Healthy Food Venues The City shall support and consider incentives to encourage the development of new retail venues that sell local, fresh produce, including farmers’ markets, community-supported agriculture programs, and grocery stores, especially in underserved areas and near schools.

HQL-3.8: Restrict Unhealthy Food Options The City shall discourage new liquor stores and fast food restaurants near schools and in areas with an existing high concentration of such stores.

Most fast food restaurants in the city, such as McDonalds, Burger King, Taco Bell, etc., are generally affiliated with having a drive-thru component. While restaurants, including fast food restaurants are typically a permitted use in most commercial zoning districts, when that fast food restaurant includes a drive-thru component, then the permit requirement changes and either an Administrative or Conditional Use Permit is required as shown in the Table 1 below.

Table 1. Permit Requirements for Drive-thru Establishments by Zoning District

ZONING DISTRICT	ENTITLEMENT PROCESS
Commercial Neighborhood (CN)	Conditional Use Permit (CUP)
General Commercial (CG)	Conditional Use Permit (CUP)
Central Business (CB)	Conditional Use Permit (CUP)
Commercial Limited (CL)	Conditional Use Permit (CUP)
Central-City Commercial (CC-C)	Conditional Use Permit (CUP)
Industrial District (I)	Administrative Use Permit (AUP)
South Hayward BART and Mission Boulevard Form-Based Codes (Specific Transect Zones)	Conditional Use Permit (CUP)

Currently, the Hayward Municipal Code includes minimum design and performance standards for drive-thru restaurants and coffee/espresso shops which prohibits the establishment of any drive-thru restaurant or drive-thru coffee/espresso shop within half-mile radius of another establishment as measured from the building walls of existing or proposed buildings. However, the City Council approved a Zoning Text Amendment and adopted Ordinance No. 18-11 which amended the land use prohibition to allow the establishment of these land uses, if certain additional findings can be made related to location.

The adopted text amendment maintained the existing half-mile prohibition, but incorporated flexibility by including additional special required findings within the performance standards that shall be justified in addition to those of the AUP or CUP to allow for an application to be filed with the Planning Division. The required findings to grant flexibility include the following:

- i. The drive-in or drive-thru restaurants (and coffee/espresso shops) are located within one-half mile from the Interstate 880 (Nimitz Freeway) or State Route 92 (Jackson Freeway) rights-of-way as measured by the existing roadway network;
- ii. The location of the drive-in or drive-thru restaurants (and coffee/espresso shops) will not have a substantial adverse effect on vehicular (including bicycle), pedestrian circulation and safety, or transit accessibility;
- iii. The drive-in or drive-thru restaurants (and coffee/espresso shops) will not conflict with City adopted goals and policies including, but not limited to, the General Plan and Bicycle Master Plan; and
- iv. The site is suitable and adequate for the proposed use because the drive-in or drive-thru restaurant (and coffee/espresso shops) lanes and service windows will be located

at least seventy-five (75) feet away from residential uses and residentially zoned properties.

Staff analysis completed for the recent text amendment determined that based on existing zoning districts coupled with the flexibility granted by the adopted text amendment, the potential new opportunity sites for drive-in and drive-thru restaurants and coffee/espresso shops would be limited to the following areas: Southland Mall area, portions of "A" Street to and from the I-880, West Winton Avenue and Amador Street (adjacent to County buildings), commercial properties adjacent to the SR-92 entrance at West Jackson and Santa Clara Street, and areas of the Industrial zoning district along the SR-92 and I-880 (Attachment V).

Within the City, there are 23 existing drive-thru restaurants (Attachment VI) which include, but are not limited to: McDonalds, Burger King, Jack in the Box, Taco Bell, and Kentucky Fried Chicken. Since the adoption of Ordinance No. 18-11, the Planning Commission has approved a drive-thru Starbucks at the Eden Shores Retail Center and City staff is still currently processing a Conditional Use Permit application for another new Starbucks cafe at the intersection of Mission Boulevard and Tennyson Road.

Alcohol Establishments

In 2013, new Alcoholic Beverage Outlet regulations were adopted into the City's Zoning Ordinance with the purpose of providing for the orderly integration of alcohol related uses in a manner that will protect public safety and encourage business growth. The Ordinance recognized that the "proliferation of establishments selling alcoholic beverages within the City of Hayward presents problems that affect residents, businesses, property owners, visitors, and workers in Hayward." However, the ordinance also understood that regulations that promote responsible alcohol consumption can contribute to economic vitality, particularly in the downtown area.

The Alcoholic Beverage Outlet regulations require most alcohol establishments to obtain a Conditional Use Permit (CUP), with a few exceptions including:

- (a) retail stores having 10,000 square feet or more of floor area and which devote not more than five percent of such floor area to the sale, display, and storage of alcoholic beverages;
- (b) full-service restaurants as defined in the ordinance; or
- (c) special event functions such as neighborhood or community festivals, provided all of the following criteria are met:
 - (1) The person, group, business, or organization sponsoring the event secures all applicable permits from the City of Hayward;
 - (2) The person, group, business, or organization sponsoring the event obtains a temporary on-sale ABC license for each of the dates the event will be held; and

(3) The duration of the event does not exceed three consecutive days or five days in any single calendar year, such as the Russell City Blues Festival and the summer street parties sponsored by the Chamber of Commerce.

In addition, all alcoholic beverage sales establishments shall abide by all of the following performance standards:

- (1) the establishment does not result in adverse effects to the health, peace or safety of persons residing, visiting, or working in the surrounding area; and
- (2) the establishment does not result in jeopardizing or endangering the public health or safety of persons residing, visiting, or working in the surrounding area; and
- (3) the establishment does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests; and
- (4) the establishment does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute; and
- (5) the establishment's upkeep and operating characteristics are compatible with and do not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood; and
- (6) the establishment's employees, except those employees with no customer contact, attend and successfully complete a training class on Responsible Beverage Service within ninety (90) days of being employed (exempting employees at retail stores having 10,000 square feet or more of floor area and which devote not more than five (5) percent of such floor area to the sale, display, and storage of alcoholic beverages); and
- (7) the establishment complies with all of ABC's Retail Operating Standards; and
- (8) the establishment does not sell alcoholic beverages to minors.

The regulations also further refine certain exempt uses including full-service restaurants which are defined as sit-down establishments that are regularly used and kept open for the primary purpose of serving meals to guests for compensation. These establishments shall have suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods that may be required for such meals, and that may include an incidental bar, cocktail lounge, or other area designated primarily for the service of alcohol on the premises, which operates as part of the restaurant and is subservient to the primary function of the establishment, and which maintains a minimum of 60 percent of its gross receipts from the sale of meals. For purposes of these regulations, a full-service restaurant does not include fast food restaurants.

In addition, full-service restaurants must also comply with additional performance standards including:

- (1) A full-service restaurant shall serve meals to guests at all times the establishment is open for business. An establishment shall not be considered a full-service restaurant if it serves alcohol without meal service being provided;
- (2) Any bar/lounge area cannot remain open when the dining area is closed. However, the dining area may be open while the bar/lounge area is closed;
- (3) A full-service restaurant may offer live or recorded music until midnight without a cabaret license or permit, provided the music is within the parameters established by the City's Noise Ordinance. Dancing or other form of live entertainment besides music is not allowed unless a conditional use permit and a cabaret license or permit is obtained, in accordance with Chapter 6, Article 2 of this code. The right to have live or recorded music in a full-service restaurant may be revoked or suspended if violations of the requirements in this section or performance standards occur, in accordance with the procedures outlined in the regulations; and
- (4) A full-service restaurant may offer reduced price alcoholic beverages served on the premises between the hours of 4:00 p.m. and 9:00 p.m., provided that such beverages are offered in conjunction with reduced price appetizers and reduced price non-alcoholic beverages. The right to have reduced price alcoholic beverages in a full-service restaurant may be revoked or suspended if violations of the requirements in this section or performance standards contained occur, in accordance with the procedures outlined in the regulations.

Based on data received by the Department of Alcoholic Beverage Control (ABC), there are numerous on- and off-sale alcohol outlet establishments within City limits as summarized in Table 2 below:

Table 2. Most Common On- and Off-Sale Retail Establishment Licenses in Hayward

Quantity	License Type	License Description
31	20	(Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
49	21	(Package Store) Authorizes the sale of beer, wine, and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
4	40	(Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
79	41	(Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
2	42	(Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
29	47	(Restaurant) Authorizes the sale of beer, wine, and distilled spirits for consumption on the licensed premises. Authorizes the sale of beer and wine for consumption off the licensed premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
10	48	(Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.

DISCUSSION

Pursuant to California Government Code Section 65858, in order to protect the public health, safety, or welfare, the Council may adopt an Interim Urgency Ordinance establishing a temporary moratorium on issuance of any City approvals, permits, or other entitlements for specific uses in the city that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body is considering or studying within a reasonable

time. In order to impose the moratorium, the City Council must make specific legislative findings that there is a current and immediate threat to the public health, safety, or welfare and the issuance of city approvals for specific uses would result in that threat to public health, safety, or welfare.

Based on the background information provided on the various uses and as shown in summary table (Attachment VII), all of the uses are not permitted or require either an Administrative or Conditional Use Permit. These are discretionary permits that are either decided at the staff level or by the Planning Commission at a noticed public hearing and require very specific findings be made related to not impacting the health, safety and general welfare of the community. Of course, decisions on these permits may be appealed to the next level or called-up by a Councilmember.

Given the limited number of some of these uses within the city (massage and check cashing) and strict regulations and location criteria for other uses (tobacco and fast food/drive-thru establishments), staff would not recommend instituting a moratorium on such uses. Staff believes the regulatory framework in place, including the requirements for discretionary permits, is sufficient to address and minimize the proliferation of these uses within the City. Additionally, with respect to check cashing establishments, these facilities provide access to financial services in low-income communities and to those who might not be able to establish a traditional bank account, so to not allow them might be considered discriminatory. However, if Council wishes to pursue a predatory lending practices policy, staff could research that.

With respect to alcohol establishments, staff heard feedback from Council regarding concerns, primarily over stand-alone alcohol establishments such as liquor stores and bars, and how they may or may not be aligned with the vision for the City and specifically downtown. Staff also heard from Council the desire to modify definitions and/or performance standards such as the 60% food sales receipts requirement for full-service restaurants. Should Council direct staff to return with an Urgency Ordinance establishing a moratorium on alcohol establishments, staff would request clarification on the following areas:

- (1) Clarify what types of alcohol establishments would be subject to the moratorium
- (2) Clarify the location of the moratorium (Downtown or City-wide)

Alternatively, should there not be the necessary support for establishing a moratorium, the Council may direct staff to work on an update to the Alcohol Beverage Outlet regulations, which would not preclude applicants from submitting and staff processing any such applications between now and when the new regulations are considered and adopted by Council.

STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities Strategic Initiative is to create and support structured services and amenities to provide inclusive and equitable access for all with the goal of becoming a

thriving and promising place to live, work and play. This item supports the following goal and objective:

Goal 3: Develop a Regulatory Toolkit for Policy Makers.

Objective 3: Update, streamline, and modernize zoning codes.

The purpose of a moratorium, should that be the direction of Council, would be to update the regulatory guidelines governing the use(s) and update them accordingly to be more aligned with the goals and objectives of the City Council.

ECONOMIC IMPACT

There is no economic impact anticipated from this work session; however, if the Council direction is to establish a moratorium on certain land uses, then there are potential short-term economic impacts resulting in fewer businesses being established within the City. As the requested regulations are updated, however, there may be positive economic impacts that result from those regulatory changes.

FISCAL IMPACT

The establishment of a moratorium was not anticipated in the Development Services budget nor on its list of priority projects. As such, there is not an identified funding source to cover the costs associated with research, analysis, and regulation updates depending on direction from Council.

Staff anticipates that additional resources for contract services will be needed to accomplish tasks as described above should Council direct staff to do so. To meet this need if the Council decides to proceed with the moratorium or changes to any of the current regulations, staff would request an augmentation of \$75,000 for contract (planning) services during the FY 2019 mid-year budget process.

PUBLIC OUTREACH

On January 18, 2019, a Notice of Public Hearing for the City Council work session was published in the Daily Review newspaper and sent to all stakeholders and businesses engaged in the land uses described in this report.

NEXT STEPS

Based on the feedback and direction from the Council and assuming a 4/5 vote (6 affirmative votes) of the Council to establish a moratorium based on the necessary findings, staff will return with an Ordinance establishing a proposed moratorium at a future meeting. Staff can either return on February 5, 2019 or February 19, 2019. If the moratorium is introduced without the prior publication notice, which would be the case if staff returns on February 5, the initial term is 45 days followed by two possible extensions, a 10-month, 15-day extension, followed by a

one-year extension. If the published notice is provided before the adoption of the moratorium on February 19, 2019, the initial term is 45 days followed by a 22-month 15-day extension.

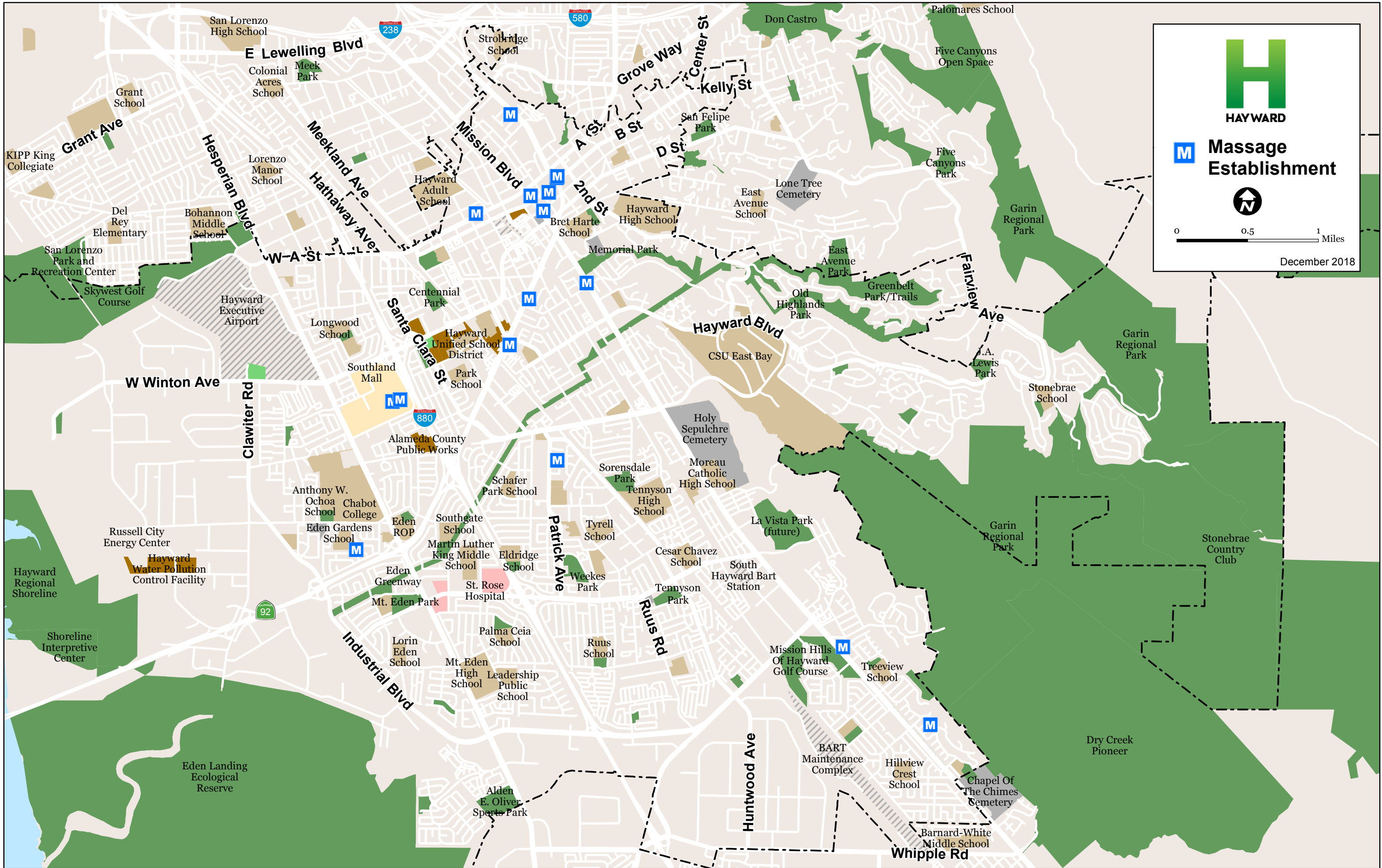
Prepared by: Marcus Martinez, Assistant Planner
 Leigha Schmidt, AICP, Senior Planner
 Jeremy Lochirco, Principal Planner
 Sara Buizer, AICP, Planning Manager

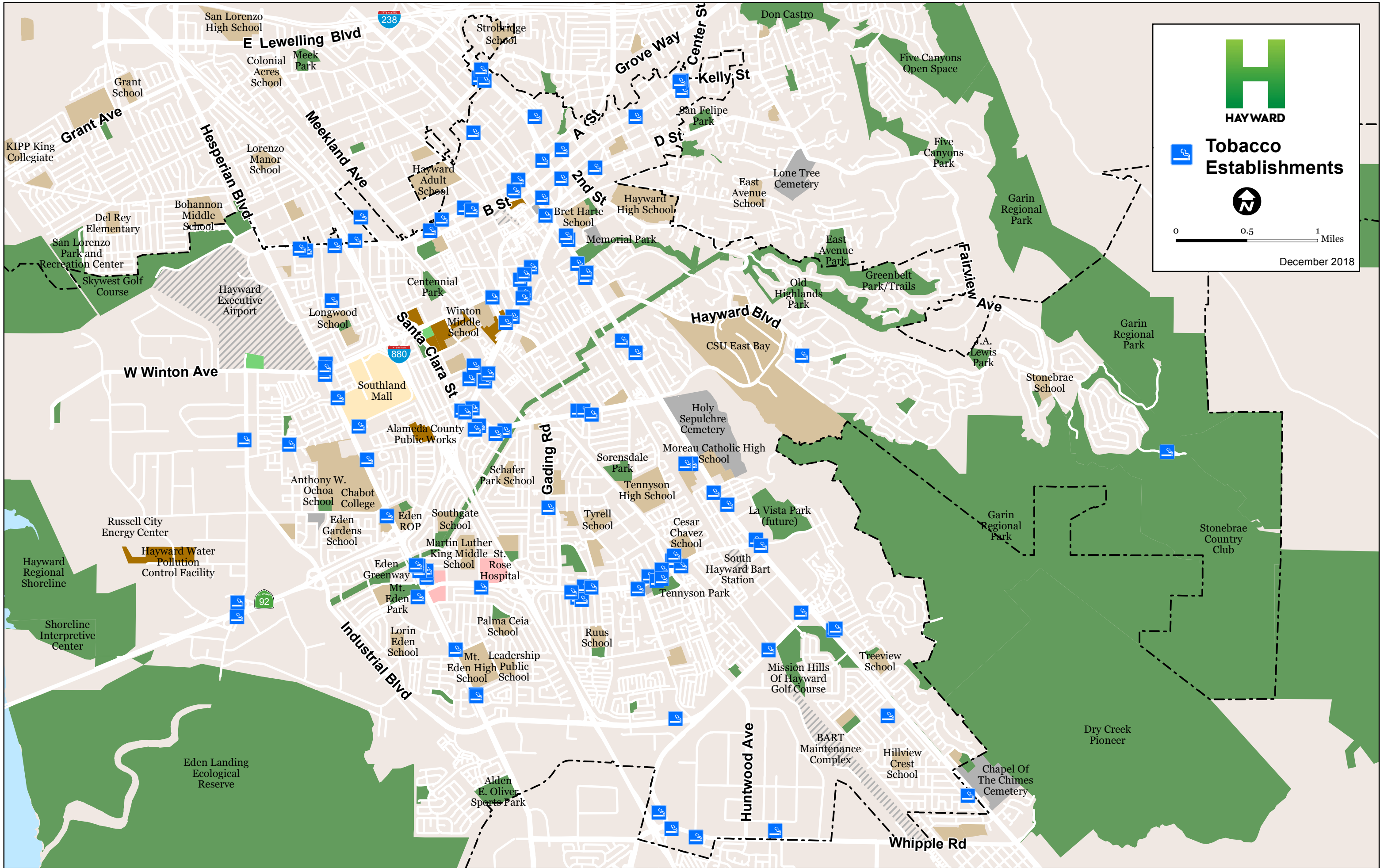
Recommended by: Laura Simpson, AICP, Development Services Director

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager





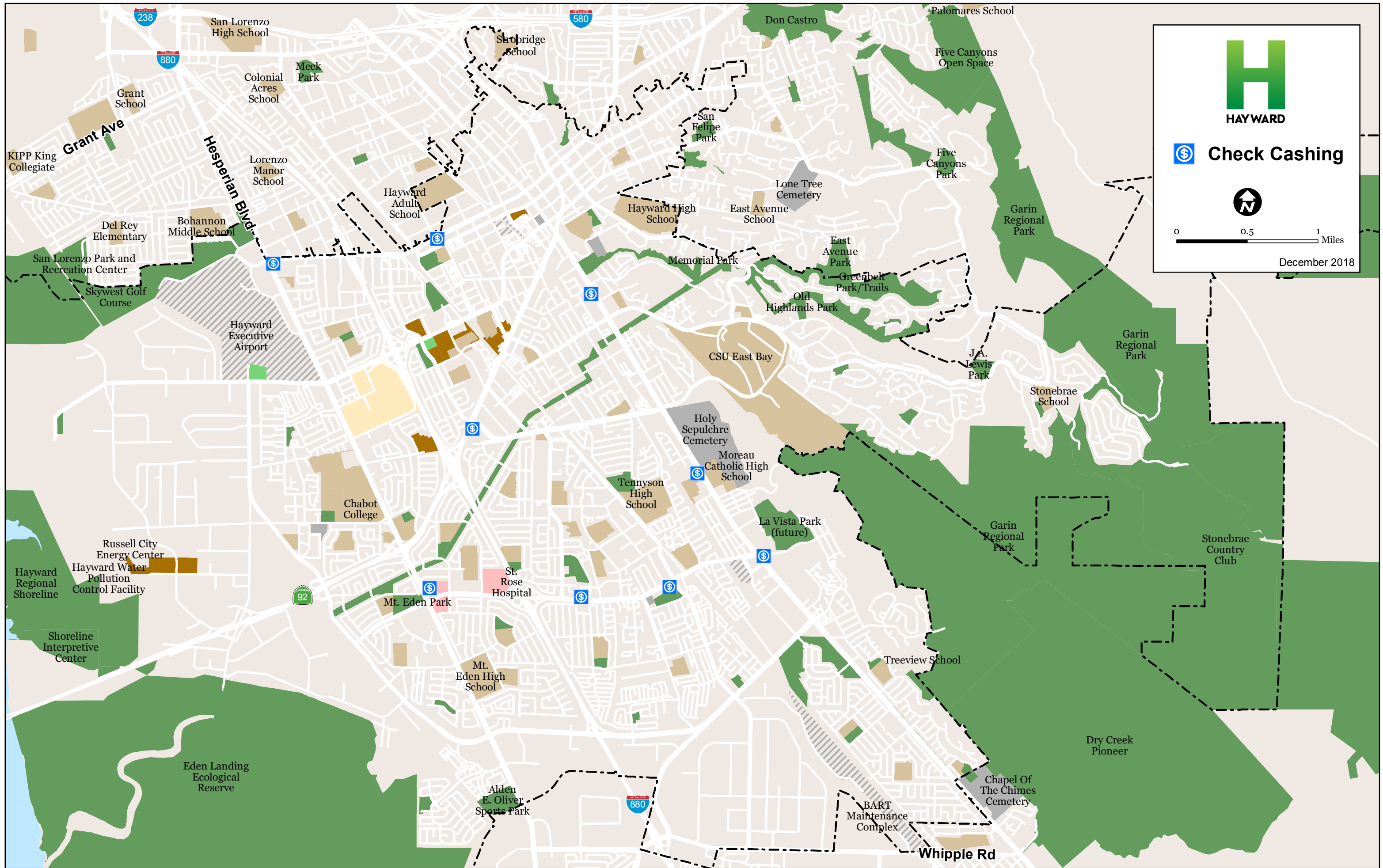
HAYWARD

 Tobacco Establishments



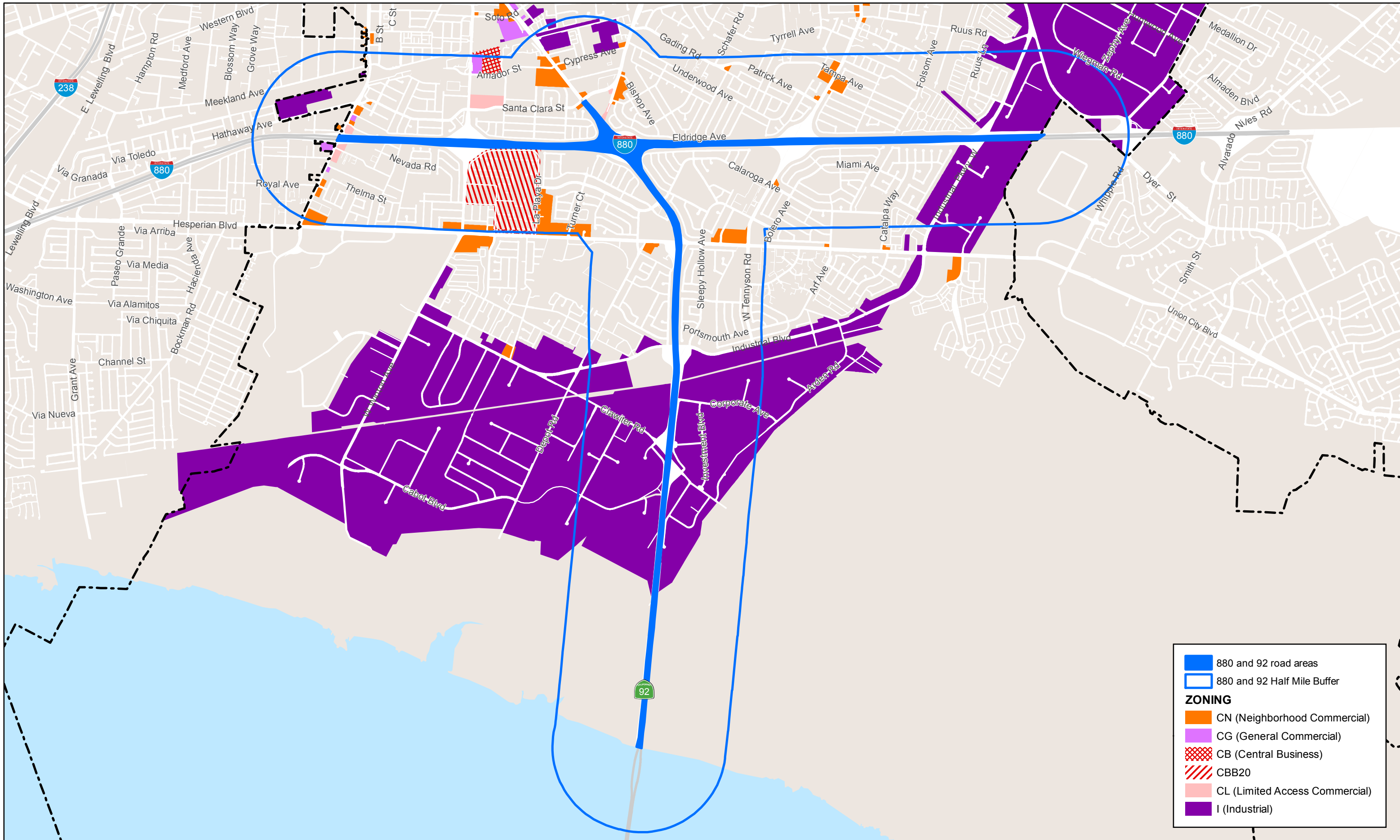
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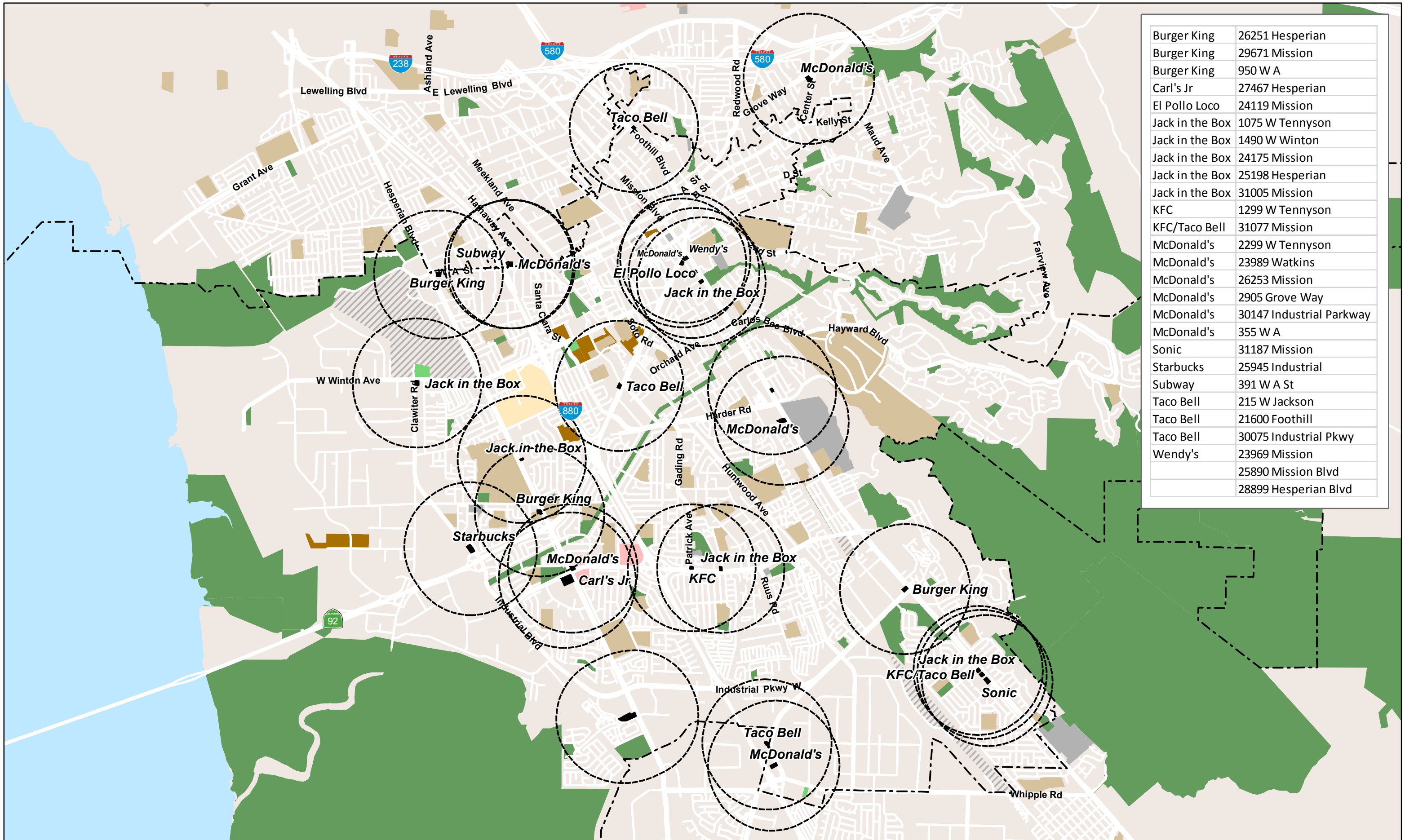
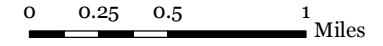


880 & 92 - Half Mile Buffer with Zoning



HAYWARD Drive-Thru Restaurants with Half-Mile Buffers

ATTACHMENT VI



Burger King	26251 Hesperian
Burger King	29671 Mission
Burger King	950 W A
Carl's Jr	27467 Hesperian
El Pollo Loco	24119 Mission
Jack in the Box	1075 W Tennyson
Jack in the Box	1490 W Winton
Jack in the Box	24175 Mission
Jack in the Box	25198 Hesperian
Jack in the Box	31005 Mission
KFC	1299 W Tennyson
KFC/Taco Bell	31077 Mission
McDonald's	2299 W Tennyson
McDonald's	23989 Watkins
McDonald's	26253 Mission
McDonald's	2905 Grove Way
McDonald's	30147 Industrial Parkway
McDonald's	355 W A
Sonic	31187 Mission
Starbucks	25945 Industrial
Subway	391 W A St
Taco Bell	215 W Jackson
Taco Bell	21600 Foothill
Taco Bell	30075 Industrial Pkwy
Wendy's	23969 Mission
	25890 Mission Blvd
	28899 Hesperian Blvd

Land Use Matrix

	Commercial Neighborhood	Commercial Neighborhood - Residential	Commercial General	Commercial Office	Commercial Limited	Central Buineses	Commercial Regional	Central-City Commercial	Central-City Residential	Central-City Plaza	Industrial	Mission Boulevard Form Based Code	South Hayward BART Form Based Code
Alcohol Establishments	<i>Additional Standards Apply; Separate Permit may be Required (i.e. Cabaret); Excludes Full-Service Restaurants</i>												
Liquor Stores	CUP	CUP	CUP	X	X	CUP	X	CUP	X	CUP	X	X	X
Wine Shop	X	X	AUP	X	X	X	X	AUP	X	X	X	X	X
Distillery/Brewery	X	X	CUP	X	X	X	X	CUP	X	X	AUP	CUP	CUP
Nightclub	CUP	CUP	CUP	X	X	CUP	X	CUP	X	CUP	X	X	X
Bar/Lounge	CUP	CUP	CUP	CUP	CUP	CUP	X	CUP	X	CUP	CUP	CUP	CUP
Check Cashing & Loans	CUP	CUP	CUP	CUP	X	CUP	X	CUP	X	CUP*	X	X	X
Drive-In Establishments	CUP	X	AUP	X	CUP	CUP	X	CUP	X	X	AUP	CUP	CUP
Massage Establishments***	AUP** CUP	AUP** CUP	CUP	CUP	AUP** CUP	CUP	X	AUP** CUP	AUP**	CUP*	X	X	CUP
Tobacco Establishments***	X	X	CUP	X	X	X	X	X	X	X	X	X	X

* - Allowed on ground floor only

** - When ancillary to an established primary use (i.e. beauty salon)

*** - Separate Permit Required from Police Department and/or Code Enforcement

AUP = Administrative Use Permit

CUP = Conditional Use Permit

X = Prohibited



CITY OF HAYWARD

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

File #: LB 19-006

DATE: January 29, 2019

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Authorize the Formation of a Council Homelessness-Housing Task Force for a Period of Two Years, Beginning March 2019 through March 2021

RECOMMENDATION

That Council adopts the attached resolution (Attachment I) authorizing the formation of a Council Homelessness-Housing Task Force for a period of two years, beginning March 2019 through March 2021.

SUMMARY

Council requested that the City Manager evaluate the establishment of a standing Council Committee to focus on evaluating options to address the current homeless-housing crisis. After evaluating the workload of the current Council Committees and staff capacity, the City Manager recommends folding the workplan of the Council Technology Application Committee (CTAC) into the Council Infrastructure Committee (CIC), eliminating CTAC as a standing Council Committee. Additionally, the City Manager recommends establishing the Homelessness-Housing Council Task Force for a two-year period beginning in March 2019 through March 2021, to evaluate the efficacy and workload related to establishing it as a permanent Council Standing Committee. Staff recommends that the Homelessness-Housing Council Task Force meet on a quarterly basis during this period with the option to schedule special meetings as needed.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	2-21-17 Staff Report CIC Formation



DATE: January 29, 2019

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Authorize the Formation of a Council Homelessness-Housing Task Force for a Period of Two Years, Beginning March 2019 through March 2021

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BACKGROUND AND DISCUSSION

On November 13, 2018, Council requested that the City Manager evaluate the establishment of a standing Council Committee to focus on evaluating options to address the current homeless-housing crisis. In evaluating the workload of the current Council Committees and staff capacity, the City Manager recommends the following:

- 1) Folding the workplan of the Council Technology Application Committee (CTAC) into the Council Infrastructure Committee (CIC), and eliminating CTAC as a standing Council Committee.
- 2) Establishing the Homelessness-Housing Council Committee initially as a two-year Council task force to evaluate the efficacy and workload related to establishing it as a

permanent Council Standing Committee. Staff recommends that the Homelessness-Housing Council Task Force meet on a quarterly basis during this period with the option to schedule special meetings as needed.

The CTAC was formed in 1994 to investigate, plan, and implement applications of appropriate technologies to facilitate information transfer between city departments, businesses, customers, and residents with interests in the City of Hayward. Since 1994, much progress has been made, technology has significantly evolved, and many items from the original suggested CTAC workplan have been implemented and established. In evaluating the quarterly workplan items for CTAC over the last couple of years, many of the items on this workplan have evolved to be infrastructure-related and appear to be easily integrated into the CIC workplan, e.g. Fiber Master Plan, Network Replacement, etc. These technology items are also incorporated into and funded by the Capital Improvement Plan budget each year. The integration of the two Committees would help to manage both the Council and staff workloads by reducing the number of standing committees.

The CIC was established almost two years ago on February 21, 2017 to review and consider policy related issues involving the City's capital improvement projects. The scope of this Committee includes: review of the CIP Plan; unfunded needs; and development of policy framework related to pavement management, transportation, water and sewer, building and operations, which includes fleet, technology, streetlights, etc. Currently, CIC has developed a five-year workplan that can incorporate the technology-related items for future meetings.

FISCAL IMPACT

There is no initial fiscal impact with the consideration of this report. There will be an impact on current staff's workload for staffing the new committee and for preparation of reports. Staffing impacts will be tracked and assessed over the next two years to determine whether a fiscal or resource consideration may be necessary.

STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities Strategic Initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. This item supports the following goals and objectives:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 1: Actively value diversity and promote inclusive activities.

Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

Objective 1: Centralize and expand housing services.

Objective 2: Facilitate the development of diverse housing types that serve the needs of all populations.

Objective 3: Conserve and improve the existing housing stock.

Objective 4: Increase supply of affordable, safe, and resilient housing in Hayward.

NEXT STEPS

If the Council agrees with the recommendations outlined in the staff report, the City Manager will designate the Deputy City Manager from the City Manager's Office, as the Staff Liaison to the Council Homeless-Housing Task Force. The Deputy City Manager oversees the Housing and Community Services Divisions, which have primary responsibility for the funding and activities related to housing and homelessness.

Prepared by: Maria A. Hurtado, Assistant City Manager

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION TO ESTABLISH A COUNCIL HOMELESSNESS-HOUSING TASK FORCE AND APPOINTMENT OF COUNCIL MEMBERS TO THE NEWLY FORMED COUNCIL HOMELESSNESS-HOUSING TASK FORCE

WHEREAS, the Council and City Manager recognize that a homeless-housing crisis exists and establishing the Council Homelessness-Housing Task Force will facilitate a more in-depth evaluation of options to address the current homeless-housing crisis;

WHEREAS, the Council Homelessness-Housing Task Force will be established for a two-year period beginning in March 2019 through March 2021 to evaluate the efficacy and workload related to establishing it as a permanent Council Standing Committee and to meet on a quarterly basis during this period.

NOW, THEREFORE, BE IT RESOLVED that the Council establish a Council Homelessness-Housing Task Force and appoints members from the Council to serve on the Task Force.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

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



DATE: February 21, 2017
TO: City Council
FROM: Assistant City Manager
SUBJECT Establishment of a Council Infrastructure Committee and Appointment of Council members to newly formed Committee

RECOMMENDATION

That the City Council establishes a Council Infrastructure Standing Committee to review and consider policy related issues involving the City’s capital improvement projects and appoints 3 members from the Council to serve on the newly formed Council Infrastructure Committee.

BACKGROUND

The city’s Capital Improvement Program (CIP) is a multi-million dollar spending plan totaling \$195 million this current fiscal year. This spending plan covers a broad spectrum of CIP projects, including public infrastructure projects, such as street construction and improvements, sewer and water system upgrades, fleet management, landscaping and small community parks. It also includes seismic retrofitting of public facilities, public buildings, and airport projects. Energy efficiency and clean and renewable energy projects are also included in the CIP. The CIP is supported by a number of funding sources, a large portion of which are in restricted-use funds, such as the gas tax, Measure B, Measure BB, Measure C and enterprise funds (i.e. Water, Sewer and Airport). However, even within these restricted funds, there is a benefit to having a policy discussion relative to sequencing of projects.

Some of the key projects included in this year’s CIP program are the Library and Community Learning Center and Heritage Plaza Arboretum, various fire station improvements, street and road pavement rehabilitation projects, including one of the more critical new roadway projects which is the 880/92 Reliever Route project. This project includes construction of the Whitesell Street extension and improvements along the Winton Avenue corridor.

Staff also plans to complete four transportation studies, including:

- ***a Citywide Intersection Improvement Plan***, which evaluates and prioritizes needed safety and pedestrian improvements at major intersections,
- ***a Transit Connector Feasibility Study*** to determine the feasibility of and demand for providing shuttle service from underserved transit sectors in the east/west Industrial areas and the Cannery area developments to the downtown/BART station and to the South Hayward BART Station,
- ***a Downtown Parking Study*** to evaluate comprehensive short and long-term parking strategies for the downtown area, which will include parking management, residential and business parking permits and enforcement strategy policy considerations, and
- ***a City-wide Bicycle and Pedestrian Master Plan Update*** to address bicycle and pedestrian accessibility.

These studies contain policy related considerations that will benefit by a more in-depth discussion at the Council committee level in order to frame the policy discussion for Council.

Lastly, the CIP also contains \$518 million in projects programmed over the next ten years and identifies an additional \$370 million of unfunded needs for the same period. Some of the key unfunded priority projects include the replacement of the police station, Tennyson Pedestrian Bridge at the South Hayward BART Station, Tennyson-UPRR grade separation at Whitman, I880/West A Street Interchange, among other technology, facility and street improvement projects.

DISCUSSION

Because the City's CIP budget and the unfunded needs are significant, a need exists to develop and recommend policies regarding the prioritization of CIP projects, where funding flexibility exists, and develop funding strategies and identify funding options for those unfunded CIP needs. Establishing a Council Infrastructure Standing Committee will facilitate a more in-depth review of the CIP plan, the unfunded needs, and the development of a policy framework that can be brought back to Council for consideration.

The scope of the infrastructure committee may include policy related considerations such as:

- Review the City's unfunded CIP needs, such as the police station, and consideration of funding options and to ensure equitable and strategic community investment citywide;
- Discuss policy considerations related to the sequencing of the CIP ten-year plan;
- Discuss policy related options for Council consideration related to long term traffic planning;
- Review policy considerations relative to the pavement management program; and
- Review the City's programmed CIP related to transportation, water and sewer, buildings, operations (i.e. fleet, technology, street lights, etc.) and recommend policy considerations to Council

Staff recommends that Council establish a three-member Council Infrastructure Standing Committee to review and consider policy related issues involving the City's capital improvement projects and appoint members from the Council to serve on the newly formed Council Infrastructure Committee. Staff recommends that for this first year, the committee meet on a quarterly basis to coincide with the development of each year's CIP budget cycle. Additional meetings may be necessary during the fall/spring in preparation for the CIP budget development process for the following fiscal year.

FISCAL IMPACT

There is no initial fiscal impact with the consideration of this report. There will be an impact on current staff's workload for staffing the new committee and for preparation of reports. It is conceivable the additional workload may cause delays in delivery of some ongoing projects and programs. Staffing impacts will be tracked and assessed this first year to determine whether a fiscal or resource consideration may be necessary in the future.

NEXT STEPS

Upon Council approval, the City Manager will work to schedule and coordinate the Committee's first meeting. The City Manager will also review staff resource demands to determine the best way to staff this Committee to support its mission.

Prepared by: Maria A. Hurtado, Assistant City Manager
Morad Fakhrai, Director of Public Works
Alex Ameri, Director of Utilities and Environmental Services

Approved by:



Kelly McAdoo, City Manager