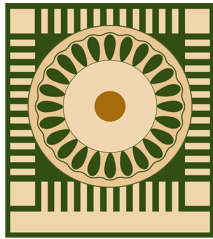


CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, April 5, 2022

7:00 PM

Council Chamber and Virtual Platform (Zoom)

City Council

CITY COUNCIL MEETING

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

How to observe the Meeting:

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

How to submit written Public Comment:

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

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

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

Click link below to join the meeting:

<https://hayward.zoom.us/j/88691129303?pwd=MkFVNFNjRmVzNmUrb2pVcmhWTTk1UT09>

Meeting ID: 886 9112 9303

Passcode: HCC4/5@7pm

or

Dial: + 669 900 6833 or +1 346 248 7799 or 833 548 0282 (Toll Free)

Meeting ID: 886 9112 9303

Password: 4265687344

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

CALL TO ORDER: Mayor Halliday

Pledge of Allegiance: Council Member Márquez

ROLL CALL

CLOSED SESSION ANNOUNCEMENT**March 29, 2022****April 5, 2022****PRESENTATIONS**

Hayward Youth Poet Laureate
Art is Education Month and Art, Culture, and Creativity Month
National Public Safety Telecommunicators Week
National Library Week

PUBLIC COMMENTS

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

CITY MANAGER'S COMMENTS

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

ACTION ITEMS

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

CONSENT

1. [MIN 22-044](#) Approve the City Council Minutes of the City Council Meeting on March 15, 2022

Attachments: [Attachment I Draft Minutes of 3/15/2022](#)

2. [MIN 22-045](#) Approve the City Council Minutes of the City Council Meeting on March 22, 2022

Attachments: [Attachment I Draft Minutes of 3/22/2022](#)

3. [CONS 22-190](#) Adopt an Ordinance of the City of Hayward Amending Chapter 4, Article 15 of the Hayward Municipal Code Relating to Social Nuisance and Specifically Including Fireworks
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Summary of Published Notice](#)
4. [CONS 22-191](#) Adopt an Ordinance of the City of Hayward Amending Chapter 3, Article 3 of the Hayward Municipal Code Relating to Fireworks by Specifically Identifying Property Owners Accountable for Fireworks
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Summary of Published Notice](#)
5. [CONS 22-185](#) Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Exhibit A to Resolution](#)
6. [CONS 22-164](#) Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Gray-Bowen-Scott for Transportation Engineering Services in the Amount of \$80,000 for a Total Not-To-Exceed Amount of \$150,000 and Extending the Date of the Agreement to September 30, 2022
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
7. [CONS 22-182](#) Adopt a Resolution Authorizing the City Manager to Transfer and Appropriate \$147,719.25 in Abandoned Vehicle Abatement Revenue from the General Fund to the Fleet Capital Fund for the Purchase of Two (2) Outfitted Ford Explorers for The Abandoned Vehicle Abatement Program
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)

8. [CONS 22-184](#) Adopt a Resolution of Intention to Vacate a Public Utilities Easement at 603 A Street and Setting the Date and Time of the Public Hearing
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Public Utilities Easement](#)
 [Attachment IV Site Plan](#)
9. [CONS 22-186](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate up to \$250,000 in Funding from the California State Library for Library Services Programs, and Superseding Resolution No. 19-046
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
10. [CONS 22-187](#) Adopt a Resolution Approving the FY 2023 Measure B/BB Annual Paratransit Program Plan and Authorizing the City Manager to Execute FY 2023 Service Agreements for the Continued Provision of Measure B/BB Funded Paratransit Services
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Funding Recommendations](#)
 [Attachment IV Paratransit Program Plan Application](#)

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.

11. [WS 22-007](#) Community Agency Funding: Fiscal Year 2023 Community Agency Funding Recommendations for Services, Arts & Music, and Economic Development and Infrastructure; and Overview of the FY 2023 Annual Action Plan and the City of Hayward CDBG Citizen Participation Plan (Report from Assistant City Manager Ott)

Attachments: [Attachment I Staff Report](#)
[Attachment II Funding Recommendations](#)
[Attachment III Funding Recommendations \(Arts and Music\)](#)

12. [WS 22-008](#) Solid Waste and Recycling Franchise Agreement: Update on Negotiations (Report from Public Works Director Ameri)

Attachments: [Attachment I Staff Report](#)
[Attachment II Tentatively Agreed Upon Surcharges](#)

COUNCIL REPORTS AND ANNOUNCEMENTS

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

COUNCIL REFERRALS

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

ADJOURNMENT**NEXT MEETING, April 19, 2022, 7:00 PM****PUBLIC COMMENT RULES**

Any member of the public desiring to address the Council shall limit their remarks 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 City website, Cable Channel 15 - KHRT, and YouTube. ****

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

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



CITY OF HAYWARD

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

File #: MIN 22-044

DATE: April 5, 2022

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve the City Council Minutes of the City Council Meeting on March 15, 2022

RECOMMENDATION

That the Council approves the City Council meeting minutes of March 15, 2022.

SUMMARY

The City Council held a meeting on March 15, 2022.

ATTACHMENTS

Attachment I Draft Minutes of March 15, 2022



CONCURRENT GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD AND CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83984594167?pwd=V3NpQnpnTmZYbmFIV0lwQzJ6NlVzQT09>

Tuesday, March 15, 2022, 7:00 p.m.

The concurrent Geologic Hazard Abatement District (GHAD) Board and City Council meeting was called to order by Mayor/Chair Halliday at 7:00 p.m. The GHAD Board and Hayward City Council held a hybrid meeting which included in-person and teleconference participation by members of the City Council, staff and public.

Pledge of Allegiance: Mayor/GHAD Chair Halliday

ROLL CALL

Present

Council Chamber: Council/GHAD Member Lamnin

Virtual Platform (Zoom): Council/GHAD Members Andrews, Márquez, Salinas, Wahab, Zermeño
Mayor/Chair Halliday

Absent: None

Prior to the start of the GHAD meeting, Mayor Halliday asked to observe a moment of silence in memory of Sophia Mason, an 8-year-old Hayward child, recently missing and found deceased. Council Member Andrews encouraged residents to consider donating to Ruby's Place Inc., Love Never Fails and/or Girls, Inc. in Sophia Mason's memory.

The GHAD Board meeting proceeded and concluded at 7:28 p.m.

CLOSED SESSION ANNOUNCEMENTS

The City Council convened in closed session on March 1, 2022, at 5:30 p.m., with all members present, regarding public employment pursuant to Government Code section 54957 regarding the City Clerk's annual performance evaluation. Mayor Halliday announced there was no reportable action related to the item.

The City Council convened in closed session on March 8, 2022, at 5:30 p.m., with all members present, regarding public employment pursuant to Government Code section 54957 regarding the City Attorney's annual performance evaluation. Mayor Halliday announced there was no reportable action related to the item.

The City Council convened in closed session on March 15, 2022, at 4:30 p.m., with all members present, regarding two items: (1) conference with legal counsel pursuant to Government Code section 54956.9 regarding pending litigation in the matter of the reinstatement from industrial disability retirement of Brian Rankin OAH Case #: 2021070390; CalPERS AGENCY Case #: 6065577818; and (2) conference with property negotiators pursuant to Government Code section 54956.8 regarding Caltrans Parcel Group 5 - Maitland Drive, Bunker Hill Court, Bunker Hill Boulevard and Central Boulevard; APNs: 445-0250-041-01, 445-0260-084-03, 445-0260-018-04, 445-0270-054-02, 445-0250-060-00, 445-0250-059-01, 445-0260-109-

04, 445-0260-018-03, 445-0260-109-03, 445-0260-002-00. Related to Item No. 1, City Attorney Lawson reported the Council conducted an appeal hearing regarding the matter of reinstatement of Mr. Brian Rankin, heard presentations and argument from the parties, and after deliberation, approved a motion (6:0:1), with Mayor Halliday moving the item, Council Member Zermeño seconding and Council Member Wahab abstaining, to deny the appeal and adopt Closed Session Resolution 22-001. City Attorney Lawson also noted there was no reportable action related to Item No. 2. The closed session adjourned at 6:40 p.m.

PRESENTATIONS

Mayor Halliday read a proclamation declaring the first Monday in March 2022 as “COVID-19 Victims and Survivors Memorial Day” in remembrance of those marked by COVID-19, those who lost their lives and in honor of those who continue to suffer from the impact of the virus. Mayor Halliday presented the proclamation virtually to Mr. Muneeb Khan who accepted it on behalf of Ms. Kristin Urquiza from Marked By COVID.

Council Member Wahab read a proclamation on behalf of Mayor Halliday declaring March 21, 2022, as “Nowruz Day” (celebrated as the beginning of the traditional New Year) in Hayward, recognizing the cultural and historical significance of Nowruz, and celebrating contributions by Americans of all backgrounds. The proclamation was virtually presented to Ms. Nurges Gheyzasada who thanked the Council for such recognition.

PUBLIC COMMENTS

TJ with Hayward Concerned Citizens referred to remarks made by U.S. President Biden at the State of the Union Address in favor of additional police funding and urged Council to give any earmarked funds to Police for resources needed to keep all residents safe, including a down payment for a modern building.

Mr. Collin Thormoto, Community Services Commissioner, expressed concern about cars speeding on Whitman Street and between Cody and Custer Streets, where his child attends Cristina’s Child Care, and urged Council to investigate the traffic situation and implement traffic calming measures.

Mr. Shane Gill, Hayward resident, noted he was awarded a cannabis distribution license four years ago but was still in the process of building his facility, expressed concern about the local taxes imposed on such businesses, and referred to an email stating his suggestions.

Ms. Alison Guerrero, Hayward resident, echoed the traffic concerns expressed by prior speakers, noted that since Harder Elementary School opened, traffic had increased greatly, was concerned for the safety of children walking to/from school, and asked for traffic calming solutions.

Ms. Catelynn Kearns, Hayward resident, supported previous speakers and echoed concerns about traffic in the Whitman/Custer/Cody neighborhood with speeding cars near Harder Elementary School.



CONCURRENT GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD AND CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83984594167?pwd=V3NpQnpnTmZYbmFIV0lwQzJ6NlVzQT09>

Tuesday, March 15, 2022, 7:00 p.m.

Mr. Robert Davis, Hayward resident, who takes his son to Cristina's Child Care, was concerned about the unsafe traffic situation in the neighborhood near Harder Elementary School, noted he had previously spoken with City staff last fall about the situation, but nothing had been done.

Council Member Márquez shared the Policy Committee of the Alameda County Transportation Authority was recommending a letter in support of Assembly Bill 2336 (Friedman) regarding speed safety monitoring system pilot program and noted other Hayward neighborhoods were also impacted by the issues noted by speakers.

Council Member Salinas shared he had received a few emails asking the City Council to take a position on Ukraine, noted that while Council could not take any position on international affairs that did not directly impact the City, acknowledged the negative impact on families and wished for the war to end soon.

City Clerk Lens announced the City was in the annual process of recruiting youth for service on the Hayward Youth Commission, identified the requirements to serve and methods for submitting applications online or in person, and indicated the application deadline was May 20, 2022, with interviews scheduled for June 2, 2022.

CITY MANAGER'S COMMENTS

City Manager McAdoo responded to the public commenters that Public Works Director Ameri was present via Zoom, heard the comments expressed at the meeting and would look into the traffic concerns/requests including providing information to residents.

CONSENT

1. Approve City Council Minutes of the Special City Council Meeting on February 8, 2022

MIN 22-033

It was moved by Council Member Salinas, seconded by Council Member Zermeño, and carried unanimously by roll call vote, to approve the minutes of the Special City Council meeting on February 8, 2022.

2. Approve City Council Minutes of the City Council Meeting on February 15, 2022

MIN 22-034

It was moved by Council Member Salinas, seconded by Council Member Zermeño, and carried unanimously by roll call vote, to approve the minutes of the City Council meeting on February 15, 2022.

3. Approve City Council Minutes of the City Council Meeting on February 22, 2022 **MIN 22-035**

It was moved by Council Member Salinas, seconded by Council Member Zermeño, and carried unanimously by roll call vote, to approve the minutes of the City Council meeting on February 22, 2022.

4. Adopt Resolutions 1) Approving Addendum No. 1, Awarding a Contract to Los Loza, Inc., in the Amount of \$1,641,198 for the Mission Boulevard Linear Park Project, Project No. 05288 and 2) Authorizing the City Manager to Execute an Amendment Increasing the Professional Services Agreement with SurfaceDesign, Inc., by \$80,000 for Construction Support for a Total Not-to-Exceed Amount of \$390,000 **CONS 22-122**

Staff report submitted by Director of Public Works Ameri, dated March 15, 2022, was filed.

It was moved by Council Member Salinas, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt two resolutions.

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

Resolution 22-050, “Resolution Approving Addendum No. 1 for the Mission Boulevard Linear Park Project, Project No. 05288 and Awarding the Contract to Los Loza, Inc.”

Resolution 22-051, “Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with SurfaceDesign, Inc., for Additional Services Associated with the Mission Boulevard Linear Park Project, Project No. 05288”

5. Adopt a Resolution Authorizing the City Manager to Execute Agreements and Other Documents with the California Department of Transportation (Caltrans) to Receive Federally Funded Payments of \$774,900 for the Traffic Signal Modification at Huntwood/Industrial and Huntwood/Sandoval Intersections Project, Project No. 05737 **CONS 22-123**

Staff report submitted by Director of Public Works Ameri, dated March 15, 2022, was filed.

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



**CONCURRENT GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD AND
CITY COUNCIL MEETING**

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83984594167?pwd=V3NpQnpnTmZYbmFIV0lwQzJ6NlVzQT09>

Tuesday, March 15, 2022, 7:00 p.m.

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

Resolution 22-052, "Resolution Authorizing the City Manager to Execute All Agreements and Amendments with the California Department of Transportation (Caltrans) to Receive Federally Funded Payments for the Traffic Signal Modification at Huntwood/Industrial and Huntwood/Sandoval Intersections Project 05737"

6. Approval of Final Map for Tract 8502, a 15 Lot Subdivision for Condominium Purposes at 29212 Mission Boulevard to Allow the Construction of 130 Condominium Units, 10,800 Square Feet of Ground Floor Commercial Space, Open Space Areas, and Related Site Improvements; Applicant/Owner: Hayward SoMi, LLC., Application No. 202100251
CONS 22-130

Staff report submitted by Assistant City Manager/Development Services Director Ott, dated March 15, 2022, was filed.

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

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

Resolution 22-053, "Resolution Approving the Final Map of Tract 8502, Accepting the Easements Dedicated Thereon for Public Use and Authorizing the City Manager to Negotiate and Execute the Subdivision Improvement Agreement and Related Other Documents"

7. Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361 **CONS 22-132**

Staff report submitted by City Manager McAdoo and City Clerk Lens, dated March 15, 2022, was filed.

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

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

Resolution 22-054, “Resolution Making the Required Findings Pursuant to AB 361 to Continue to Hold Teleconferenced Public Meetings During the COVID 19 State of Emergency”

8. Adopt a Resolution Awarding a Contract to Golden Bay Construction for the FY22 New Sidewalks Project, Project No. 05314, in the Amount of \$770,591 and Authorizing an Administrative Change Order Budget of \$129,409 **CONS 22-140**

Staff report submitted by Director of Public Works Ameri, dated March 15, 2022, was filed.

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

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

Resolution 22-055, “Resolution Authorizing the City Manager to Award a Contract to Golden Bay Construction for the FY22 New Sidewalks Project, Project No. 05314”

9. Adopt a Resolution Approving Addendum No. 1, Rejecting Bid Protest and Awarding a Construction Contract to Bear Construction, Inc., for the Municipal Parking Lot No. 1 Improvement Project, Project No. 05286 in the Amount of \$390,183.50, and Authorizing a Construction Contingency Change Order Budget of \$172,816.50 **CONS 22-145**



**CONCURRENT GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD AND
CITY COUNCIL MEETING**

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83984594167?pwd=V3NpQnpnTmZYbmFIV0lwQzJ6NlVzQT09>

Tuesday, March 15, 2022, 7:00 p.m.

Staff report submitted by Director of Public Works Ameri, dated March 15, 2022, was filed.

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

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

Resolution 22-056, "Resolution Approving Addendum No. 1, Rejecting Bid Protest and Awarding the Municipal Parking Lot No. 1 Improvement Project, Project No. 05286, Construction Contract to Bear Construction, Inc., in the Amount of \$390,183.50, and Authorizing a Construction Contingency Change Order Budget of \$172,816.50"

10. Adopt a Resolution Approving Addendum Nos. 1, 2 and 3, Rejecting Two Non-Responsive Bids, awarding a Contract to Golden Bay Construction, Inc. for Construction of Tract 8058 (Golden Oaks 2) Access and Utilities Improvements Project, Project No. 08058 in the Amount of \$713,831, and Authorizing a Construction Contingency Budget in the Amount of \$89,230 and Budget for Charges Related to Extension of PG&E Facilities in the Amount of \$30,000 **CONS 22-146**

Staff report submitted by Director of Public Works Ameri and City Attorney Lawson, dated March 15, 2022, was filed.

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

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

Resolution 22-057, "Resolution Approving Addendum Nos. 1, 2 and 3, Awarding a Contract to Golden Bay Construction, Inc., for Construction of Tract 8058 Access and Utilities Improvements in the Golden Oaks 2 Subdivision Project, Project No. 08058 in the Amount of \$713,831, Authorizing a Construction Contingency Budget in the Amount of \$89,230, and Authorizing a Budget of \$30,000 for Charges Related to Extension of PG&E Facilities to the Subdivision"

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews announced an upcoming Keep Hayward Clean and Green Task Force event, to be held at Mount Eden Park, on Saturday, March 26, 2022.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:07 p.m. in honor and memory of those killed during the war being waged on the nation of Ukraine and remembering those who are suffering.

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 22-045

DATE: April 5, 2022

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve the City Council Minutes of the City Council Meeting on March 22, 2022

RECOMMENDATION

That the Council approves the City Council meeting minutes of March 22, 2022.

SUMMARY

The City Council held a meeting on March 22, 2022.

ATTACHMENTS

Attachment I Draft Minutes of March 22, 2022



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88531878204?pwd=ZjgrdFlIRStmSmZMa2ZqVHcvNFp6UT09>

Tuesday, March 22, 2022, 7:00 p.m.

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m. The City Council held a hybrid meeting which included in-person and teleconference participation by members of the City Council, staff and public.

Pledge of Allegiance: Council Member Lamnin

ROLL CALL

Present

Council Chamber: Council Member Lamnin

Mayor Halliday

Virtual Platform (Zoom): Council Members Andrews, Márquez, Salinas, Wahab, Zermeño

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on March 22, 2022, at 5:30 p.m., with all members present, regarding a conference with property negotiators pursuant to Government Code section 54956.8 regarding Cargill Salt; 7220 Central Avenue, Newark, CA 94560, APN: 537-751-7-1. City Attorney Lawson announced there was no reportable action related to the item and the closed session adjourned at 6:35 p.m.

PRESENTATIONS

Mayor Halliday read a certificate of commendation presented to Avellino Labs, a private company that worked closely with the Hayward Fire Department in March 2020 to implement Polymerase Chain Reaction (PCR) testing and develop protocol COVID-19 testing. Avellino Lab's executive team, Jon Robson, John Hong, Scott Korney, and Angela Lapré, along with Hayward Fire Chief Contreras, were present in the Council Chamber to accept the commendation. Fire Chief Contreras indicated Avellino Labs offered to provide two paramedic program scholarships per year for the next three years,

Mayor Halliday read the proclamation declaring March 2022, as "Women's History Month" in Hayward recognizing women's contributions toward equality and social justice for girls and women. Mayor Halliday highlighted a program held by the Eden Area League of Women Voters honoring long-time women leaders in Alameda County.

PUBLIC COMMENTS

There were none.

CITY MANAGER'S COMMENTS

City Manager McAdoo thanked Avellino Labs and Fire Chief Contreras, for his foresight, innovation, and leadership at the start of the COVID-19 pandemic, including rapid implementation of COVID-19 testing. Mayor Halliday recognized City Manager McAdoo for contributing to advancing women in government.

CONSENT

1. Adopt a Resolution Accepting the Resignation of Ms. Kelly Peterson from the Library Commission, Effective Immediately **CONS 22-142**

Staff report submitted by City Clerk Lens, dated March 22, 2022, was filed.

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

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

Resolution 22-058, "Resolution Accepting the Resignation of Ms. Kelly Peterson from the Library Commission"

2. Adopt a Resolution Appointing Ms. Shareen Purcell to the Library Commission to Fulfill the Unexpired Term of Ms. Kelly Peterson **CONS 22-169**

Staff report submitted by City Clerk Lens, dated March 22, 2022, was filed.

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

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



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88531878204?pwd=ZjgrdFlIRStmSmZMa2ZqVHcvNFp6UT09>

Tuesday, March 22, 2022, 7:00 p.m.

Resolution 22-059, "Resolution Appointing Ms. Shareen Purcell to the Library Commission to Fulfill the Unexpired Term of Ms. Kelly Peterson"

3. Adopt a Resolution of Intention to Amend the Precise Plan Line for Rockaway Lane from "A" Street to Russell Way, Reducing the Right-of-Way Width Requirement from 68 Feet to 56 Feet; Applicant/Owner: William Frankel, 22422 Rockaway LLC, Application No. 202105041 **CONS 22-151**

Staff report submitted by Director of Public Works Ameri, dated March 22, 2022, was filed.

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

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

Resolution 22-060, "Resolution of Intention to Amend Precise Plan Lines for Rockaway Lane from "A" Street to Russell Way"

4. Adopt a Resolution Authorizing the City Manager to Execute the Amended and Restated Water Supply Agreement with the City and County of San Francisco and Wholesale Customers and Approving a Minimum Purchase Transfer from the City of Mountain View to the City of East Palo Alto **CONS 22-154**

Staff report submitted by Director of Public Works Ameri, dated March 22, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt two resolutions.

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

Resolution 22-061, “Resolution Authorizing the City Manager to Execute the Amended and Restated Water Supply Agreement with the City and County of San Francisco and Wholesale Customers”

Resolution 22-062, “Resolution Approving a Minimum Purchase Transfer from City of Mountain View to City of East Palo Alto”

5. Adopt Resolutions 1) Awarding a Contract to Sposeto Engineering, Inc. for the Safe Routes for Seniors Project, Project No. 05309, in the Amount of \$2,366,608, and Authorizing a Contingency Budget of \$233,000 for Administrative Change Orders; 2) Appropriating Measure BB Paratransit Funds, in the Amount of \$250,000 to Project No. 05309; and 3) Transferring Funds in the Amount of \$400,000 from the Main Street Complete Streets Project, Project No. 05283, to SR4S Project No. 05309 **CONS 22-155**

Staff report submitted by Director of Public Works Ameri, dated March 22, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt three resolutions.

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

Resolution 22-063, “Resolution Approving Award of Contract for the Safe Routes for Seniors Project, Project No. 05309 to Sposeto Engineering, Inc.”

Resolution 22-064, “Resolution to Appropriate Additional Authorized Measure BB Paratransit Funds, in an Amount of \$250,000, for the Safe Routes for Seniors (SR4S) Project, Project No. 05309, Within Measure BB Paratransit Operating Fund (Fund 214) and Authorize the Transfer of Funds from Fund 214 to Measure BB Paratransit Cip Fund (Fund 219)”

Resolution 22-065, “Resolution to Transfer Funds, in the Amount of \$400,000, from Main Street Complete Street Project, Project No. 05283, to the Safe Routes for Seniors (SR4S) Project, Project No. 05309”



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88531878204?pwd=ZjgrdFlIRStmSmZMa2ZqVHcvNFp6UT09>

Tuesday, March 22, 2022, 7:00 p.m.

-
6. Adopt Resolutions 1) Authorizing the City Manager to Execute an Amendment Increasing the Professional Services Agreement with SurfaceDesign, Inc., by \$122,975 for a Total Not-to-Exceed Amount of \$637,975 for Additional Design and Consultant Services; and, 2) Authorizing the City Manager to Execute an Amendment Increasing the Professional Services Agreement with Langan Engineering and Environmental Services by \$200,026 for a Total Not-to-Exceed Amount of \$493,426 for Additional Design and Consultant Services for the La Vista Park Project, Project No. 06914 **CONS 22-158**

Staff report submitted by Director of Public Works Ameri, dated March 22, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt two resolutions.

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

Resolution 22-066, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with SurfaceDesign, Inc. for the La Vista Park Project, Project No. 06914"

Resolution 22-067, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Langan Engineering and Environmental Services for the La Vista Park Project, Project No. 06914"

7. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with LookingPoint for Cisco Unified Computing System (UCS) and VMWare Refresh in an Amount Not-to-Exceed \$300,000 **CONS 22-170**

Staff report submitted by Chief Information Officer/Director of Information Technology Kostrzak, dated March 22, 2022, was filed.

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

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

Resolution 22-068, “Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with LookingPoint for Cisco UCS and VMware Refresh in an Amount Not to Exceed \$300,000”

8. Adopt a Resolution Authorizing the City Manager to Reestablish a Police Trainee/ Entry Level/Academy Graduate (TEAG) Hiring Bonus Program & Lateral Hiring Bonus Program and Reestablish a Hiring Incentive Referral Program (HIRP) for City Employees **CONS 22-172**

Staff report submitted by Chief of Police Chaplin, dated March 22, 2022, was filed.

Council Member Lamnin recommended evaluating a Hiring Bonus Program for dispatch and other difficult to fill classifications in various City departments if offset by vacancy savings.

It was moved by Council Member Lamnin, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt three resolutions.

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

Resolution 22-069, “Resolution Authorizing the City Manager to Reestablish a Hayward Police Department Trainee/Entry Level/ Academy Graduate (TEAG) Hiring Bonus Program”

Resolution 22-070, “Resolution Authorizing the City Manager to Reestablish a Hayward Police Department Lateral Officer Hiring Bonus Program in the Amount of \$20,000 Per Qualified Candidate Hired”

Resolution 22-071, “Resolution Authorizing the City Manager to Reestablish a Hayward Police Department Hiring Incentive Referral Program (HIRP) in the Amount of \$2,000 to Qualified Referring Employees”



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88531878204?pwd=ZjgrdFlIRStmSmZMa2ZqVHcvNFp6UT09>

Tuesday, March 22, 2022, 7:00 p.m.

LEGISLATIVE BUSINESS

9. Fireworks Ban Education and Enforcement: Introduction of Two Ordinances Amending Chapter 4 Article 15 of the Hayward Municipal Code Relating to Social Nuisance by Specifically Including Fireworks and Chapter 3 Article 3 of the Hayward Municipal Code Relating to Fireworks by Specifically Identifying Property Owners Accountable for Fireworks **LB 22-009**

Staff report submitted by Assistant City Manager/Development Services Director Ott, dated March 22, 2022, was filed.

Assistant City Manager Ott and Management Analyst Thomas provided a synopsis of the staff report indicating a staff interdepartmental taskforce, comprising Deputy Fire Chief Vollmer, Police Sergeant Maloney, and Code Enforcement Manager Nichols, was created to address the issue of illegal fireworks.

Discussion ensued among members of the City Council and City staff regarding: \$30,000 estimated costs to staff enforcement activities and a portion offset through fines collected; fireworks enhanced enforcement process including appointed officers and assigned staff involvement; proposed enforcement process specific to property owners and not private properties; sale of fireworks in Union City represents significant fundraising for non-profit groups and a regional partnership related to sale of fireworks might be best approach; plan to use the month of April for educational approach; administrative hearing appeal process including written legal notifications to property owners; and illegal fireworks activity at intersections of two streets would be handled by dispersing the group in a safe manner.

Council Member Márquez suggested outreaching to Hayward Area Recreation and Park District (HARD) and Hayward Unified School District (HUSD) and having a report to Council on the implementation of the workplan to enhance enforcement related to the fireworks ban in the fall.

Council Member Salinas asked if the use of illegal fireworks was going to be considered as one criterion to evict tenants and suggested ensuring education is included in multi-unit family housing if the proposal will impact them.

Council Member Andrews suggested using hot spots to evaluate the need to enforce illegal fireworks during other months of the year and consider placing signs at strategic locations such as California State University East Bay and Union Landing Shopping Center.

Mayor Halliday opened public comments at 8:00 p.m.

Mr. Kevin Dowling noted that getting the word out about fines for property owners and renters will be key to the success of the proposal and added that enforcement has become more difficult and dangerous over the years because owners have moved fireworks to backyards.

TJ, Hayward Concerned Citizens member, asked that, as educational announcements go out to the public, to include intermittent posts on the NextDoor media platform.

Mr. Tom Ferreira, Hayward Concerned Citizens member, suggested adding extra patrol units from June 1 into July to discourage big illegal fireworks that happen on July 4th in Hayward.

Mayor Halliday closed public comments at 8:05 p.m.

Members of the City Council expressed appreciation for City staff's efforts and collaboration with the proposal to deal with significant illegal fireworks in Hayward, and for bringing the report to Council in a timely manner.

Council Member Lamnin echoed outreaching to HARD and HUSD, having a report in the fall, posting information on NextDoor; suggested having notices in multi-languages; having enforcement around Memorial Day and New Year's Day; was interested in learning about impacts to the community and techniques for calming pets and individuals experiencing post-traumatic stress disorder (PTSD) symptoms.

Council Member Lamnin made a motion to move the item with an amendment to Chapter 3 Article 3, Section 3-3.00(1) of the Hayward Municipal Code, by removing the reference, "Chinese or other" from the first paragraph referring to firecrackers.

Council Member Wahab seconded that motion.

Council Member Wahab asked to consider if other City employees could volunteer to work on the program and perhaps be trained to write citations, and suggested collecting data during holidays that seem problematic prior to the 4th of July to set as a baseline prior to the enforcement in July.

Mayor Halliday suggested adding big games such as the Super Bowl to the list of dates of concern about illegal fireworks.

Council Member Zermeño concurred with his colleagues, indicated the proposal will provide some relief for elders, babies, pets and individuals experiencing PTSD, and urged staff to continue to work on a regional solution, educate the community and consider the proposed enforcement approach throughout the year.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88531878204?pwd=ZjgrdFlIRStmSmZMa2ZqVHcvNFp6UT09>

Tuesday, March 22, 2022, 7:00 p.m.

Council Member Andrews acknowledged staff incorporated Council's concerns in the report in a timely manner, concurred with suggestion to engage HARD and partnering with that agency, asked for an update related to regional efforts during the next presentation to Council, and asked to incorporate, in the future, having offenders participate in cleanup of fireworks, in addition to fines.

Council Member Salinas requested that staff include nearby County jurisdictions with the notifications, stating that fireworks are illegal in the county too, especially the Cherryland area, adjacent to the northern City boundary.

Council Member Márquez thanked staff for incorporating Council and public comments, especially related to elders and community members with pets and those suffering PTSD.

Mayor Halliday echoed the appreciation of staff and input from community members and concurred with partnering with HARD and HUSD and asked that, in the future, staff consider offering alternatives to fines for those facing hardship, such as community service for first offense or reduced fines.

It was moved by Council Member Lamnin, seconded by Council Member Wahab, and carried by the following roll call vote, to introduce the two ordinances, with one further amendment to Chapter 3 Article 3, Section 3-3.00(1), by removing the reference, "Chinese or other" from the first paragraph referring to firecrackers.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Ordinance 22-__, "Ordinance of the City of Hayward, California Amending Chapter 4, Article 15 of the Hayward Municipal Code Relating to Social Nuisance by Specifically Including Fireworks"

Ordinance 22-__, "Ordinance of the City of Hayward, California Amending Chapter 3, Article 3 of the Hayward Municipal Code Relating to Fireworks by Specifically Identifying Property Owners Accountable for Fireworks"

10. General Plan Annual Progress Report: Accept the Hayward 2040 General Plan Annual Progress Report for Calendar Year 2021 **LB 22-008**

Staff report submitted by Assistant City Manager/Development Services Director Ott, dated March 22, 2022, was filed.

Assistant City Manager Ott introduced Associate Planner Mira Hahn, who provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public comment period at 8:46 p.m.

While there was no resolution required on the item, City Manager McAdoo asked the City Council to make a motion to accept the report, and direct staff to send it on to the required state agency.

Council Member Márquez made a motion to move as staff recommended, and Council Member Zermeño seconded the motion.

In response to Council Member Márquez's request for staff to elaborate on the update to the Housing Element of the General Plan, Assistant City Manager Ott noted staff was engaged on the update to that document, with many required sections and staff planned a more concerted outreach process with focus on diversity, equity, and inclusion.

In response to Council Member Andrews' inquiry about outreach for the Parking Strategy, Planning Manager Lorcirco responded that staff was working on the Objective Standards, along with a contracted firm, to develop a robust outreach effort, with a report due to City Council in July.

In response to Council Member Andrews' inquiry about the potential Cultural Commission, City Manager McAdoo noted there will be an informational item that will come the same night as the adoption of the Council Strategic Roadmap and noted her concern for staffing any additional commissions.

Council Member Zermeño expressed support for consideration of a Cultural Commission, asked staff to consider adding the Portuguese Park to the list of National Register of Historical Places, inquired if the City keeps track of why businesses fail and leave Hayward, asked staff to consider a plan for discussing a central location for street vendors, and was pleased the Urban Forest Management Plan was on the list of programs.

Mayor Halliday appreciated the comprehensive report, thanked Council Member Andrews for bringing up the Cultural Commission, with support from Council Member Zermeño.

Council Member Lamnin was pleased to see intersection between the Strategic Plan and the General Plan, alongside work relative to the budget; was excited about the Hire Hayward program; wanted to keep ROP and Chabot College engaged in the incubator program; suggested that as Transit Gaps gets moving to include the Interagency Liaison Committee (AC Transit) and Joint Powers Authority (BART) in the process; asked staff to confirm if M-14 (Transit Rider Information Study) is still needed; suggested having Community Resources for



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88531878204?pwd=ZjgrdFlIRStmSmZMa2ZqVHcvNFp6UT09>

Tuesday, March 22, 2022, 7:00 p.m.

Independent Living discuss which standard designs would make housing accessible and could be recommended to developers; was not fully supportive of adding another Commission at this time, but perhaps work with the Sun Gallery, Hayward Area Historical Society and Hayward Arts Council.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried by unanimous vote, to accept the Hayward 2040 General Plan Progress Report for the 2021 Calendar Year, and to direct staff to send it to the State Office of Planning and Research and the State Housing and Community Development Office.

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

11. Salary Plan Amendment: Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2022 **LB 22-010**

Staff report submitted by Director of Human Resources Sangy, dated March 22, 2022, was filed.

City Clerk Lens and City Attorney Lawson recused themselves from the meeting during discussion of the item because their salaries were part of the plan.

Director of Human Resources Sangy provided synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public comment period at 9:16 p.m.

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

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

Resolution 22-072, "Resolution Approving the Amended Fiscal Year 2022 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 22-042 and all Amendments Thereto"

City Clerk Lens and City Attorney Lawson returned to the meeting following Council action.

PUBLIC HEARING

12. Master Fee Schedule: Adopt a Resolution Amending the Fiscal Year 2023 Master Fee Schedule **PH 22-017**

Staff report submitted by Director of Finance Claussen, dated March 22, 2021, was filed.

Finance Director Claussen provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:25 p.m.

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

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

Resolution 22-073, "Resolution Adopting the FY 2023 Master Fee Schedule that Reflects Updated Fees and Charges for Departments in the City of Hayward and Rescinding Resolution No. 21-044 and all Amendments Thereto"

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews announced the Keep Hayward Clean and Green Task Force clean-up event at Mount Eden Park on Saturday, March 26, 2022, and indicated Dante Jackson (murder suspect) was wanted by the police, and if he was seen in the Hayward community, residents should call 9-1-1.

Council Member Zermeño announced that the Puente Project of Chabot College joined by a Tennyson High School Puente Program teacher and class would be out cleaning Hesperian Boulevard in front of the college on March 26, 2022; and announced an upcoming Caltrans presentation of clean-up work done around Hayward, on March 25, 2022, where Council



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/88531878204?pwd=ZjgrdFlIRStmSmZMa2ZqVHcvNFp6UT09>

Tuesday, March 22, 2022, 7:00 p.m.

Member Lamnin would represent the Council.

Council Member Márquez reported that the Hayward Main Library children's area was fully opened and would resume Story Time and encouraged everyone to enjoy the new Heritage Plaza across the street from the library.

Mayor Halliday announced the City Council would hold a special joint meeting with the Hayward Unified School District Board on March 29, 2022, at 5:30 p.m. via Zoom to discuss school closures and housing plans.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the City Council meeting at 9:32 p.m.

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 22-190

DATE: April 5, 2022

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Adopt an Ordinance of the City of Hayward Amending Chapter 4, Article 15 of the Hayward Municipal Code Relating to Social Nuisance and Specifically Including Fireworks

RECOMMENDATION

That the Council adopts the Ordinance introduced on March 22, 2022.

SUMMARY

This item entails adoption of an Ordinance amending Chapter 4, Article 15 of the Hayward Municipal Code, introduced on March 22, 2022, by Council Member Lamnin.

ATTACHMENTS

Attachment I Staff Report
Attachment II Summary of Published Ordinance



DATE: April 5, 2022

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adopt an Ordinance of the City of Hayward Amending Chapter 4, Article 15 of the Hayward Municipal Code Relating to Social Nuisance and Specifically Including Fireworks

RECOMMENDATION

That the Council adopts the Ordinance introduced on March 22, 2022.

SUMMARY

This item entails adoption of an Ordinance amending Chapter 4, Article 15 of the Hayward Municipal Code, introduced on March 22, 2022, by Council Member Lamnin.

BACKGROUND

The Ordinance was introduced by Council Member Lamnin at the March 22, 2022, meeting of the City Council with the following vote:

AYES:	COUNCIL MEMBERS: Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeño MAYOR Halliday
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

STRATEGIC ROADMAP

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

FISCAL IMPACT

There is no fiscal impact associated with this report.

PUBLIC CONTACT

The summary of the Ordinance was published in the Daily Review c/o Bay Area News Group-East Bay on Friday, April 2, 2022. Adoption, at this time, is therefore appropriate.

NEXT STEPS

The Hayward Municipal Code and other related documents will be updated accordingly.

Prepared and Recommended by:

Miriam Lens, City Clerk

Approved by:

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

Kelly McAdoo, City Manager

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA AMENDING CHAPTER 4, ARTICLE 15
OF THE HAYWARD MUNICIPAL CODE RELATING TO SOCIAL NUISANCE BY SPECIFICALLY
INCLUDING FIREWORKS

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

Section 1. Chapter 4, Article 14 of the Hayward Municipal Code is hereby amended to
read as follows:

ARTICLE 15
SOCIAL NUISANCE ORDINANCE

SEC. 4-15.01 TITLE.

This ordinance shall be known as the "Social Nuisance Ordinance," may be cited as
such, and will be referred to herein as "this ordinance."

SEC. 4-15.02 FINDINGS.

SEC. 4-15.03 PURPOSE.

SEC. 4-15.04 APPLICATION.

GENERAL RESPONSIBILITIES.

SEC. 4-15.05 RESPONSIBILITY FOR PROPER PROPERTY MANAGEMENT.

SEC. 4-15.06 RESPONSIBILITY OF EVERY TENANT.

SEC. 4-15.07 AUTHORITY.

SEC. 4-15.08 PENALTY FOR VIOLATIONS; ENFORCEMENT.

DEFINITIONS

SEC. 4-15.09 OWNER.

SEC. 4-15.10 TENANT.

SEC. 4-15.11 ENFORCEMENT OFFICER.

SEC. 4-15.12 HEARING OFFICER.

SEC. 4-15.13 ADMINISTRATIVE EXPENSES.

SEC. 4-15.14 PUBLIC NUISANCE.

NOTICES

SEC. 4-15.15 COURTESY NOTICE.

SEC. 4-15.16 ORDER TO ABATE—CONTENT.

SEC. 4-15.17 ORDER TO ABATE—SERVICE.

SEC. 4-15.18 ORDER TO ABATE—FEE.

SEC. 4-15.19 CITY MANAGER'S REVIEW OF COMPLIANCE.

SEC. 4-15.20 NOTICE OF ADMINISTRATIVE PENALTY.

HEARING RIGHTS

- SEC. 4-15.21 RIGHT TO HEARING.
- SEC. 4-15.22 REQUEST FOR HEARING.
- SEC. 4-15.23 HEARING NOTICE—CONTENTS.
- SEC. 4-15.24 HEARING NOTICE—SERVICE.
- SEC. 4-15.25 HEARINGS—GENERALLY.
- SEC. 4-15.26 RECORD OF ORAL EVIDENCE AT HEARING.
- SEC. 4-15.27 CONTINUANCES.
- SEC. 4-15.28 OATHS.
- SEC. 4-15.29 EVIDENCE RULES.
- SEC. 4-15.30 RIGHTS OF PARTIES.
- SEC. 4-15.31 OFFICIAL NOTICE.
- SEC. 4-15.32 DECISION OF THE HEARING OFFICER
- SEC. 4-15.33 ENFORCEMENT OF HEARING OFFICER ORDERS.
- SEC. 4-15.34 ACCESS TO RECORDS AND EVIDENCE.
- SEC. 4-15.35 JUDICIAL REVIEW OF ADMINISTRATIVE DECISION.

PROCEDURES FOR COLLECTION OF ADMINISTRATIVE PENALTY

- SEC. 4-15.36 NOTICE OF LIEN/SPECIAL ASSESSMENT.
- SEC. 4-15.37 LIEN/SPECIAL ASSESSMENT HEARING.
- SEC. 4-15.38 ACCOUNT AND REPORT OF COST.
- SEC. 4-15.39 NOTICE OF REPORT.
- SEC. 4-15.40 COLLECTION ON TAX ROLL.

Section 2. Severance.

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

Section 3. Effective Date.

This ordinance shall become effective thirty (30) days after adoption by the City Council.

Introduced at a meeting of the City Council of the City of Hayward, held the 22nd day of March 2022, by Council Member Lamnin.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on April 5, 2022, at 7:00 p.m. Please note the City Council will hold a hybrid meeting which will allow for participation in the Council Chamber and virtually via the Zoom platform. The full text of this Ordinance is available for examination by the public by contacting the City Clerk's office at cityclerk@hayward-ca.gov or (510) 583-4400.

Dated: April 2, 2022
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 22-191

DATE: April 5, 2022

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Adopt an Ordinance of the City of Hayward Amending Chapter 3, Article 3 of the Hayward Municipal Code Relating to Fireworks by Specifically Identifying Property Owners Accountable for Fireworks

RECOMMENDATION

That the Council adopts the Ordinance introduced on March 22, 2022.

SUMMARY

This item entails adoption of an Ordinance amending Chapter 3, Article 3 of the Hayward Municipal Code, introduced on March 22, 2022, by Council Member Lamnin.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Summary of Published Ordinance



DATE: April 5, 2022
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adopt an Ordinance of the City of Hayward Amending Chapter 3, Article 3 of the Hayward Municipal Code Relating to Fireworks by Specifically Identifying Property Owners Accountable for Fireworks

RECOMMENDATION

That the Council adopts the Ordinance introduced on March 22, 2022.

SUMMARY

This item entails adoption of an Ordinance amending Chapter 3, Article 3 of the Hayward Municipal Code, introduced on March 22, 2022, by Council Member Lamnin.

BACKGROUND

The Ordinance was introduced by Council Member Lamnin at the March 22, 2022, meeting of the City Council with the following vote:

AYES:	COUNCIL MEMBERS: Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeno MAYOR Halliday
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

The introduction of the Ordinance included an additional amendment to Section 3-3.00 Firearms and Fireworks, by removing the “Chinese” designation, as follows:

SEC. 3-3.00 FIREARMS AND FIREWORKS.

1. It shall be unlawful for any person at any time, to fire or discharge or cause to be fired or discharged any cannon, anvil, gun, pistol, or other firearms, ~~Chinese or other~~ firecrackers, bomb, fireworks or explosive preparation of any nature whatsoever, within the limits of the City of Hayward.

STRATEGIC ROADMAP

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

FISCAL IMPACT

There is no fiscal impact associated with this report.

PUBLIC CONTACT

The summary of the Ordinance was published in the Daily Review c/o Bay Area News Group-East Bay on Friday, April 2, 2022. Adoption, at this time, is therefore appropriate.

NEXT STEPS

The Hayward Municipal Code and other related documents will be updated accordingly.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Kelly McAdoo, City Manager

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA AMENDING CHAPTER 3, ARTICLE 3
OF THE HAYWARD MUNICIPAL CODE RELATING TO FIREWORKS BY SPECIFICALLY
IDENTIFYING PROPERTY OWNERS ACCOUNTABLE FOR FIREWORKS

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

Section 1. Chapter 3, Article 3 of the Hayward Municipal Code is hereby amended to
read as follows:

ARTICLE 3
EXPLOSIVES, FIREARMS AND FIREWORKS

SEC. 3-3.00 FIREARMS AND FIREWORKS.

1. It shall be unlawful for any person at any time, to fire or discharge or cause to be
fired or discharged any cannon, anvil, gun, pistol, or other firearms, ~~Chinese or other~~
firecrackers, bomb, fireworks or explosive preparation of any nature whatsoever, within the
limits of the City of Hayward.

2. It shall be unlawful for any person, property owner or social host, to ignite, explode,
project, or otherwise fire or use any fireworks, or permit the ignition, explosion or projection
thereof, upon private property or over onto the property of another, or within 100 feet of
any residence dwelling or other structure used as a place of habitation by human beings. Any
person, social host or property owner shall be liable for any unlawful use, discharge, or
display of fireworks at their property or gathering.

Provided, however, the use of fireworks at such public displays of fireworks inside
the limits of the City of Hayward as may be given with the joint written consent first had and
obtained, of the Fire Chief and the Police Chief, shall not be unlawful.

All acts under such joint permission must be done in a careful manner, and such
joint permission shall not exempt the person to whom it is granted from any liability for
damage done to person or property by him under such permission.

SEC. 3-3.10 FIREARMS, EXCEPTIONS AS TO USE.

The foregoing provisions as to the use of firearms shall not apply to peace officers
in the discharge of their official duties and using reasonable care; nor to persons using
firearms in necessary self-defense or in a careful manner for the purpose of destroying
noxious animals upon land owned or occupied by them; nor to organizations which are by
the United States Federal Government authorized to use such firearms; nor to members of
any lawfully organized gun club when using said firearms for the purpose of practicing
shooting at targets upon established target ranges; nor to any person having permission of
the owner of the land to shoot birds and animals during hunting season.

Section 2. Severance. If any section, subsection paragraph or sentence of the Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 3. Effective Date. This ordinance shall become effective thirty (30) days after adoption by the City Council.

Introduced at a meeting of the City Council of the City of Hayward, held the 22nd day of March 2022, by Council Member Lamnin.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on April 5, 2022, at 7:00 p.m. Please note the City Council will hold a hybrid meeting which will allow for participation in the Council Chamber and virtually via the Zoom platform. The full text of this Ordinance is available for examination by the public by contacting the City Clerk's office at cityclerk@hayward-ca.gov or (510) 583-4400.

Dated: April 2, 2022
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 22-185

DATE: April 5, 2022

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361

RECOMMENDATION

That the Council adopts a resolution (Attachment II) pursuant to AB 361 making specific findings to allow the Council and appointed commissions/task forces and Council committees (Exhibit A to Attachment II) to continue holding teleconferenced public meetings during the COVID 19 state of emergency.

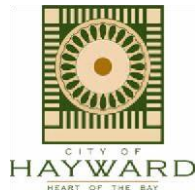
SUMMARY

On September 16, 2021, the Governor signed AB 361 that amended provisions of the Brown Act to allow local governments to conduct virtual meetings during a state of emergency proclaimed by the Governor, subject to complying with specific requirements, including providing public access and participation via call-in or internet-based platforms. While AB 361 does not require legislative bodies to take any specific actions to hold an initial teleconferenced meeting during a state of emergency, a legislative body must act in order to continue holding subsequent teleconferenced meetings while the state of emergency remains in effect. Specifically, no later than 30 days after the initial AB 361 teleconferenced meeting, and every 30 days thereafter, a legislative body must make findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist: the state of emergency continues to directly impact the ability of the members to meet safely in person; or, state or local officials continue to impose or recommend measures to promote social distancing.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Exhibit A to Resolution

File #: CONS 22-185



DATE: April 5, 2022

TO: Mayor and City Council

FROM: City Manager
City Clerk

SUBJECT: Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361

RECOMMENDATION

That the Council adopts a resolution (Attachment II) pursuant to AB 361 making specific findings to allow the Council and appointed commissions/task forces and Council committees (Exhibit A to Attachment II) to continue holding teleconferenced public meetings during the COVID 19 state of emergency.

SUMMARY

On September 16, 2021, the Governor signed AB 361 that amended provisions of the Brown Act to allow local governments to conduct virtual meetings during a state of emergency proclaimed by the Governor, subject to complying with specific requirements, including providing public access and participation via call-in or internet-based platforms. While AB 361 does not require legislative bodies to take any specific actions to hold an initial teleconferenced meeting during a state of emergency, a legislative body must act in order to continue holding subsequent teleconferenced meetings while the state of emergency remains in effect. Specifically, no later than 30 days after the initial AB 361 teleconferenced meeting, and every 30 days thereafter, a legislative body must make findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist: the state of emergency continues to directly impact the ability of the members to meet safely in person; or, state or local officials continue to impose or recommend measures to promote social distancing.

BACKGROUND

In general, the Brown Act allows legislative bodies to use teleconferencing during a public meeting as long as certain requirements are met, such as:

- Identification of any remote location from which a member of the legislative body is participating via teleconference;
- Posting of agendas at all remote locations from which members of the legislative body are participating;
- Public accessibility to the remote location and the technological means for allowing the public to participate in the meeting from the location; and
- A quorum of the members must be participating from a location within the jurisdiction of the legislative body.

In response to the COVID 19 state of emergency, the Governor temporarily suspended the rules described above when he issued Executive Order N-29-20 on March 17, 2020 and authorized local legislative bodies to hold virtual public meetings subject to specific public accessibility and noticing requirements.

With the expiration of Executive Order N-29-20, AB 361 amends the Brown Act to allow virtual public meetings during a state of emergency proclaimed by the Governor. A local agency may hold a teleconferenced meeting during a state of emergency without complying with the normal teleconferencing requirements described above if it meets requirements related to providing notice of the meeting, public access and participation via call-in or internet-based service options, real-time public comments, and conduct of the meeting in a manner that protects statutory and constitutional rights of any parties and the public appearing before the legislative body.

AB 361 does not require legislative bodies to take any specific action prior to holding an initial teleconferenced meeting during a state of emergency. However, to hold a subsequent teleconferenced meeting a legislative body must act no later than 30 days after the initial teleconferenced meeting, and every 30 days thereafter, by making findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist:

- The state of emergency continues to directly impact the ability of the members to meet safely in person; or
- State or local officials continue to impose or recommend measures to promote social distancing.

DISCUSSION

On February 25, 2022, the Governor issued Executive Order N-04-22 repealing many of his prior Executive Orders imposing various mandates intended to address the impact of COVID 19. However, the Governor did not lift the State of Emergency related to COVID 19 that he initially proclaimed on March 4, 2020. As of the date of this report, the State of Emergency proclaimed by the Governor remains in effect.

Current orders of the Alameda County Health Official satisfy both conditions necessary for the AB 361 findings described above:

- Order No. 20-05g, originally issued April 3, 2020 and most recently amended on January 10, 2022, imposes a mandate that all individuals diagnosed or likely to have COVID 19 must isolate themselves and follow requirements further specified in the Order.
- Order No. 20-060, originally issued April 3, 2020 and most recently amended on February 22, 2022, imposes a quarantine requirement on individuals who have had close contact to a person infected with COVID 19 unless specific criteria described in the order are met.
- Pursuant to a February 28, 2022 advisory from the California Department of Public Health, effective March 1, 2022 the requirement that unvaccinated individuals mask in indoor public settings will move to a strong recommendation that all persons, regardless of vaccination status, continue to mask while in indoor public settings and businesses.
- The Alameda County Public Health Department strongly recommends that everyone 2 years of age and older wear a mask, regardless of their vaccination status, in indoor public settings and businesses, and advises that masks are required indoors at businesses, government offices, youth-serving facilities, and workplace settings that choose to require everyone to mask.
- Workplaces must comply with Cal/OSHA safety standards.

Additionally, the California Department of Public Health continues to require unvaccinated individuals to wear masks in indoor public settings and businesses, including state and local government officers serving the public. Fully vaccinated individuals are recommended to continue indoor masking when the risk may be high.

Alameda County Health Order No. 21- 04 (effective November 1, 2021), which allows a stable group of fully vaccinated individuals to remove masks in certain indoor situations, is not applicable to the City's public meetings because they do not necessarily involve a stable group of vaccinated individuals.

Currently, the Council is holding hybrid Council meetings that allow for virtual participation via the Zoom platform as well as in-person participation. This format also allows for real-time public comments, in compliance with AB 361. In compliance with Alameda County public health orders, everyone inside the Council Chamber is required to wear a mask or other face-covering. All City commissions, task forces, and Council committees continue meeting entirely virtually over the Zoom platform.

Based on the above, staff recommends that the Council adopts the attached resolution making the necessary findings to allow the Council and the appointed boards and

commissions identified in Exhibit A to the resolution to continue holding teleconferenced meetings pursuant to AB 361.

FISCAL IMPACT

There is no fiscal impact associated with this action.

STRATEGIC ROADMAP

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

NEXT STEPS

Adoption of the resolution will allow the Council and specified appointed boards and commissions to hold a subsequent teleconferenced meeting pursuant to the provisions of AB 361. Additional resolutions must be adopted every thirty days during the existence of the state of emergency in order to continue holding teleconferenced meetings.

Prepared by: Kelly McAdoo, City Manager
Miriam Lens, City Clerk

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO AB 361 TO
CONTINUE TO HOLD TELECONFERENCED PUBLIC MEETINGS DURING THE
COVID 19 STATE OF EMERGENCY

WHEREAS, the Brown Act (Government Code section 54950 et seq.) allows for public meetings of a legislative body to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction; and

WHEREAS, in response to the COVID-19 state of emergency, the Governor temporarily suspended the rules described above when he issued Executive Order N-29-20 on March 17, 2020 and authorized local legislative bodies to hold virtual public meetings subject to specific public accessibility and noticing requirements; and

WHEREAS, the Governor signed AB 361 prior to the expiration of Order N-29-20; and

WHEREAS, AB 361 amends the Brown Act to the legislative body of a local agency to hold a teleconferenced meeting during a state of emergency without complying with the normal teleconferencing requirements described above if it meets requirements related to providing notice of the meeting, public access and participation via call-in or internet-based service options, real-time public comments, and conduct of the meeting in a manner that protects statutory and constitutional rights of any parties and the public appearing before the legislative body; and

WHEREAS, AB 361 does not require legislative bodies to take any specific action prior to holding an initial teleconferenced meeting during a state of emergency, however, to hold a subsequent teleconferenced meeting a legislative body must act no later than 30 days after the initial teleconferenced meeting, and every 30 days thereafter, by making findings specified in the statute justifying the continued use of teleconferenced public meetings; and

WHEREAS, it shall be the policy of the City that the appointed boards and commissions of the City will hold teleconferenced public meetings in compliance with the provisions of AB 361 during the COVID-19 state of emergency; and

WHEREAS, the COVID-19 state of emergency declared by the Governor remains active; and

WHEREAS, public meetings involve many people in shared indoors spaces for hours, when the number of people present does not always allow for a minimum six foot distance between persons, and close contacts raise the risk of the spread of COVID-19; and

WHEREAS, the California Department of Public Health has mandated that everyone in California wear a mask in indoor public spaces and workplaces through February 15, 2022; and

WHEREAS, the Alameda County Health Officer has issued Order No. 20-05g (originally issued April 3, 2020 and most recently amended on January 10, 2022) imposing a mandate that all individuals diagnosed or likely to have COVID-19 must isolate themselves and follow requirements further specified in the Order; and

WHEREAS, the Alameda County Health Officer has issued Order No. 20-06o (originally issued April 3, 2020 and most recently amended on February 22, 2022) imposing a quarantine requirement on individuals who have had close contact to a person infected with COVID 19 unless specific criteria described in the order are met; and

WHEREAS, the Alameda County Health Officer has issued Order No. 22-01 (effective on February 16, 2022), which rescinded Order No. 21-06 (effective on December 8, 2021) which mandated face coverings be worn in indoor public spaces; and

WHEREAS, pursuant to a February 28, 2022 advisory from the California Department of Public Health, effective March 1, 2022 the requirement that unvaccinated individuals mask in indoor public settings will move to a strong recommendation that all persons, regardless of vaccination status, continue to mask while in indoor public settings and businesses; and

WHEREAS, the Alameda County Public Health Department strongly recommends that everyone 2 years of age and older wear a mask, regardless of their vaccination status, in indoor public settings and businesses, and advises that masks are required indoors at businesses, government offices, youth-serving facilities, and workplace settings that choose to require everyone to mask; and

WHEREAS, workplaces must comply with Cal/OSHA safety standards; and

WHEREAS, Alameda County Health Order No. 21- 04 (effective November 1, 2021), which allows a stable group of fully vaccinated individuals to remove masks in certain indoor situations, is not applicable to the City's public meetings because they do not necessarily involve a stable group of vaccinated individuals.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward makes the following findings pursuant to AB 361 to continue holding teleconferenced public meetings during the COVID-19 state of emergency:

- The City Council has reconsidered the circumstances of the state of emergency.
- The COVID 19 state of emergency declared by the Governor remains active and continues to directly impact the ability of Councilmembers to meet safely in-person.
- State and local officials continue to recommend or impose measures to promote social distancing.
- The Alameda County Health Officer has issued orders imposing measures to promote social distancing via isolation and quarantine of individuals infected or likely infected with COVID-19 and individuals with close contact to persons infected with COVID-19.
- The Alameda County Health Officer strongly recommends that everyone 2 years of age and older wear a mask, regardless of their vaccination status, in indoor public settings and businesses, and advises that masks are required indoors at businesses, government offices, youth-serving facilities, and workplace settings that choose to require everyone to mask
- The California Department of Public Health strongly recommends that all persons, regardless of vaccination status, continue to mask while in indoor public settings and businesses.
- Workplaces must comply with Cal/OSHA safety standards.

BE IT FURTHER RESOLVED that in the interest of public health and safety, based on the findings contained herein, the City Council of the City of Hayward and the appointed boards and commissions identified in Exhibit A of this Resolution shall continue to hold teleconferenced public meetings pursuant to AB 361.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT A

- Community Services Commission
- Keep Hayward Clean and Green Task Force
- Library Commission
- Personnel Commission
- Planning Commission
- Council Airport Committee
- Council Budget and Finance Committee
- Council Economic Development Committee
- Council Infrastructure Committee
- Council Homelessness-Housing Task Force
- Council Sustainability Committee
- Hayward Youth Commission
- Hayward Police Department Community Advisory Panel



CITY OF HAYWARD

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

File #: CONS 22-164

DATE: April 5, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Gray-Bowen-Scott for Transportation Engineering Services in the Amount of \$80,000 for a Total Not-To-Exceed Amount of \$150,000 and Extending the Date of the Agreement to September 30, 2022

RECOMMENDATION

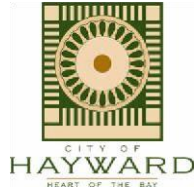
That Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement (PSA) with Gray-Bowen-Scott (GBS) for transportation engineering services, increasing the amount by \$80,000 for a total not-to-exceed contract amount of \$150,000 and extending the date of the agreement to September 30, 2022.

SUMMARY

The City entered into a PSA with GBS on December 13, 2021, to assist with transportation engineering services due to two key position vacancies in the Division. GBS has extensive experience in providing professional services for transportation engineering services in the Bay Area. Due to staff vacancies and continued significant transportation engineering workload, staff is requesting an amendment to continue receiving these services.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: April 5, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Gray-Bowen-Scott for Transportation Engineering Services in the Amount of \$80,000 for a Total Not-To-Exceed Amount of \$150,000 and Extending the Date of the Agreement to September 30, 2022

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement (PSA) with Gray-Bowen-Scott (GBS) for transportation engineering services, increasing the amount by \$80,000 for a total not-to-exceed contract amount of \$150,000 and extending the date of the agreement to September 30, 2022.

SUMMARY

The City entered into a PSA with GBS on December 13, 2021, to assist with transportation engineering services due to two key position vacancies in the Division. GBS has extensive experience in providing professional services for transportation engineering services in the Bay Area. Due to staff vacancies and continued significant transportation engineering workload, staff is requesting an amendment to continue receiving these services.

BACKGROUND

The City is currently experiencing a staffing shortage in the Transportation Division of Public Works & Utilities, including vacant Deputy Director of Public Works-Transportation and Senior Transportation Engineer positions. Regional and state funding is key to implementing Council priorities related to safety improvements and other traffic calming studies measures at Hayward Blvd., pedestrian traffic signal improvements, Safe Routes to Schools, Safe Routes for Seniors, and Main Street Complete Streets efforts. The City is eligible for funding assistance to implement some of these projects, which will improve safety, accessibility, and walkability for the community, but it will be a challenge to secure funds without knowledgeable consultant support.

Due to current staffing shortages, the City needs assistance in preparing projects and funding documents to obtain available funds for needed transportation-related projects. GBS is well positioned to represent the City in negotiations with entities such as Caltrans, Alameda County Transportation Commission, Metropolitan Transportation Commission, and the Federal Highway Administration. This is a highly specialized field which requires knowledge of project development and funding sources and negotiations, in addition to technical transportation engineering. GBS has strong working relationships with regional and state transportation agencies and will provide the City with services needed to secure funding and move critical projects forward.

On December 13, 2021, the PSA with GBS was approved in the amount of \$70,000, which expired on March 31, 2022.

DISCUSSION

Due to staff vacancies in the Public Works & Utility's Transportation Division, and significant transportation engineering workload, staff anticipates that GBS services will continue to be required through the end of September 2022. GBS's advanced knowledge and experience in transportation engineering along with their familiarity with entities, such as Caltrans, the Alameda County Transportation Commission, the Metropolitan Transportation Commission, and the Federal Highway Administration, have assisted City staff in projects with imminent funding and delivery deadlines.

As such, staff requests approval of Amendment No. 1 to increase the contract amount by \$80,000, for a not-to-exceed amount of \$150,000, to fund the required services through September 30, 2022.

ECONOMIC IMPACT

This PSA facilitates timely transportation projects in the City, which impacts and improves the local economy.

FISCAL IMPACT

This item will have no impact to the General Fund. The fees associated with this contract are covered by previously approved budgets for individual projects.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority to Improve Infrastructure by providing professional services to Public Works & Utilities Department, Engineering and Transportation by assisting with projects with imminent funding and delivery deadlines. Specifically, this item relates to the implementation of the following:

- Project 8, Part 8c: Assess Safe Routes to Schools
- Part 8d: Implement Safe Routes to Schools
- Part 8e: Assess Safe Routes for Seniors in the downtown area

Part 8f: Implement Safe Routes for Seniors in the downtown area

By receiving professional services from GBS, the City is taking steps to improve infrastructure within the City. This achievement is through communication with entities such as Caltrans, Alameda County Transportation Commission, Metropolitan Transportation Commission, and the Federal Highway Administration and by assisting City staff in projects with imminent funding and delivery deadlines.

PUBLIC CONTACT

No public contact has been made related to this amendment.

NEXT STEPS

If Council approves this request, the City Manager will execute Amendment No. 1 to the PSA with GBS to increase the contract amount by \$80,000 for a total not-to-exceed amount of \$150,000 and extend the agreement date to September 30, 2022.

Prepared by: Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAadoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH GARY-BOWEN-SCOTT FOR TRANSPORTATION ENGINEERING SERVICES

WHEREAS, the aforesaid parties have entered into that certain Agreement dated the 13th day of December 2021, entitled "Agreement for Professional Services between the City of Hayward and Gary-Bowen-Scott (GBS) for Transportation Engineering Services" in the amount of \$70,000; and

WHEREAS, said agreement expired on March 31, 2022; and

WHEREAS, GBS is specially trained, experienced, and competent to perform the special services which will be required by this agreement; and

WHEREAS, the City and the GBS desire to amend the Agreement in certain respects to provide continual services for transportation engineering.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to negotiate and execute, on behalf of the City of Hayward, an amendment to the agreement with Gary-Bowen-Scott for services in an amount not-to-exceed \$80,000, thereby increasing the total contract amount to a total not-to-exceed amount of \$150,000 associated with transportation engineering services and extending the term to expire on September 30, 2022, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

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

File #: CONS 22-182

DATE: April 5, 2022

TO: Mayor and City Council

FROM: Chief of Police

SUBJECT

Adopt a Resolution Authorizing the City Manager to Transfer and Appropriate \$147,719.25 in Abandoned Vehicle Abatement Revenue from the General Fund to the Fleet Capital Fund for the Purchase of Two (2) Outfitted Ford Explorers for The Abandoned Vehicle Abatement Program

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to transfer \$147,719.25 in Abandoned Vehicle Abatement (“AVA”) Revenue from the General Fund (100) to the Fleet Capital Fund (736) and to appropriate that \$147,719.25 for the purchase of two (2) outfitted 2022 Ford Explorer Hybrid Interceptors Vehicles (“AVA Vehicles”) for use in the Hayward Police Department (“HPD”) Abandoned Vehicle Abatement Program.

SUMMARY

The City receives funds from the Alameda County Abandoned Vehicle Abatement Authority (ACAVAA) for salary, benefits, and the purchase of equipment related to vehicle abatement in the City of Hayward (“the City”). Those funds are currently stored in the City’s General Fund (100). On November 28, 2021, the ACAVAA authorized the City’s request to use \$147,719.25 of those funds for the purchase of two (2) outfitted 2022 Ford Explorer Hybrid AVA Interceptor vehicles for the sole purpose of vehicle abatement in the City. The addition of two AVA vehicles, dedicated solely to vehicle abatement, would be an extreme asset to the Hayward Police Department. However, since the ongoing maintenance of the vehicles will be funded by the City’s Fleet Maintenance Division, staff recommends that the \$147, 719.25 in AVA funds come from the Fleet Capital Fund (736) as opposed to the General Fund (100). As such, staff seeks approval for both a transfer of those funds from the General Fund to the Fleet Capital Fund and the use of those funds to purchase the two AVA Vehicles.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution

File #: CONS 22-182



DATE: April 5, 2022

TO: Mayor and City Council

FROM: Chief of Police

SUBJECT: Adopt a Resolution Authorizing the City Manager to Transfer and Appropriate \$147,719.25 in Abandoned Vehicle Abatement Revenue from the General Fund to the Fleet Capital Fund for the Purchase of Two (2) Outfitted Ford Explorers for The Abandoned Vehicle Abatement Program

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to transfer \$147,719.25 in Abandoned Vehicle Abatement (“AVA”) Revenue from the General Fund (100) to the Fleet Capital Fund (736) and to appropriate that \$147,719.25 for the purchase of two (2) outfitted 2022 Ford Explorer Hybrid Interceptors Vehicles (“AVA Vehicles”) for use in the Hayward Police Department (“HPD”) Abandoned Vehicle Abatement Program.

SUMMARY

The City receives funds from the Alameda County Abandoned Vehicle Abatement Authority (ACAVAA) for salary, benefits, and the purchase of equipment related to vehicle abatement in the City of Hayward (“the City”). Those funds are currently stored in the City’s General Fund (100). On November 28, 2021, the ACAVAA authorized the City’s request to use \$147,719.25 of those funds for the purchase of two (2) outfitted 2022 Ford Explorer Hybrid AVA Interceptor vehicles for the sole purpose of vehicle abatement in the City. The addition of two AVA vehicles, dedicated solely to vehicle abatement, would be an extreme asset to the Hayward Police Department. However, since the ongoing maintenance of the vehicles will be funded by the City’s Fleet Maintenance Division, staff recommends that the \$147, 719.25 in AVA funds come from the Fleet Capital Fund (736) as opposed to the General Fund (100). As such, staff seeks approval for both a transfer of those funds from the General Fund to the Fleet Capital Fund and the use of those funds to purchase the two AVA Vehicles.

BACKGROUND

On November 28, 2021, the ACAVAA authorized the purchase of two 2022 Ford Explorer Hybrid Vehicles for the Hayward Police Department’s AVA program. The department has been using the Ford Explorers as the primary vehicle in the Patrol Division for several years. The purchase of the two additional AVA Explorers would allow the department to

have two dedicated vehicles for the sole purpose of vehicle abatement. The department would not have to allocate other vehicles to the unit. Also, up to at least two AVA officers could be assigned at one time to address vehicle abatements. If one vehicle was being serviced, at least one vehicle would be available.

DISCUSSION

The Hayward Police Department's Abandoned Vehicle Abatement (AVA) unit tows vehicles that have been abandoned on city streets and private property. Abandoned vehicles have long been an issue in the City and have been the source of numerous resident complaints. The vehicles are towed under specific laws outlined in the California Vehicle Code (CVC). The program currently receives funds from the Alameda County Abandoned Vehicle Abatement Authority (ACAVAA), which are solely authorized for the Hayward Police Department's AVA salary, benefits, and the purchase of equipment related to the costs of vehicle abatement in the City of Hayward ("the City"). Those funds are stored in the City's General Fund (100). The AVA funds that are provided to the Hayward Police Department allow the department to allocate the proper resources to address abandoned vehicles in the City.

Staff is requesting the transfer and appropriation of \$147,719.25 from the General Fund (100) to the Fleet Capital Fund (736) for purchase of two (2) 2022 Ford Explorer Hybrid Vehicles. Staff recommends that the funds come from the Fleet Capital Fund, since ongoing maintenance of the vehicles will be funded by the City's Fleet Maintenance Division.

FISCAL IMPACT

In Fiscal Year 2021, the ACAVAA awarded the Hayward Police Department \$279,118.58 of which \$148,995.14 was expended, leaving a surplus of \$130,123.44. In Fiscal Year 2022, the ACAVAA has awarded the Hayward Police Department's AVA program \$175,841.44, of which \$92,310.37 has been expended, leaving a surplus of \$83,531.07. Factoring in estimated salary and benefits as well as projected revenue from ACAVAA, staff is projecting an estimated Fiscal Year 2022 net revenue of at least \$20,000.

According to the City's Fleet Maintenance Manager, each Explorer has an approximate six-year life span. The approximate maintenance cost per month for each Ford Explorer is about \$250-300. The Fleet Maintenance Division has adequate personnel to service the two new vehicles.

STRATEGIC ROADMAP

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

NEXT STEPS

If the Council approves the attached resolution, staff will complete the Budget Authorization Form to transfer \$147,719.25 from the General Fund to the Fleet Capital Fund to be appropriated for the purchase of the two Ford Explorers.

Prepared by: Greg Velasquez, Lieutenant

Recommended by: Toney Chaplin, Chief of Police

Approved by:

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

Kelly McAdoo, City Manager

HAYWARD CITYCOUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

AUTHORIZATION FOR THE CITY MANAGER TO TRANSFER AND APPROPRIATE \$147,719.25 IN ABANDONED VEHICLE ABATEMENT REVENUE FROM THE GENERAL FUND TO THE FLEET CAPITAL FUND FOR THE PURCHASE OF TWO OUTFITTED FORD EXPLORERS FOR THE ABANDONED VEHICLE ABATEMENT PROGRAM

WHEREAS, abandoned vehicles have long been an issue in the City of Hayward and have been the ongoing source of numerous resident complaints.

WHEREAS, the Abandoned Vehicle Abatement (AVA) program receives funds from the Alameda County Abandoned Vehicle Abatement Authority (ACAVAA), for the funding of Hayward Police Department's AVA salary and benefits and the purchase of equipment related to the costs of vehicle abatement in the City of Hayward.

WHEREAS, the funds received from the ACAVAA are currently stored in the City of Hayward's General Fund.

WHEREAS, on November 28, 2021, the ACAVAA authorized the purchase of two outfitted 2022 Ford Explorer Hybrid Vehicles for the Hayward Police Department's AVA program.

WHEREAS, ongoing maintenance of the vehicles will be funded by the City's Fleet Maintenance Division.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to transfer, and appropriate \$147,719.25 in Abandoned Vehicle Abatement Revenue from the General Fund to the Fleet Capital Fund for the purchase of two outfitted Ford Explorers for the Hayward Police Department's Abandoned Vehicle Abatement program.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

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

File #: CONS 22-184

DATE: April 5, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution of Intention to Vacate a Public Utilities Easement at 603 A Street and Setting the Date and Time of the Public Hearing

RECOMMENDATION

That the Council adopts a Resolution of Intention (Attachment II) to vacate an existing Public Utilities Easement (PUE) at 603 A Street and scheduling a public hearing on May 3, 2022.

SUMMARY

The City acquired a PUE near the northwest corner of 603 A Street in Hayward in 1993 and has since moved all facilities out of the PUE. The City no longer has need for the easement and the property owner at 603 A Street has requested that the City vacate the PUE to increase the development potential of the lot.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Public Utilities Easement
Attachment IV	Site Plan



DATE: April 5, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution of Intention to Vacate a Public Utilities Easement at 603 A Street and Setting the Date and Time of the Public Hearing

RECOMMENDATION

That the Council adopts a Resolution of Intention (Attachment II) to vacate an existing Public Utilities Easement (PUE) at 603 A Street and scheduling a public hearing on May 3, 2022.

SUMMARY

The City acquired a PUE near the northwest corner of 603 A Street in Hayward in 1993 and has since moved all facilities out of the PUE. The City no longer has need for the easement and the property owner at 603 A Street has requested that the City vacate the PUE to increase the development potential of the lot.

BACKGROUND

The PUE was granted to the City in 1993 to support the A Street Lighting Isolation Project, Instrument No. 93-209864, recorded June 14, 1993, and included in Attachment III and depicted on the Site Plan in Attachment IV. Subsequent improvements at the intersection including modifications to the traffic signal removed all facilities from the PUE and the City no longer has a need for the easement.

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. The proposed vacation will make the area of the PUE, approximately 130 square feet near the intersection of A Street and Grand Street available for development by the property owner at 603 A Street.

The vacation of a PUE is governed by California Streets and Highways Code Section 8300 et seq. which allows for a vacation of a PUE if the easement has been superseded by relocation and there are no other public facilities located within the easement. The vacation process requires Council to adopt a resolution of intent to vacate the easement, and set a date and time for a public hearing of all persons interested in or objecting to the proposed vacation.

The City has also sent notices to potentially affected public utilities advising of the intention to vacate the PUE. Notice of Public Hearing complying with requirements of the Streets and Highways Code will be published and posted on-site.

The proposed PUE vacation is categorically exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Class 5 minor alterations in land use limitations.

ECONOMIC AND FISCAL IMPACT

Vacation of the PUE, by itself, will not have a fiscal or economic impact. The additional development potential created by the vacated PUE may improve commerce, provide needed housing, and employ construction workers. Property tax revenues received by the City and several other local agencies will incrementally increase if a development at 603 A Street is constructed and occupied.

STRATEGIC ROADMAP

Approval of the PUE vacation supports the Preserve, Protect, & Produce Housing priority in the City's Strategic Roadmap, by increasing the development potential of 603 A Street and providing a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

SUSTAINABILITY FEATURES

The proposed action would allow better land use at 603 A Street and support the development of a previously blighted property.

NEXT STEPS

If approved, the Resolution of Intention will set a public hearing date of May 3, 2022 to afford interested persons an opportunity to be heard prior to vacating the PUE at 603 A Street. Vacating the PUE will increase the developable area for 603 A Street; however, any development of this property would follow standard planning entitlement process, State Law, and City Ordinances.

Prepared by: Scott Wikstrom, Development Services Engineer

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION OF INTENTION TO VACATE A PUBLIC UTILITIES EASEMENT AT
603 A STREET AND SETTING THE DATE AND TIME OF THE PUBLIC
HEARING

WHEREAS, the City Council of the City of Hayward intends to vacate a public utility easement at 603 A street, granted to the City and recorded on June 14, 1993 as Instrument No. 93-209864, for the "A" Street Lighting Isolation Project; and

WHEREAS, all City-owned utilities have been subsequently removed from the easement and relocated to the adjacent public right-of-way; and

WHEREAS, the property owner at 603 A Street has requested that this City Council to vacate this public utilities easement as provided for under Section 8320 of the California Streets and Highways Code.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hayward intends to vacate the public utilities easement at 603 A Street, more particularly described in Instrument No. 93-209864 recorded June 14, 1993 in the Office of the County Recorder of Alameda County and shall conduct the vacation proceeding pursuant to Section 8320 et. seq. of the California Streets and Highways Code.

BE IT FURTHER RESOLVED that a public hearing shall be held in the Council Chambers, 777 B Street, Hayward, California, on Tuesday, May 3, 2022 at 7:00 pm, at which time and place the Council shall afford interested persons an opportunity to be heard prior to vacation of the public utilities easement as described in this Resolution of Intention.

Copies of the Resolution of Intent shall be published in a newspaper of general circulation and posted pursuant to the requirements of the California Streets and Highways Code.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

RECORDING REQUESTED BY

CITY OF HAYWARD

AND WHEN RECORDED MAIL TO

City Clerk
City of Hayward
25151 Clawiter Road
Hayward, CA 94545-2731

RECEIVED
HAYWARD IN OFFICIAL RECORDS
CITY OF ALAMEDA COUNTY, CALIF.
PATRICK O'CONNELL
COUNTY RECORDER

AUG 3 11 06 AM '93

'93 JUN 14 PM 12 42

087

D.H.

SPACE ABOVE THIS LINE FOR RECORDERS USE

No Tax Due
Exempt Transfer

'A' STREET LIGHTING ISOLATION
PARCEL N° 431-4-(90)
PROJECT N° 5883

David Berglund
City Attorney
City of Hayward

PUBLIC UTILITY EASEMENT

DOROTHY LEVIN, ARTHUR ZEMEL, RICHARD FALLOWS and HAROLD DOBBS, Trustees under the Trust Agreement dated August 29, 1974, hereby grant to the CITY OF HAYWARD, a municipal corporation, an easement for the construction, reconstruction, maintenance and repair for PUBLIC UTILITIES, including all necessary appurtenances thereto, over, across, along, under and through the real property located in the City of Hayward, County of Alameda, State of California, described in Exhibit "A", attached hereto and made a part of:

TOGETHER with the perpetual right of ingress and egress thereto and therefrom for all purposes reasonably connected with the full and complete enjoyment of the rights hereby granted.

Executed by Grantors May 7, 1993.

Dorothy Levin
DOROTHY LEVIN, TRUSTEE
Richard Fallows
RICHARD FALLOWS

Arthur Zemel
ARTHUR ZEMEL, TRUSTEE
Harold Dobbs
HAROLD DOBBS

STATE OF CALIFORNIA)
COUNTY OF)ss.

On May 7, 1993, before me, *Georgia K. Bregante*, a Notary Public in and for said state, personally appeared DOROTHY LEVIN, ARTHUR ZEMEL, RICHARD FALLOWS and HAROLD DOBBS, personally known to me, or proved to me on the basis of satisfactory evidence, to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.
GEORGIA K. BREGANTE
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN FRANCISCO COUNTY
My Commission Exp. Aug 20, 1995

Signature *Georgia K. Bregante*
Notary Public, State of California

REAL property in the City of Hayward, County of Alameda, State of California, described as follows:

PORTION of the parcel of land described in the Gift Deed from Ann Hamburger to Dorothy Levin, Arthur Zemel, Richard Fallows, and Harold Dobbs, as Trustees under Trust Agreement dated August 29, 1974, dated August 29, 1974, and recorded September 5, 1974, in Reel 3769 of Official Records of Alameda County at Image 113(74-116839), described as follows:

BEGINNING at a point on the northeastern line of Grand Street, distant thereon South 27°11' East, 6.00 feet from the intersection thereof with the southeastern line of 'A' Street; thence at right angles to said northeastern line of Grand Street, North 62°49' East, 6.00 feet; thence parallel with said northeastern line of Grand Street, North 27°11' West, 6.00 feet to a point on said southeastern line of 'A' Street' thence along said southeastern line of 'A' Street, North 62°29' East 6.00 feet; thence along a line drawn parallel with said northeastern line of Grand Street, South 27°11' East, 12.00 feet; thence South 62°49' West, 12.00 feet to the Point of Beginning.

CONTAINING 130 square feet, more or less.

April 29, 1993

Harold B. Davis

HAROLD B. DAVIS

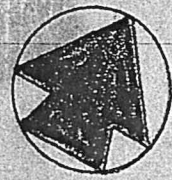
L.S. 3352

License Expires 6/30/94

WP\LEGAL\EASEMNTS\PUE5883-2

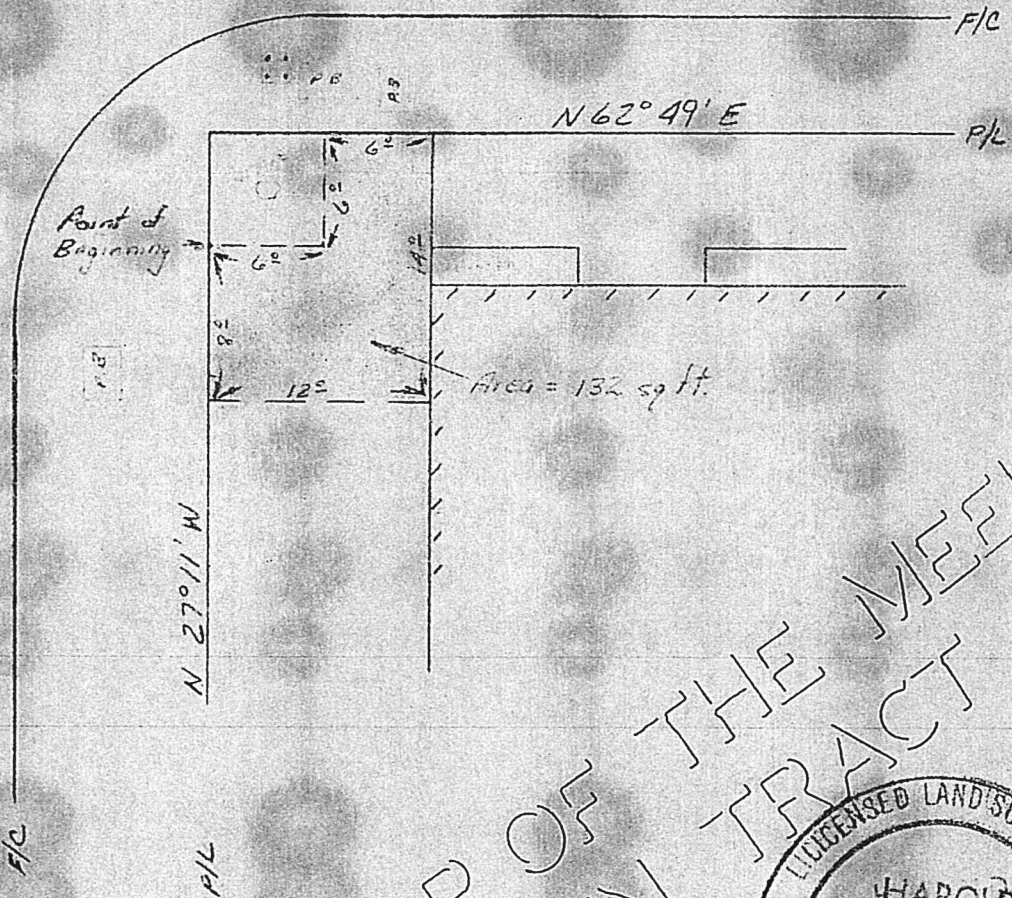


93209864

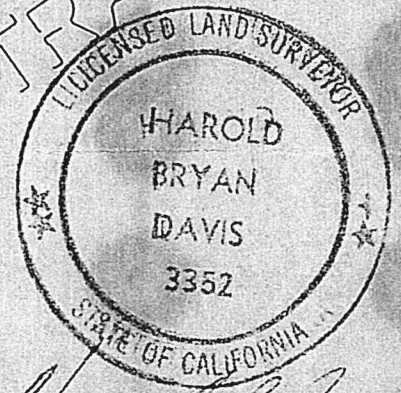


"A" STREET

GRAND STREET



MAP OF THE MEEK TOWN TRACT



Harold B. Davis
 Harold B. Davis
 L.S. 3352
 License Expires 6/30/96

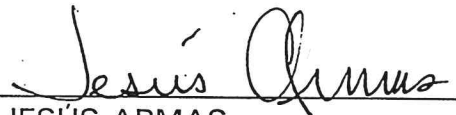
Record Owner: Dorothy Levin, Et al Trustees

CITY OF HAYWARD ENGINEERING DIVISION			PUBLIC UTILITY EASEMENT	DWG. NO.
DRAWN BY: DRJ	DATE: 8 MAR 93	FILED		
CHECKED BY: HBD	SCALE: 1" = 10'	APPROVED	SHT. 1 OF 1	
REV.	DATE	BY	CITY ENGR.	DIR. PUBLIC WORKS


CERTIFICATE

This is to certify that the interest in or easement upon real property conveyed by the deed, grant, or conveyance dated the 7th day of May, 1993, from DOROTHY LEVIN, ARTHUR ZEMEL, RICHARD FALLOWS, AND HAROLD DOBBS, to the City of Hayward, a municipal corporation, located in the County of Alameda, State of California, is hereby accepted by and consent to recordation thereof is hereby given by the undersigned, its duly authorized officer, on behalf of said City of Hayward, pursuant to Resolution No. 1141 C.S. of the City Council of said City of Hayward, adopted the 10th day of December, 1957, certified copy of which resolution has been heretofore recorded in the office of the County Recorder of said Alameda County.

Dated: 6/7/93


JESÚS ARMAS
City Manager

ATTEST:


JUDY VONADA
City Clerk

603 A Street, Existing Site Plan showing PUE to be Vacated



603 A Street
Hayward, CA

Building
(under construction)



CITY OF HAYWARD

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

File #: CONS 22-186

DATE: April 5, 2022

TO: Mayor and City Council

FROM: Director of Library Services

SUBJECT

Adopt a Resolution Authorizing the City Manager to Accept and Appropriate up to \$250,000 in Funding from the California State Library for Library Services Programs, and Superseding Resolution No. 19-046

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate up to \$250,000 in grant funding from the California State Library to support the operation of Library Services Programs for FY 2022 and supersede Resolution No. 19-046.

SUMMARY

The City provides literacy services to Hayward residents through the Education Services Division of the Library Services Department. Resolution No. 19-046 approved the acceptance and appropriation of up to \$150,000 annually from the California State Library to supplement the City's General Fund costs for these programs. Grants come in various amounts and have grant-specific requirements detailing which programs the funds are to be used for.

Additional funds have been made available from the California State Library, some of which are outside the scope of the Education Services Division. Staff requests Council approve up to \$100,000 in additional grant funding (up to \$250,000 total) from the California State Library for FY 2022 and annually for the next three fiscal years (through the end of FY 2025), and to widen the scope to include all Library Services programs, rather than just Education Services.

With Council approval, staff will increase the funding limit in the Library Services budget, appropriate the additional funds when available, and provide services per the requirements of the grants from the California State Library.

ATTACHMENTS

Attachment I Staff Report

File #: CONS 22-186

Attachment II

Resolution



DATE: April 5, 2022

TO: Mayor and City Council

FROM: Director of Library Services

SUBJECT: Adopt a Resolution Authorizing the City Manager to Accept and Appropriate up to \$250,000 in Funding from the California State Library for Library Services Programs, and Superseding Resolution No. 19-046

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate up to \$250,000 in grant funding from the California State Library to support the operation of Library Services Programs for FY 2022 and supersede Resolution No. 19-046.

SUMMARY

The City provides literacy services to Hayward residents through the Education Services Division of the Library Services Department. Resolution No. 19-046 approved the acceptance and appropriation of up to \$150,000 annually from the California State Library to supplement the City's General Fund costs for these programs. Grants come in various amounts and have grant-specific requirements detailing which programs the funds are to be used for.

Additional funds have been made available from the California State Library, some of which are outside the scope of the Education Services Division. Staff requests Council approve up to \$100,000 in additional grant funding (up to \$250,000 total) from the California State Library for FY 2022 and annually for the next three fiscal years (through the end of FY 2025), and to widen the scope to include all Library Services programs, rather than just Education Services.

With Council approval, staff will increase the funding limit in the Library Services budget, appropriate the additional funds when available, and provide services per the requirements of the grants from the California State Library.

BACKGROUND

The City currently receives money from the State Library that helps fund Literacy Plus, a program in Hayward Library's Education Services division, which offers free one-on-one tutoring for adults who want to improve their basic reading and writing skills. Trained volunteers provide tutoring at library sites and other public sites in Hayward. Literacy Plus

also supports family learning through the Families for Literacy and Early Learning for Families Programs.

Staff is requesting Council's authorization to increase the limit on grant funding from the California State Library, allowing Library Services to accept up to \$250,000 in FY 2022, and annually for the next three fiscal years (through the end of FY 2025).

DISCUSSION

Over the past few years, the Library has received \$90,000-100,000 (varies by year) for the Literacy Plus Program. In FY 2022, Hayward received \$53,346 for Adult Literacy programming, \$36,450 for Families for Literacy and Early Learning for Families (FFL) programming, and an additional \$26,425 from the State Library midway through the year for English as a Second Language (ESL) programming (\$116,221 total). Hayward Library plans to continue participation in the statewide literacy programs and expects the State will continue providing \$125,000-\$150,000 in annual funding to Hayward Library for Adult Literacy, FFL, and ESL programming going forward.

In addition to Literacy funding, the California State Library has a wide variety of grants available to Libraries (e.g., Library Services and Technology Act [LSTA], Book-to-Action, etc.) Governor Newsom has also made additional funds available that the Library may be eligible to apply for as part of the various state recovery plans. The Library would like to be ready to apply for other opportunities as they arise.

Staff is requesting Council's authorization to increase the limit on grant funding from the California State Library, allowing Library Services to accept up to \$250,000 in FY 2022, and annually for the next three fiscal years (through the end of FY 2025). Since Resolution No. 19-046 was specific to the Education Services Literacy grants, staff also ask that council widen the scope of approval to include grants from the California State Library that fund programs throughout the Library Services Department.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not directly relate to one of the Council's Strategic Initiatives.

FISCAL IMPACT

Grant funds supplement the City's General Fund and help fund Library Services programming. There is no negative impact to the General Fund from accepting these supplemental funds as the City is already providing these programs.

NEXT STEPS

With Council approval, staff will increase the funding limit in the Library Services budget, appropriate the additional funds when available, and provide services per the requirements of the grants from the California State Library.

Prepared by: Brad Olson, Management Analyst II

Recommended by: Jayanti Addleman, Director of Library Services

Approved by:

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

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-____

Introduced by Council Member _____

AUTHORIZE THE CITY MANAGER TO ACCEPT AND APPROPRIATE UP TO \$250,000 IN FUNDING FROM THE CALIFORNIA STATE LIBRARY FOR LIBRARY SERVICES PROGRAMS, AND SUPERSEDE RESOLUTION NO. 19-046

WHEREAS, The Library provides Literacy and Family Learning programming at both libraries in partnership with the California State Library Literacy Services program; and

WHEREAS, Resolution No. 19-046 approved the acceptance and appropriation of up to \$150,000 annually from the California State Library to supplement the City’s General Fund costs for these programs; and

WHEREAS, Additional funds have been made available from the California State Library, some of which are outside the scope of the Education Services division; and

WHEREAS, Opportunities for funding are expected to continue through the foreseeable future;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to accept and appropriate up to \$250,000 annually from the California State Library for Library Services programs in FY2022 and in each of the following three fiscal years, through FY 2025; superseding Resolution No. 19-046.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

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

File #: CONS 22-187

DATE: April 5, 2022

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Adopt a Resolution Approving the FY 2023 Measure B/BB Annual Paratransit Program Plan and Authorizing the City Manager to Execute FY 2023 Service Agreements for the Continued Provision of Measure B/BB Funded Paratransit Services

That Council:

1. Adopts the attached resolution (Attachment II) authorizing the FY 2023 Measure B/BB Annual Paratransit Program Plan, including the continued provision of the Hayward Operated Paratransit programs; and
2. Authorizes the City Manager to execute FY 2023 service agreements for the continued provision of Measure B/BB funded paratransit services.

SUMMARY

This report provides an overview of the Hayward Operated Paratransit program's FY 2023 Annual Paratransit Program Plan, estimated program costs, and next steps. The funding requests are summarized by service provider in Table 1 below.

Table 1. FY 2023 Estimated Program Cost

CATEGORY	AMOUNT
Program Administration	\$500,000
Research, Marketing & Data Collection	\$175,000
Service Providers/Program	
RydeTrans (Group Trips)	\$75,000
ASEB (Specialized Transportation)	\$75,000
CRIL (Travel Training)	\$75,000
HOP Means-Based Fare Program	\$75,000
SOS Meals on Wheels (Meal Delivery)	\$90,000
LIFE ElderCare (Door-through-Door)	\$154,574

File #: CONS 22-187

Eden I&R (On-demand rides, includes ride subsidies)	\$272,624
Safe Route for Seniors Project (Capital)	\$750,000
Total	\$2,242,198

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution
Attachment II Funding Recommendations
Attachment IV FY 2023 Measure B/BB Paratransit Program Plan Application



DATE: April 5, 2022

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Adopt a Resolution Approving the FY 2023 Measure B/BB Annual Paratransit Program Plan and Authorizing the City Manager to Execute FY 2023 Service Agreements for the Continued Provision of Measure B/BB Funded Paratransit Services

RECOMMENDATION

That Council:

1. Adopts the attached resolution (Attachment II) authorizing the FY 2023 Measure B/BB Annual Paratransit Program Plan, including the continued provision of the Hayward Operated Paratransit programs; and
2. Authorizes the City Manager to execute FY 2023 service agreements for the continued provision of Measure B/BB funded paratransit services.

SUMMARY

This report provides an overview of the Hayward Operated Paratransit program’s FY 2023 Annual Paratransit Program Plan, estimated program costs, and next steps. The funding requests are summarized by service provider in Table 1 below.

Table 1. FY 2023 Estimated Program Cost

CATEGORY	AMOUNT
Program Administration	\$500,000
Research, Marketing & Data Collection	\$175,000
Service Providers/Program	
RydeTrans (Group Trips)	\$75,000
ASEB (Specialized Transportation)	\$75,000
CRIL (Travel Training)	\$75,000
HOP Means-Based Fare Program	\$75,000
SOS Meals on Wheels (Meal Delivery)	\$90,000
LIFE ElderCare (Door-through-Door)	\$154,574
Eden I&R (On-demand rides, includes ride subsidies)	\$272,624
Safe Route for Seniors Project (Capital)	\$750,000
Total	\$2,242,198

BACKGROUND

The City of Hayward submits an Annual Paratransit Program Plan to the Alameda County Transportation Commission (Alameda CTC) detailing the proposed parameters of paratransit service for seniors (70+) and people with certified disabilities. The Hayward Operated Paratransit (HOP) program, administered by the City's Community Services Division, provides paratransit and related services to eligible enrolled riders and their attendants who live in Hayward, the unincorporated areas of San Leandro, Castro Valley, San Lorenzo, Ashland, and Cherryland.

In 2000, Alameda County voters approved the reauthorization of Measure B, the half-cent transportation sales tax, to deliver essential transportation services and improvements. In November 2014, voters approved Measure BB, authorizing the extension of Measure B to invest in capital projects addressing local transportation needs and programs that improve countywide transportation systems through March 31, 2022. The full one-cent sales tax authorized by Measure BB will begin April 1, 2022, and will extend through March 31, 2045. The HOP program is funded in its entirety by Alameda County Measure B/BB Direct Local Distribution, administered by Alameda CTC.

In February each year, the City of Hayward submits an Annual Paratransit Program Plan to the Alameda CTC detailing the proposed parameters of eligible paratransit service for seniors (70+) and people with certified disabilities. Alameda CTC staff reviews the City's program plans and provides initial feedback. In April, the proposed Annual Paratransit Program Plan is presented to the Council for review and approval. The finalized plan is presented to the Alameda CTC's Paratransit Advisory and Planning Committee (PAPCO) in late April.

DISCUSSION

East Bay Paratransit (operated by AC Transit and BART) is the primary paratransit service for Alameda County residents. HOP is designed to complement and supplement the East Bay Paratransit service when it is unable to provide service or meet the needs of HOP participants. As a City program, HOP is uniquely positioned to extend flexible and creative solutions to meet the unique needs of its riders.

The HOP engages community partners to carry out all services through the Annual Paratransit Program Plan subject to Measure B/BB funding availability. The following provides a summary of the partners that assist the City in implementing the HOP:

Transportation for Seniors

The HOP partners with Eden I&R (Eden) to offer transportation network company (TNC) based rides, such as Lyft Concierge and Uber Health, to eligible residents. Eden arranges the ride with the TNC on behalf of clients through a web-based platform, eliminating the need for a smart phone to access to the service. Pre-scheduled, accessible group trips are offered, in partnership with RydeTrans (formerly A-Paratransit), to enrolled HOP riders. Group trips offer participants social outings to reduce isolation.

Volunteer Driver Program

LIFE Eldercare matches screened volunteers driving their own personal vehicles with senior and disabled adults. The volunteers provide “door-through-door” service, acting as attendants who help with medical appointments, shopping, various errands and other mobility related services.

Specialty Transit

Alzheimer’s Services of the East Bay (ASEB) provides services for individuals with dementia and their families. ASEB provides Adult Day Care, family support, and education to enabling individuals to remain living in their home for as long as possible. ASEB hires specially trained drivers to operate lift-equipped vehicles to provide transportation to its Adult Day Care program.

Travel Trainer

Community Resources for Independent Living (CRIL) provides travel training workshops to people with mobility challenges through excursions on various modes of Bay Area transportation (including BART, AC Transit and the HOP).

Meals-on-Wheels Service Opportunities for Seniors (SOS) Meals on Wheels provides homebound seniors with nutritious meals delivered by volunteer drivers.

Capital Project

The Safe Routes for Seniors (SR4S) Program is a collaborative effort between the City’s Community Services Division, Public Works’ Transportation Division, local senior housing facilities, senior centers, and community-based organizations. Through these partnerships, the City is working to identify areas in Hayward to focus accessibility and walkability improvements.

More detailed information about each of these programs is available in Attachment IV.

Existing Project Updates

1. **VIP ZIP program:** In July 2020, the HOP’s VIP ZIP program administrator transitioned to Eden I&R (Alameda County 2-1-1), a provider that has experience in operating as a call center and has over forty years of experience serving Alameda County. This partnership has been successful. Eden I&R has been essential during the pandemic, often connecting riders to other County resources. In FY 2022, HOP and Eden I&R piloted an extension of the VIP ZIP program to enhance the reliability of wheelchair accessible vehicles (WAV) available for riders who require WAV rides through the VIP ZIP program.
Status: Continuing in FY 2022-2023
2. **Safe Routes for Seniors Program:** In FY 2020, the HOP executed a MOU with the Public Works Department to allocate Measure BB funds for ADA street improvements

at or near senior/disabled housing developments. On January 18, 2022¹, Council approved the plans and specifications, and call for bids for the Safe Routes for Seniors (SR4S) Project. The Project consists of streetscape improvements including the expansion of ADA curb-cuts and sidewalk bulb-outs (widening) to accommodate various mobility devices four intersections located in the Downtown Hayward area. The bid opening is currently scheduled for February 2022 and the start of construction is estimated to begin in April 2022. The estimating construction duration is 150 days, with a tentative completion date in October 2022.

Status: Continuing in FY 2022-2023

- 3. Travel Trainer:** Since the onset of the pandemic, CRIL paused their in-person travel training workshops. Travel training is provided virtually and through telephone support. This limits CRIL's ability to provide extensive travel training. The timeline to resume in-person services is to be determined.

Status: Continuing in FY 2022-2023

- 4. Group Trips:** Given the Centers for Disease Control and Prevention's (CDC) guidance to maintaining physical distance to prevent COVID-19, HOP has temporarily suspended group trips. The timeline to resume this service is to be determined. Notice will be provided to HOP participants when services become available.

Status: Continuing in FY 2022-2023

COVID-19 Program Impacts

Due to the continued impacts of COVID-19, and most recently the Omicron surge, many seniors, identified as individuals who are at higher risk for serious illness, remain at home and practice social distancing. Many seniors continue to experience a reduction to their access to essential supplies and food. Over the past two years, there has been an overall reduction in the demand for transportation services and an increase in the demand for meal and grocery deliveries to homebound seniors. In response, staff partnered with HOP service providers to meet the increased demand to provide services to deliver essential goods and increased funding towards the delivery of meals to homebound seniors and people with disabilities.

FY 2021 Outcomes

In FY 2021, the City awarded \$470,575 to local non-profits and paratransit service partners that provide services to HOP participants. Council also approved the allocation of an additional \$750,000 toward infrastructure improvements through the SR4S program. In FY 2021, the HOP program served 2,281 individuals, providing participants over 8,790 rides and delivering over 112,400 meals to homebound seniors.

¹ January 18, 2022, City Council Staff Report

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5382580&GUID=15E9CEE7-48E8-4D11-832D-54CC341FC16E&Options=&Search=>

Future Projects

Staff is proposing to allocate a portion of the FY 2023 program budget towards hiring a consultant to complete a comprehensive evaluation of the HOP program. The purpose of evaluation is to identify service gaps, outreach opportunities, and ways to improve services in order to meet the needs of seniors and individuals with disabilities in Hayward and the surrounding areas. This is especially critical as HOP prepares participants for the many changes in public transportation ahead.

ECONOMIC IMPACT

The HOP is supported exclusively by Alameda County Measure B/BB funds. The service offers cost-effective transportation alternatives for eligible residents on fixed incomes. Caregivers also benefit when loved ones have reliable transportation options.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Infrastructure. Specifically, this item relates to improving access and mobility and the implementation of the following project:

*Project 8, Parts 8.e, 8.f: Implement the Bike and Ped Master Plan
 Assess Safe Route for Seniors in the downtown area
 Implement Route for Seniors in the downtown area*

Through the joint efforts of HOP and Hayward Public Works, the SR4S project will address the need for streetscape improvements to expand accessibility for seniors starting in the Downtown area. As a result, these modifications will improve accessibility and walkability for all.

FISCAL IMPACT

The proposed FY 2023 Annual Paratransit Program Plan has no impact to the City's General Fund. The program costs, including City staff and administrative costs, are entirely offset by the City's Measure B/BB Paratransit special revenue fund derived from Measure B/BB sales tax revenues administered by Alameda CTC. The estimated combined fund balance of Measure B/BB at the end of FY 2022 is \$2.8 million. Additionally, the City's FY 2023 Measure BB direct local distribution of paratransit funds is projected to be \$1.7 million. The total available funds are approximately \$4.5 million, which is sufficient for the FY 2023 estimated program costs shown in Table 2 on the following page.

TABLE 2. FY 2023 ESTIMATED PROGRAM COST

CATEGORY	AMOUNT
Program Administration	\$500,000
Research, Marketing & Data Collection	\$175,000
Service Providers/Program	
RydeTrans (Group Trips)	\$75,000
ASEB (Specialized Transportation)	\$75,000
CRIL (Travel Training)	\$75,000
HOP Means-Based Fare Program	\$75,000
SOS Meals on Wheels (Meal Delivery)	\$90,000
LIFE ElderCare (Door-through-Door)	\$154,574
Eden I&R (On-demand rides, includes ride subsidies)	\$272,624
Safe Route for Seniors Project (Capital)	\$750,000
Total	\$2,242,198

Staff anticipates expending a portion of the fund reserves on potential future program changes based on the findings of the proposed comprehensive evaluation of services.

SUSTAINABILITY FEATURES

Several paratransit programs promote the use of public transportation and vehicle sharing, thereby reducing the number of vehicles on the road, as well as associate emissions.

PUBLIC CONTACT

The Paratransit Program Plan is typically presented at various organizations that serve seniors and people with disabilities throughout the year. Public feedback is received, and based on the feedback collected, staff evaluates the program and recommends changes in order to meet the unique needs of the community. On August 5, 2021, a virtual public presentation was made at the Baywood Court Senior Community and a second presentation was made in person at the Japanese Community Center on October 12, 2021. These presentations offer the public the opportunity to provide comments on the HOP program and planned FY 2023 program plan.

The public also had the opportunity to provide comments on the draft FY 2023 Paratransit Program Plan at the Community Services Commission meeting of February 16, 2022².

If approved, following the comprehensive evaluation of the HOP program, staff plans to conduct robust community outreach and engage stakeholders prior to the development and

² February 16, 2022, Staff Report
<https://hayward.legistar.com/LegislationDetail.aspx?ID=5450534&GUID=8737E0CA-C4DF-4DDC-9D1E-B987AFC73A66&Options=&Search=>

implementation of program changes. Interested parties will have the opportunity to provide feedback at that time.

NEXT STEPS

Staff recommends that Council adopts the attached resolution approving the FY 2023 Annual Paratransit Program Plan and authorizing the City Manager to negotiate and execute all agreements necessary for program implementation. Should Council adopt the resolution, staff will meet with representatives from each contracting agency to facilitate contract execution so that there will be a continuation of delivery of Paratransit services.

Prepared by: Carol Lee, Management Analyst

Recommended by: Monica Davis, Community Services Manager
Jennifer Ott, Assistant City Manager

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT AN ANNUAL PARATRANSIT PLAN AND NEGOTIATE AND EXECUTE ALL DOCUMENTS RELATED TO AND IN SUPPORT OF PARATRANSIT ACTIVITIES INCLUDING THE ADMINISTRATION OF THE HAYWARD OPERATED PARATRANSIT PROGRAM

WHEREAS, voters approved the 20-year Measure BB half-cent transportation sales tax on November 4, 2014 and the funding agreement of the measure between the Alameda County Transportation Commission and the City of Hayward; and

WHEREAS, the full one-cent sales tax authorized by Measure BB will begin April 1, 2022, and will extend through March 31, 2045; and

WHEREAS, the Hayward Operated Paratransit (HOP) program is funded in its entirety by Alameda County Measure B/BB Direct Local Distribution, administered by Alameda County Transportation Commission (Alameda CTC); and

WHEREAS, East Bay Paratransit (operated by AC Transit and BART) is the primary paratransit service for Alameda County residents; and

WHEREAS, the City's Hayward Operated Paratransit program is designed to complement and supplement the East Bay Paratransit service when it is unable to provide service or meet the needs of HOP participants who are seniors (70+) and people with certified disabilities; and

WHEREAS, HOP engages community partners to carry out all services through the Annual Paratransit Program Plan subject to Measure B/BB funding availability; and

WHEREAS, the City of Hayward submits an Annual Paratransit Program Plan to the Alameda CTC detailing the proposed parameters of eligible paratransit service for seniors (70+) and people with certified disabilities.

NOW, THEREFORE BE IT RESOLVED that the Hayward City Council authorizes and directs the City Manager on behalf of the City of Hayward to implement the FY 2023 Annual Paratransit Plan submitted to the Alameda County Transportation Commission in according with the terms of the City’s contract with the Alameda County Transportation Commission (ACTC) for Measure B/BB paratransit funds;

BE IT FURTHER RESOLVED that the City Manager shall have the authority to approve and amend current service contracts and execute purchase orders as necessary to deliver the service to Central Alameda County participants.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Hayward Operated Paratransit Program
 FY 2023 Measure B/BB Annual Paratransit Program Funding Recommendations

CATEGORY	AGENCY	PROGRAM	FY22 FUNDING	FY 2023 REQUESTS	FY 2023 RECOMMENDED
Management/Overhead	City of Hayward	Program Administration	\$ 550,000.00	\$ 500,000.00	\$ 500,000.00
Customer Service/Outreach	City of Hayward	Research, Marketing & Data Collection	\$ 75,000.00	\$ 175,000.00	\$ 175,000.00
Group Trips Program	RydeTrans (A-Paratransit)	Group Trips	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
Specialized Accessible Van Service	Alzheimer's Services of the East Bay (ASEB)	Specialized Transportation	\$ 75,000.00	\$ 108,360.00	\$ 75,000.00
Mobility Management and/or Travel Training	Community Resources for Independent Living (CRIL)	Travel Training	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
Meal Delivery	SOS Meals on Wheels	Meal Delivery	\$ 90,000.00	\$ 90,000.00	\$ 90,000.00
Door-through-Door/Volunteer Driver Program	LIFE ElderCare	Door-through-Door	\$ 95,000.00	\$ 154,574.00	\$ 154,574.00
Means-Based Fare Programs	City of Hayward	Means-Based Fare Program	\$ 125,000.00	\$ 75,000.00	\$ 75,000.00
Same-Day Transportation Program	Eden Information & Referral	VIP ZIP (On-demand rides in partnership with TNCs)	\$ 358,460.00	\$ 272,624.00	\$ 272,624.00
Capital Expenditure	City of Hayward (Public Works Transportations Division)	Safe Route for Seniors Project (Capital)	\$ 1,000,000.00	\$ 750,000.00	\$ 750,000.00
TOTAL			\$ 2,518,460.00	\$ 2,275,558.00	\$ 2,242,198.00



FY 2022-23 Annual Paratransit Program Plan Application for Measure BB Funding

1111 Broadway, Suite 800, Oakland, CA 94607 • 510.208.7400 • www.AlamedaCTC.org

The Alameda County Transportation Commission (Alameda CTC) requires recipients of paratransit funding to participate in an Annual Program Plan Review process. Recipients are required to complete and submit a program plan application to Alameda CTC that outlines their prior expenditures and anticipated revenues and expenditures related to delivering paratransit services to seniors and people with disabilities in Alameda County.

Requirements and Instructions

The Annual Paratransit Program Plan Application includes the following documents:

1. Paratransit Program Plan Application (this MS Word document)
2. Paratransit Program Plan Attachments A-D (Tables A, B, C, and D of the provided MS Excel workbook) *NOTE: The FY 2022-23 Program Plan Excel workbook contains a tab to report on FY 2020-21 performance and budget (Attachment Table A). The FY 2020-21 program information entered into Table A will be used to monitor program performance and, where applicable, should align with program information included in the FY 2020-21 compliance report.*
3. References:
 - a. FY 2022-23 Measure BB Paratransit DLD Revenue Projections, (distributed to ParaTAC, January 2022)
 - b. Alameda CTC Special Transportation for Seniors and People with Disabilities (Paratransit) Implementation Guidelines and Performance Measures, revised January 2022 – Draft, pending PAPCO approval on January 24, 2022
 - c. Alameda CTC Timely Use of Funds Policy, adopted December 2015

Submit the Word and Excel files listed above electronically via email by February 28, 2022 to Krystle Pasco at kpasco@alamedactc.org.

Be sure to include your agency name and FY 22-23 in the file name of both the Word document and the Excel workbook (e.g., Albany_FY22-23_Paratransit_Program_Application.doc).

If you have questions, please contact Krystle Pasco via email or phone at (510) 208-7467 or Naomi Armenta at narmenta@nelsonnygaard.com.

Alameda CTC Annual Paratransit Program Plan Application
 Application Period: July 1, 2022 - June 30, 2023

FY 2022-23 Annual Paratransit Program Plan Application Due by February 28, 2022

CONTACT INFORMATION	
Agency:	CITY OF HAYWARD
Contact Name:	CAROL LEE
Title:	MANAGEMENT ANALYST
Phone Number:	510-583-5343
E-mail Address:	CAROL.LEE@HAYWARD-CA.GOV

Date Submitted: February 28, 2022

TYPES OF SERVICES PROVIDED

1. **What type of paratransit projects and programs will be funded, fully or partially, with Measures B and BB Direct Local Distribution (DLD, pass-through) and paratransit discretionary grant funds?** To answer this question, complete Attachment Table B (Table B tab of the Microsoft Excel workbook).

Below is a list of the types of services/programs that are eligible for Alameda CTC funding. For detailed information about these eligible services, including minimum service requirements and performance measures, refer to the Alameda CTC's Special Transportation for Seniors and People with Disabilities (Paratransit) Implementation Guidelines, revised January 2022 (provided with the application materials).

- **Management/Overhead:** Program oversight, planning, budgeting, participation in regional/countywide meetings. Include admin/labor even if it is paid by the City/transit agency for accurate reporting of full program expenses.
- **Customer Service/Outreach:** Activities associated with educating consumers about services that are available to them, answering questions from consumers and taking, tracking and responding to complaints and commendations. Include costs even if paid by the City/transit agency for accurate reporting of full program expenses.
- **ADA Paratransit:** Paratransit services provided by fixed-route transit operators to fulfill requirements under the American's with Disabilities Act (ADA).
- **Same-Day Transportation Program:** Provides a same day, curb-to-curb service intended for situations when consumers cannot make their trip on a pre-scheduled basis; allows eligible consumers to use taxis or Transportation Network Companies (TNCs) (at program discretion) at a reduced fare.

- **Specialized Accessible Van Service:** Specialized van service provides accessible, door-to-door trips on a pre-scheduled or same-day basis. These services are generally implemented as a supplement to a same-day program that does not meet critical needs for particular trips in accessible vehicles in certain communities.
- **Accessible Fixed-Route Shuttle:** Generally accessible vehicles that operate on a fixed route and schedule to serve common trip origins and destinations, e.g. senior centers, medical facilities, grocery stores, BART stations, other transit stations, community centers, commercial districts, and post offices.
- **Group Trips Program:** Round-trip accessible van rides for pre-planned outings or to attend specific events or go to specific destinations for fixed amounts of time, e.g. shopping trips or religious services. Trips usually originate from a senior center or housing facility.
- **Door-through-Door/Volunteer Driver Program:** Pre-scheduled, door-through-door services that are generally not accessible; rely on volunteers to drive eligible consumers for critical trip needs, such as medical trips. May also have an escort component.
- **Mobility Management and/or Travel Training:** Covers a wide range of activities, such as travel training, trip planning, and brokerage. Does not include provision of trips. (This is considered "non-trip provision").
- **Means-Based Fare Programs:** Program to subsidize any service for customers who are low-income and can demonstrate financial need.
- **Meal Delivery:** Program to fund meal delivery to the homes of individuals who are transportation disadvantaged.
- **Capital Expenditure:** Capital purchase or other capital expenditure.
- **Note on volunteer driver programs and mobility management/training:** If your program is using DLD funds, but not discretionary grant funds, you may be required to submit further information.

A. Explain the impact of the COVID-19 pandemic on the FY 2020-21 and FY 2021-22 programs.

The COVID-19 pandemic continues to impact HOP services and participants. Similarly, to last year, the demand for transportation services remains lower than pre-pandemic levels and the demand for meal and essential grocery deliveries to homebound seniors remains increased.

At the conclusion of FY 2021, the majority of Hayward Operated Paratransit (HOP) service providers did not meet their targeted goals.

Of the 7 HOP programs:

- 1 exceeded their quantitative objectives for serving Hayward residents (SOS Meals on Wheels - 204%)
- 5 obtained between 7% and 66% of their quantitative objectives for serving Hayward residents
- 1 was not able to provide services due to temporary suspension of group trips

Many of HOP service providers have adapted their service delivery model to continue services while adhering to Federal, State, and local guidelines. Some have reinstated pre-pandemic services, and some have continued to offer modified services. Staff continues to work with these agencies and have requested updated plans for how the agencies plan to safely resume service.

B. Provide a short narrative description of your agency's FY 2022-23 program.

The Hayward Operated Paratransit (HOP) program provides paratransit and related services to eligible enrolled residents and their attendants who live in Hayward, the unincorporated areas of San Leandro, Castro Valley, San Lorenzo, Ashland, Cherryland, and Fairview. Per Alameda CTC Implementation Guidelines, The HOP is available to seniors (70+) and individuals between the ages of eighteen (18) and sixty-nine (69) years old with a certified disability and unable to drive or use public transportation.

The HOP currently operates eight (8) paratransit and transportation related programs to provide a broad range of mobility options in addition to those offered by public transit.

C. Explain how the suite of services offered is targeted towards the seniors and people with disabilities in your community. Why have these services been selected to meet the trip needs of your consumers over other eligible service types? How do these services enhance their quality of life and help them meet basic life needs?

The following is a brief overview of the suite of services targeted to seniors (70+) and qualifying individuals with disabilities in the Hayward service area. The following services are part of the HOP Program that is operated by the City of Hayward and funded through the City of Hayward's Direct Local Distribution funds.

Eden Information & Referral (EIR) - VIP ZIP program: Through a partnership with EIR, The HOP offers rides through TNC (transportation network company) providers *Lyft Concierge* and *Uber Health*. This partnership with EIR does not require enrolled clients have a smart phone to access Lyft/Uber rides. Clients call EIR directly, and staff arranges for the ride using a specially equipped software system.

Group transportation: Pre-scheduled, accessible trips for a minimum group of four are offered to enrolled HOP riders. Group trips are available primarily to senior housing complexes, skilled nursing facilities and various community organizations serving seniors and people with disabilities. Group trips offer participants social outings to reduce isolation.

Travel training: Mobility management workshops and classes are available to groups or individuals and conducted by the CRIL Travel Training Coordinator. Participants receive training in a wide variety of transportation options including accessing AC Transit and BART, obtaining Clipper cards, enrolling in paratransit services and travel safety tips. In FY21, CRIL started offering 1-on-1 consultations and support groups remotely via telephone, email, or web conference.

LIFE Eldercare – VIP Rides: Volunteer driver-based mobility program for seniors and people with disabilities to supplement both public transportation and Paratransit services for individuals who would benefit from a door-through-door service experience. Volunteers help clients with destination assistance, light shopping, and other mobility related services. In FY2, LIFE ElderCare's DthruD program evolved to help seniors avoid the exposure of shopping for food, and instead stay safe in their homes by deliver free groceries from food banks and LIFE's food depots.

Alzheimer's Services of the East Bay (ASEB): ASEB provides door-to-door transportation through specially trained drivers in lift equipped vans to individuals with dementia attending a local day program. In FY21, ASEB pivoted to include the delivery of activity kits to Hayward area participants who are sheltering-in-place and unable to attend ASEB (in-center) at this time. These kits help to stimulate their minds and provide structured interaction between the participant and the caregiver. ASEB continues to provide support to participants/caregivers electronically or telephonically and hosts family caregiver support groups via Zoom on a bi-weekly basis.

SOS Meals on Wheels: Meals on Wheels program provides and nutritionally balanced meals to homebound seniors residing in the Hayward service area through a network of trained volunteer drivers.

Means-Based Fare program: Subsidized fare program for enrolled HOP clients with demonstrated financial need. To qualify, clients must meet HUD/federal income limits for extremely-low income and submit income documentation.

Purchase of AC Transit Easy Passes: In partnership with the City of Hayward Housing Division – purchasing AC Transit Easy Passes for use by qualifying residents of newly proposed senior housing developments and the Hayward Homeless Navigation Center operated by Bay Area Community Services.

- D. List the most common trip destinations for seniors and people with disabilities in your community that your services are designed to serve, e.g. dialysis centers, hospitals, major shopping complexes, senior centers. Please report separately, if available, for ADA paratransit, Same-Day Transportation (taxi and TNC), Specialized Accessible Van, and/or Accessible Fixed-Route Shuttle if applicable.**

The top destinations reported by HOP clients (VIP ZIP Program) in FY22 (July-December 2021):

- Medical Office (29%)
- Groceries (17%)
- Errands-Related (15%)
- Employment (11%)
- Entertainment (6%)
- Shopping (5%)

Compared to last year, HOP saw a decrease in transportation to see friends and family, hospital visits, and trips to the grocery store and banking institutions. However, employment-related trips and transportation for entertainment purposes increased.

- E. Please provide your average trip length, if available, and any interesting outliers, e.g. a significantly short or long trip associated with one of the common trip destinations above.**

Between July 2020 and June 2021, the average length of ride for VIP ZIP, HOP's most frequently used program, was 5.6 miles. About 82% of the rides are 8 miles or less in length. The majority of rides that exceed that distance are to and from medical offices and hospitals.

- 2. Will your agency's program for FY 2022-23 conform to the Paratransit Program Implementation Guidelines, as required?**

Yes

No

- A. If "No", explain below and contact Alameda CTC staff to discuss (prior to February 21, 2022)**

- 3. If proposing any service or program changes in FY 2022-23 from the current year, FY 2021-22, describe the changes and explain why they are proposed. Describe how these changes will impact the ability of seniors and people with disabilities in your community to meet their basic life needs.**

Consulting Services

HOP is proposing to contract with a consultant to complete a comprehensive evaluation of HOP's current services to identify service gaps and areas in which the program can better serve more individuals and reach underserved communities within HOP's service area. Due to staffing changes and the impacts of Covid-19, the HOP program is proposing to invest additional funding to support administrative activities such as improving program management, customer service and outreach.

4. **Looking ahead, beyond FY 2022-23, do you anticipate major service changes? Please briefly describe.** Describe major changes such as beginning or ending a type of service anticipated within the next five years.

Based on the findings from the planned comprehensive evaluation of the HOP program and the new norms in transportation post-pandemic, staff anticipates implementing a range of changes to improve and enhance services. At this time, no major service changes have been identified, but the likelihood of changes within the next five years is high.

NEW PROGRAM ELEMENTS REQUIRING ALAMEDA CTC STAFF REVIEW

5. The January 2022 Paratransit Program Implementation Guidelines require Alameda CTC staff review of several program elements **prior to implementation**. The program elements requiring staff review are listed as items 5A – 5F below and for each item, further explanation is requested. **If your FY 2022-23 program plan includes any of the elements listed, in the box provided below, list the elements and the requested explanation for each. It is not necessary to include elements that were included in the FY 2021-22 Plan and are unchanged.** Applicants must address any applicable paratransit projects and programs listed in Attachment Table B.
- A. **Planned capital expenditure** (describe planned capital expenditures, such as purchase of vehicles or durable equipment)
 - B. **Same-Day Transportation Program that includes use of Transportation Network Companies (TNCs)** (describe the proposed service including how subsidies will be provided and how capacity will be managed)
 - C. **Same-Day Transportation Program that includes incentives to drivers and/or transportation providers** (describe the proposed incentives)
 - D. **Accessible Shuttle Service** (for new shuttles – describe service plan and how city is coordinating with the local fixed route transit provider)
 - E. **New mobility management and/or travel training programs** (describe the well-defined set of activities)
 - F. **Low-income requirements and outreach for any means-based fare programs** (describe the proposed subsidy and the means that will be used to determine and verify eligibility and the method of outreach for the program)
 - G. **Proposed new Meal Delivery Funding Program** (describe the proposed service and the population(s) it serves)

N/A

DEVELOPMENT OF PROGRAM PLAN

- 6. How was consumer input sought in development of the program and selection of the services offered?** Describe all general outreach activities undertaken in connection with this plan, including consumer or public meetings; meetings with other agencies; presentations to boards, commissions, or committees. If possible, provide dates for these activities. Note below if this plan was reviewed by a local paratransit advisory committee, including the name of the committee, and the date of the meeting.

Programs and services included in the FY 22-23 Program Plan were presented at the meeting bodies and community events listed below and developed with the consideration of feedback provided.

August 5, 2021, Baywood Court Senior Community
 October 12, 2021, Japanese Community Center
 January 18, 2022, City Council Meeting
 February 16, 2022, Community Services Commission

- 7. Describe any outreach, surveys and/or analysis conducted to develop this plan and to determine the types of services the program offers.**

Updates to the plan presented at public meetings are published to the City's website prior to the meetings in accordance with the Brown Act. Interested parties are invited to provide public comments on the plan prior to or at the meetings. Furthermore, HOP conducted a data clean-up project which resulted the update of participant contact information. Moving forward, active HOP participants will receive outreach and surveys more regularly.

In regard to the VIP ZIP program, EIR will be exploring the potential of implementing an automated option to collect feedback on the program parameters, performance, and customer service experience. Staff intends to utilize this data to inform future program plan changes.

- 8. Describe how results from the community outreach, surveys and/or analysis described in Questions 6 and 7 were used to guide the development of the program plan.**

In FY 2021, EIR reported that some participants expressed concerns about the limited availability of WAV rides. Staff explored alternatives to increase the availability of WAV rides. With the guidance of Alameda CTC staff and consultants, the City launched a small-scale pilot to offer same-day WAV rides through a service provider that had specialized wheelchair accessible vehicles. The number of participants were nominal and the cost for this specialized transportation service proves to be unsustainable. Staff anticipates that this will be a temporary need-based pilot to supplement TNCs until WAVs increase in availability regionally or an alternative becomes available.

Furthermore, based on the outcome of the data clean-up project, staff is exploring ways to increase participation. While the effects of Covid-19 have impacted the number of active participants, HOP intends to use a consultant to address the decreasing number of active riders.

9. Describe any innovative, emerging technology or non-traditional elements integrated into the program plan.

The HOP program is looking into the potential of allowing riders to directly utilize TNC apps to book on-demand rides. HOP continues to collaborate with neighboring jurisdictions to gather information on this potential addition. In addition, HOP is partnering with the City's Communication team to explore additional platforms for disseminating information.

10. Was this program plan approved by a governing body (or is it scheduled for action)? *This is not required by the Alameda CTC. Jurisdictions should follow their established internal process.*

Yes

No

A. If "Yes", provide the name of the governing body and planned or actual approval date.

Scheduled for City Council review and approval (April 5, 2022)

OUTREACH

11. How do community members and potential users learn about the Alameda CTC-funded services provided in your community? Specify for each of the paratransit projects and programs listed in Attachment Table B.

Potential users primarily access information about The HOP through direct contact with the paratransit program. Ongoing outreach is conducted by staff and the Travel Trainer. Services are also advertised through the following: City website; Community Access Channel 15; CRIL; The Hayward Public Library; Various dialysis and medical treatment centers; Kaiser Hospital San Leandro; St. Rose Hospital; The Hayward Senior Center; The San Leandro Senior Center; The Castro Valley Senior Center.

As part of the comprehensive evaluation of services, HOP envisions implementing additional forms of outreach.

ELIGIBILITY AND ENROLLMENT

12. What are your requirements for eligibility? (e.g., age, residency, income, ADA-certification status, or other verification of disability).

Hayward service area residents who are senior (70+) or disabled adults (18+) who are unable to use public transportation because of infirmity or disability or for whom East Bay Paratransit (EBP) is not an option are eligible to enroll. An application must be submitted and approved to enroll, and all applicants are encouraged to enroll concurrently with EBP. Applicants under the age of 70 must submit a medical certification form signed by a physician or social worker. To qualify for Means based fare programs, applicants must qualify by income (50% of AMI) and provide supporting documentation (proof of SSI/SDI, bank statements, most recent tax return, etc. All applicants must also apply concurrently with EBP to enroll with the HOP.

13. How do consumers enroll in your program? Include how long the enrollment process takes, and how soon newly enrolled applicants can use the services offered.

Applications are accepted year-round and typically reviewed within 48 hours of receipt during business hours, however staff often replies sooner. Applicants determined eligible are mailed an enrollment packet within 3-5 business days of processing. Enrollment packets can be expedited to same day of receipt for those with urgent travel needs.

CUSTOMER SATISFACTION

14. Describe your complaint and commendation process. Describe your process from beginning to end, including instructions you provide to customers for filing program suggestions, complaints or commendations, your documentation procedures, and your follow up.

The HOP program Rider's Guide includes information detailing the service communication process. Enrolled riders, their attendants/caregivers, and others serving seniors and the disabled can provide feedback to City staff or service partners in writing, via telephone, email or through the city website at any time. Complaints and commendations are documented by City staff and shared with the appropriate vendor. All complaints are investigated by the paratransit staff and a response is typically provided with 48 hours of receipt.

- A. Describe any common or recurring service complaints, commendations and/or suggestions your program has received.** Specify for each of the paratransit projects and programs listed in Attachment Table B. (Complaints are defined as phone calls, letters, or emails received for the specific purpose of making a complaint.)

VIP ZIP riders continue to express concerns about the limited availability and the inconsistent wait times of WAV rides.

Additionally, in Q2, EIR has received complaints regarding inconsistent fares.

On many occasions, frequent, long-term participants offered commendations for the customer service that staff has provided.

B. Describe any changes you have made to your program as a result of these customer complaints, commendations and suggestions.

In response to concerns about the limited availability and the inconsistent wait times of WAV rides, EIR and HOP are working to find creative solutions to resolving this critical issue. As an initial solution on September 15, 2021, EIR came into agreement with RydeTrans, a local paratransit provider, that has added an additional option to provide reliable wheelchair accessible vehicles to HOP participants.

While there isn't an easy solution to address complaints regarding inconsistent fares, EIR staff proactively advise riders of on-demand pricing surges and often price compares between TNCs to get the lowest fares for HOP participants. On occasion, EIR staff may work with riders to delay flexible rides until after high demand hours in order to see reduced pricing.

EXPECTED DEMAND/USE OF SERVICES

15. How many people are/have been/will be registered in the program during the following time periods? Fill in the boxes below.

Registrants at beginning of FY 2020-21	375 Registrants
Registrants at end of FY 2020-21	323 Active Registrants
Current Registrants for FY 2021-22	269 Active Registrants
Projected Registrants for FY 2022-23	294 Active Registrants

A. Based on the registration projection provided, explain why you expect your program registration to increase, decrease or stay the same compared to the current year.

Based on data from the last two years, an average of 25 new participants is expected in FY 2022.

Alameda CTC Annual Paratransit Program Plan Application
 Application Period: July 1, 2022 - June 30, 2023

16. What are the current program registrant demographics for FY 2021-22, if available? Fill in the boxes below.

Race/Ethnicity (check all that apply, individuals may be listed in multiple categories)	
American Indian or Alaska Native	<1% (n=1)
Asian	13% (n=37)
Black or African American	12% (n=35)
Hispanic or Latino	12% (n=34)
Native Hawaiian or Other Pacific Islander	2% (n=7)
White	42% (n=121)
Other	15% (n=43)
Declined to provide	3% (n=10)
Disability (check all that apply, individuals may be listed in multiple categories)	
Mobility/Physical	
Spinal Cord (SCI)	
Head Injuries (TBI)	
Vision	
Hearing	
Cognitive/Learning	
Psychological	
Invisible	
Household Income	
< \$29,750	
\$29,751-\$49,600	
\$49,601-\$59,520	
\$59,521-\$78,850	
> \$78,851	

A. Based on the current program demographics, describe any demographic trends you foresee for FY 2022-23.

Based on the current reported demographics and the significant reduction of active riders in FY 2022, there is insufficient data to draw projected trends.

Staff will continue to explore alternative means of outreach to ensure that information reaches more individuals in the community, especially community members that have limited access to technology, those that face barriers to services, or are not connected with a senior community or community center. The desire is to identify additional outreach opportunities through the comprehensive evaluation of HOP services.

17. Do you expect the total number of one-way trips provided by your program in FY 2022-23 to increase, decrease or stay the same compared to the current year, FY 2021-22? Why?

HOP has already seen an increase in ridership in the first half of FY 2021-2022 compared to the prior year and expects the number of one-way trips to increase in FY 2022-2023. This estimate is largely due to the community's response to current safety measures and plans to reopen the economy safely and fully.

18. Do the ridership numbers reported in Attachments Table A and Table B include companions and/or attendants?

Yes

No

A. If "Yes", and if known, what percent of total ridership are companions/attendants? (If providing an estimate, please clearly indicate it as such.)

--

19. Please provide the number of trips provided to consumers who required an accessible vehicle, if available. If trips were provided in more than one service (e.g. taxi, TNC, specialized accessible van, etc.), please specify for each.

Number of trips provided to consumers who require an accessible vehicle in FY 2020-21	248 (TNC)
Number of trips provided to consumers who require an accessible vehicle in FY 2021-22 as of Dec. 31, 2021	118 (TNC)
Number of trips projected to consumers who require an accessible vehicle in FY 2022-23	240 (TNC)

VEHICLE FLEET

20. Provide details regarding your vehicle fleet. To answer this question, complete Attachment Table D (Table D tab of the Excel workbook).

SAFETY AND PREPAREDNESS

- 21. Describe any safety incidents recorded by your program in FY 2020-21, or to date in FY 2021-22.** Specify for each of the paratransit projects and programs listed in Attachment Table B. *(Report incidents resulting in any of the following: a fatality other than a suicide; injuries requiring immediate medical attention away from the scene for two or more persons; property damage equal to or exceeding \$7,500; an evacuation due to life safety reasons; or a collision at a grade crossing.)*

N/A

- 22. If possible, describe your city's or your program's emergency preparedness plan.** Specify when the plan was last prepared or updated. Does the plan include the paratransit program? Indicate if it is available online or can be provide upon request. If available online, please include a link in the comment box below.

The City of Hayward's Comprehensive Emergency Management Plan (CEMP) is an internal document that addresses the City of Hayward's responsibilities in emergencies associated with natural disaster, human-caused emergencies, and technological incidents. It provides a framework for coordination of response and recovery efforts within the City in coordination and with local, State, and Federal agencies. The CEMP establishes an emergency organization to direct and control operations during a period of emergency by assigning responsibilities to specific personnel.

While the CEMP does not directly include the Hayward Operated Paratransit program, it does encompass provisions that account for the transportation of individuals with disabilities and individuals who require alternative modes of transportation. Furthermore, the CEMP comprises resources in the event of an emergency for seniors, including but not limited to meals, home care, and transportation.

FINANCES: PROGRAM REVENUE AND COST

23. Detail your FY 2022-23 program's total estimated revenue (all fund sources) and total cost by completing Attachment Table C (Table C tab of the Excel workbook). For program components funded all or in part with a Measure B/BB discretionary grant, segregate the grant funding by entering it in the "Other Measure B/BB" column.

24. Describe below the "Management/Overhead" and "Customer Service and Outreach" costs included in Attachment C and how these cost allocations were determined? (These two categories are defined under Question 1). *The amount spent on Customer Service/Outreach and Management/Overhead is to be included as part of the total program cost, even if it is not funded with Alameda CTC funding. This includes city/agency staff time paid for by a city's general fund.*

A. Management/Overhead Costs

Funds:

- 1) Direct staff costs (salaries/benefits) based on program oversight, planning, budgeting, customer service and outreach (Measure B/BB and City of Hayward CDBG (10%) shared costs);
- 2) Insurance costs (Measure B- 100%); Direct program costs including printing, supplies, computer/IT support, travel, etc. (Measure B and Hayward CDBG (10%) shared costs);
- 3) Consulting Services – Estimated cost for comprehensive program evaluation.

B. Customer Service and Outreach Costs

Customer outreach includes daily operational activities such as fielding customer inquiries, application distribution and processing, database maintenance, group trip scheduling and monitoring, etc. Other related activities include community presentations, and identification of potential partnerships. Marketing materials, vehicle signage and potentially street signage are also included.

FY 2023 includes an increased allocation towards outreach as part of the comprehensive program evaluation and implementation efforts.

PROGRAM FUNDING RESERVES

25. If your paratransit program is anticipated to have a remaining balance of Measure B/BB DLD funding at the end of FY 2022-23, as shown in Attachment Table C, please explain. How do you plan to expend these funds and when?

As currently projected, the HOP anticipates a remaining balance of Measure B/BB DLD funding at the end of FY22-23. A significant portion of the remaining fund balance will be allocated towards program improvements as a result of the comprehensive program evaluation and implementation efforts.

HOP continues to partner with Hayward Public Works, Transportation Division to extend the Safe Routes for Seniors (SR4S) program to additional locations within the City. Additionally, HOP will partner the Transportation Division to enhance features benefiting seniors and individuals with disabilities as part of

the Main Street Complete Street Project, which intersects the SR4S project in Downtown Hayward. The planned ADA improvements to sidewalks and streets in FY23 are estimated at \$750,000.

MISCELLANEOUS

26. Use this space to provide any additional notes or clarifications about your program plan.

HOP will continue to explore ways to extend services to underserved and unreached community members. The desire is to connect eligible residents to life changing paratransit and related services that are diverse and inclusive.

Alameda CTC FY 2022-23 Annual Paratransit Program Plan Application (July 1, 2022 - June 30, 2023)
Attachment Table A: Summary of Past Program Service, Performance, Revenue, and Costs (FY 2020-21)

Total FY 2020-21 Program Revenue (Measure B, Measure BB and all other funds available for FY 2020-21)	
Estimated Measure B Paratransit DLD reserve balance at the start of FY 2020-21	\$1,432,844
FY 2020-21 Measure B DLD Paratransit revenue (Staff will confirm using Alameda CTC reports)	\$1,032,064
Estimated Measure BB Paratransit DLD reserve balance at the start of FY 2020-21	\$3,765,880
FY 2020-21 Measure BB DLD Paratransit revenue (Staff will confirm using Alameda CTC reports)	\$880,096
Total FY 2020-21 Measure B and BB Paratransit DLD Revenue (Automatically calculated)	\$7,110,884
Total FY 2020-21 Other Revenue (All other revenue sources, non-DLD, including fares, discretionary grant, non-Meas B and BB)	
Total FY 2020-21 Program Revenue (Measure B, Measure BB and all other sources available for FY 2020-21) (Automatically calculated)	\$7,110,884

Service/Program Type and Name		Performance FY 2020-21		Total FY 2020-21 Program Costs Expended by Fund Source (Measure B, Measure BB and all other funds expended during FY 2020-21)										Notes
Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M	Column N	Column O
Eligible Service/Program Type <i>Drop-down Menu</i>	Service/Program/Project Name	Quantity Provided FY 2020-21 Provide total number of one-way trips or units	On-Time Performance FY 2020-21 Percent of passenger trips arrived within designated window (indicate if data is unavailable or non-applicable)	Amount of RESERVE Measure B Paratransit DLD funds EXPENDED	Amount of FY 2020-21 Measure B Paratransit DLD funds EXPENDED	Amount of RESERVE Measure BB Paratransit DLD funds EXPENDED	Amount of FY 2020-21 Measure BB Paratransit DLD funds EXPENDED	Amount of OTHER Measure B/BB funds EXPENDED	What was the source of these OTHER Measure B/BB funds? (e.g. CIP Grant, LSR, etc.)	Fare Revenue expended on service	Amount of all non-Alameda CTC funds EXPENDED (not including fares)	What was the source of these non-Alameda CTC funds? (e.g. City general fund, federal, state, etc.)	Total Funds expended (all sources) <i>Automatically calculated</i>	Miscellaneous Notes (If necessary, provide any notes/clarification about trip/program)
Customer Service and Outreach	Research, Marketing & Data Collection		N/A	\$ 31,171									\$ 31,171	
Management/Overhead	Program Administration		N/A	\$ 502,374									\$ 502,374	
Same-Day Transp. - TNC	VIP ZIP	3,192	unavailable	\$ 238,536									\$ 238,536	Total fare subsidy of \$32,769.84 included in VIP ZIP program expenses.
Specialized Accessible Van	Alzheimer's Services of the East Bay	112	unavailable	\$ 75,000									\$ 75,000	COVID-19 Impact: Since March 17, 2020, ASEB has been providing Hayward participants/caregivers hybrid care consisting of some on-site and telephonic/virtual (Zoom) case management. ASEB staff also delivers ACTIVITY KITS twice a week to families and ASEB has developed a YouTube training program for families to use. Field Trips were cancelled.
Group Trips	Group Trips/RydeTrans	0	N/A	\$ -									\$ -	On-hold due to Covid-19
Door-through-Door/Volunteer Driver	VIP Rides/LIFE ElderCare	5,490	unavailable	\$ 67,039									\$ 67,039	5,490 rides 329 unduplicated clients
Mobility Mgmt/Travel Training	Hayward on the Go! Travel Training/Community Resources for Independent Living	0	N/A	\$ -									\$ -	COVID-19 Impact: Hayward temporarily paused in-person training in response to the order to shelter in place (March 2020). CRIL is in the process of developing a virtual travel training process.
Scholarship/Subsidized Fare	HOP Means-Based Fare Program	494	unavailable										\$ -	Fare subsidy of \$6,502.94 included in VIP ZIP program expenses.
Scholarship/Subsidized Fare	HOP/Hayward Navigation Center	0	N/A										\$ -	
Meal Delivery (existing program)	SOS Meals on Wheels	112,400	unavailable	\$ 90,000									\$ 90,000	112,400 meals delivered 2,460 unduplicated clients
Capital Purchase	Safe Routes for Seniors (SR4S) Program/COH Public Works		N/A			\$ 156,546							\$ 156,546	Construction in FY 2022
													\$ -	
													\$ -	
													\$ -	
				\$ 1,004,120	\$ -	\$ 156,546	\$ -	\$ -		\$ -	\$ -		\$ 1,160,666	

Alameda CTC FY 2022-23 Annual Paratransit Program Plan Application (July 1, 2022 - June 30, 2023)

Attachment Table B: Description of Planned Program

Note: Definitions for each drop-down menu are in the Implementation Guidelines

Service/Program Type and Name		Contractor	Need(s) Met	Cost to Consumer		For Trip Provision Services			
Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J
Eligible Service/Program Type <i>Drop-down Menu</i>	Service/Program/Project Name	If service is contracted, provide name of contractor/service provider	Need(s) this Service Meets (E.g. medical, grocery, recreation, regional trips, etc.)	Fare/Cost to Consumer	Fare Medium (E.g. cash, voucher, reimbursement, annual fee, etc.)	Vehicle Accessibility <i>Drop-down Menu</i>	Is this a same day or pre-scheduled service? <i>Drop-down Menu</i>	Is this a fixed route or origin-to-destination service (e.g. door-to-door)? <i>Drop-down Menu</i>	Service Area
Same-Day Transp. - TNC	VIP ZIP	Eden Information & Referral (2-1-1)	TNC: On-demand transportation for eligible clients to meet Activities of Daily Living (ADL's) needs	HOP will pay the costs of rides over \$4.00 up to a maximum of \$20.00. Any costs over \$20.00 are the rider's responsibility.	Debit/Credit Card	Accessible	Same Day	Curb-to-Curb	Hayward, Newark, Livermore, Oakland, San Leandro, Fremont, Dublin, Alameda, Union City, Pleasanton, San Ramon, Castro Valley, Fairview, Cherryland, San Lorenzo, Ashland. Preauthorization is required to travel outside of the service area for medical related trips.
Customer Service and Outreach	Research, Marketing & Data Collection	City of Hayward	Communications Costs-Research, Marketing & Data Collection	N/A	N/A				City of Hayward
Management/Overhead	Program Administration	City of Hayward	Operations Costs-Administrative costs for program delivery	N/A	N/A				City of Hayward
Group Trips	Group Trips	A-Para Transit, Inc.	Groups of 4 or more: transportation for groups of eligible clients to meet ADL needs	N/A	N/A	Accessible	Pre-scheduled	Curb-to-Curb	Hayward, Newark, Livermore, Oakland, San Leandro, Fremont, Dublin, Alameda, Union City, Pleasanton, San Ramon, Castro Valley, Fairview, Cherryland, San Lorenzo, Ashland
Meal Delivery	SOS Meals on Wheels	Service Opportunity for Seniors (SOS)	Delivery of meals to homebound seniors	N/A	N/A		Pre-scheduled		Hayward, Unincorporated San Leandro, Castro Valley, Fairview, Cherryland, San Lorenzo, Ashland
Mobility Mgmt/Travel Training	Hayward on the Go! Travel Training	Community Resources for Independent Living	Mobility management training for seniors and people with disabilities	N/A	N/A		Pre-scheduled		Hayward, Unincorporated San Leandro, Castro Valley, Fairview, Cherryland, San Lorenzo, Ashland
Specialized Accessible Van	Alzheimer's Services of the East Bay	Alzheimer's Services of the East Bay	Transportation to Hayward Adult Day Health Care centers, support for caregivers and individuals recently diagnosed with dementia	N/A	N/A	Accessible	Pre-scheduled	Door-to-Door	Hayward, Newark, Livermore, Oakland, San Leandro, Fremont, Dublin, Alameda, Union City, Pleasanton, San Ramon, Castro Valley, Fairview, Cherryland, San Lorenzo, Ashland
Door-through-Door/Volunteer Driver	VIP Rides/Assisted Rides/Mobility Management	LIFE ElderCare	Trained volunteers provide door-through-door transportation to eligible clients to meet ADL needs/Provide basic mobility management	N/A	N/A	Accessible	Pre-scheduled	Door-through-Door	Hayward, Newark, Livermore, Oakland, San Leandro, Fremont, Dublin, Alameda, Union City, Pleasanton, San Ramon, Castro Valley, Fairview, Cherryland, San Lorenzo, Ashland
Means-Based Fare Program	HOP Means-Based Fare Program	City of Hayward	On-demand transportation for eligible clients to meet ADL needs	HOP will pay the costs of rides up to a maximum of \$20.00 for standard trips and up to a maximum of \$35 for medical related trips. Any costs over the designated amounts are the rider's responsibility.	N/A				Hayward, Unincorporated San Leandro, Castro Valley, Fairview, Cherryland, San Lorenzo, Ashland. Preauthorization is required to travel outside of the service area for medical related trips.
Means-Based Fare Program	HOP/Hayward Navigation Center	City of Hayward	ADL	N/A	N/A				AC Transit Local Service Area
Capital Purchase	PW Safe Routes for Seniors	City of Hayward	Improved Mobility	N/A	N/A				City of Hayward

Note: Definitions for each drop-down menu are in the Implementation Guidelines

Service/Program Type and Name		Limits	Schedule			Eligibility	Status	Deliverables	Notes
Column A (repeated)	Column B (repeated)	Column K	Column L	Column M	Column N	Column O	Column P	Column Q	Column R
Service/Program Type <i>Will automatically populate from rows above</i>	Service/Program/Project Name <i>Will automatically populate from rows above</i>	Limits on number of trips/ use of service? (e.g. trip limits per month/quarter/year or a maximum expenditure per consumer)	If pre-scheduled, what days/hours are reservations accepted for trip, training, etc?	If pre-scheduled, how far in advance can/must a consumer schedule a trip, training, etc?	Days/Hours of Operation	Eligibility Requirements	Project Status <i>Drop-down Menu</i>	Quantity Planned Provide total number of units (one-way passenger trips, consumers trained, meals delivered, etc.)	Miscellaneous Notes (If necessary, provide any notes/clarification about trip/program)
Same-Day Transp. - TNC	VIP ZIP	40 rides per month	N/A	N/A	M-F, 8:15AM-5:30PM	70+ Years of Age or Adult with certified disability and unable to drive or use public transportation independently	Continuing/Ongoing	10,000	one-way trips
Customer Service and Outreach	Research, Marketing & Data Collection	N/A	N/A	N/A	N/A	N/A	Continuing/Ongoing		
Management/Overhead	Program Administration	N/A	N/A	N/A	N/A	N/A	Continuing/Ongoing		
Group Trips	Group Trips	2 trips per org per month	Mon - Sat	Reservations accepted by 3rd calendar week from upcoming month	9am-4pm	Adheres to Alameda CTC Implementation Guidelines	Continuing/Ongoing	1,000	
Meal Delivery	SOS Meals on Wheels	Daily per client	Mon - Sat	By request	9am-5pm	Adheres to Alameda CTC Implementation Guidelines	Continuing/Ongoing	55,200	55,200 meals 600 unduplicated clients
Mobility Mgmt/Travel Training	Hayward on the Go! Travel Training	By appointment	case-by-case basis	By appointment	9am-5pm	Adheres to Alameda CTC Implementation Guidelines	Continuing/Ongoing	100	unduplicated clients
Specialized Accessible Van	Alzheimer's Services of the East Bay	as requested	Mon - Fri	By request	9am-5pm	Adheres to Alameda CTC Implementation Guidelines	Continuing/Ongoing	35	unduplicated clients
Door-through-Door/Volunteer Driver	VIP Rides/Assisted Rides/Mobility Management	as requested	case-by-case basis	By appointment	9am-5pm	Adheres to Alameda CTC Implementation Guidelines	Continuing/Ongoing	1,900	1,900 assisted trips 200 unduplicated clients
Means-Based Fare Program	HOP Means-Based Fare Program	40 rides per month	N/A	N/A	N/A	Adheres to Alameda CTC Implementation Guidelines	Continuing/Ongoing	1,000	
Means-Based Fare Program	HOP/Hayward Navigation Center	40 rides per month (TNC); 1 monthly AC Transit Easy Pass per qualifying resident; 20 Day Passes per month	According to AC Transit bus schedules for Easy Pass	N/A; Advance reservation only, up to 7 days in advance (EBP)	Mon - Fri 8:15AM-5:30PM (TNC); 8am-5pm (EBP)	Adheres to Alameda CTC Implementation Guidelines	Continuing/Ongoing	50	passes
Capital Purchase	PW Safe Routes for Seniors	N/A	N/A	N/A	N/A	ADA Improvements	Continuing/Ongoing		In collaboration with COH Public Works - Downtown area - construction completion of phase I is scheduled for November 2022

Alameda CTC FY 2022-23 Annual Paratransit Program Plan Application (July 1, 2022 - June 30, 2023)

Attachment Table C: Program Revenue, Cost and Fund Sources

Total FY 2022-23 Program Revenue (Measure B, Measure BB and all other funds available for FY 2022-23)	
Estimated Measure B Paratransit DLD ending balance at the end of THIS fiscal year, FY 2021-22 (June 30, 2022)	\$876,913
Estimated Measure BB Paratransit DLD ending balance at the end of THIS fiscal year, FY 2021-22 (June 30, 2022)	\$1,887,026
Projected FY 2022-23 Measure BB DLD Paratransit revenue (Use projections distributed by the Alameda CTC)	\$1,720,100
Total FY 2022-23 Measure B and BB Paratransit DLD Revenue (Automatically calculated)	\$4,484,039
Total FY 2022-23 Other Revenue (All other revenue sources, non-DLD, including fares, discretionary grant, non-Meas B and BB)	
Total FY 2021-22 Program Revenue (Measure B, Measure BB and all other sources available for FY 2021-22) (Automatically calculated)	\$4,484,039

Service/Program Name		Total FY 2022-23 Program Costs by Fund Source (Measure B, Measure BB and all other funds planned to be expended during FY 2022-23)								Total Cost
Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K
Service/Program/Project Name <i>Automatically populated from prior sheet (column B)</i>	Quantity Planned for FY 2022-23 <i>Automatically populated from prior sheet (column Q)</i>	Amount of RESERVE Measure B Paratransit DLD funds to be EXPENDED	Amount of RESERVE Measure BB Paratransit DLD funds to be EXPENDED	Amount of FY 2022-23 Measure BB Paratransit DLD funds to be EXPENDED	Amount of OTHER Measure B/BB funds to be EXPENDED	What is the source of these OTHER Measure B/BB funds? (e.g. CIP Grant, LSR, etc.)	Fare Revenue to be expended on service	Amount of all Non-Alameda CTC funds to be EXPENDED (not including fares)	What is the source of these non-Alameda CTC funds? (e.g. city funds, federal, state, etc.)	Total Cost (all sources) <i>Automatically calculated</i>
VIP ZIP	10,000		\$ 272,624							\$ 272,624
Research, Marketing & Data Collection	0	\$ 175,000								\$ 175,000
Program Administration	0	\$ 500,000								\$ 500,000
Group Trips	1,000	\$ 75,000								\$ 75,000
SOS Meals on Wheels	55,200		\$ 90,000							\$ 90,000
Hayward on the Go! Travel Training	100		\$ 75,000							\$ 75,000
Alzheimer's Services of the East Bay	35		\$ 75,000							\$ 75,000
VIP Rides/Assisted Rides/Mobility	1,900		\$ 154,574							\$ 154,574
HOP Means-Based Fare Program	1,000	\$ 25,000								\$ 25,000
HOP/Hayward Navigation Center	50	\$ 50,000								\$ 50,000
PW Safe Routes for Seniors	0		\$ 750,000							\$ 750,000
0	0									\$ -
0	0									\$ -
0	0									\$ -
Totals	69,285	\$ 825,000	\$ 1,417,198	\$ -	\$ -		\$ -	\$ -		\$ 2,242,198

Budget check (total revenue less total cost): \$2,241,841

PARATRANSIT DLD RESERVE BALANCES	Measure B	Measure BB	Total MB/BB
Estimated Reserve Balance, June 30, 2023:	\$51,913	\$2,189,928	\$2,241,841
Reserve balance as percent of FY 2022-23 Revenue*	N/A	127%	130%

*Alameda CTC's Timely Use of Funds policy looks at entire jurisdiction's fund balance.

Alameda CTC FY 2022-23 Annual Paratransit Program Plan Application (July 1, 2022 - June 30, 2023)

Attachment Table D: Vehicle Fleet

Instructions: Please complete table below. If necessary, please contact your contractors to obtain the information.

Vehicle Fleet									
Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J
					Vehicle Capacity				
Make	Type of Vehicle(s) (specify bus, large van, minivan, sedan)	Year of Vehicle	Fuel Type	Lift/Ramp Equipment (specify lift, ramp, or none)	Ambulatory	Wheelchair	Number of Vehicles	Owner (specify if contractor)	City that vehicle(s) are garaged



File #: WS 22-007

DATE: April 5, 2022

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Community Agency Funding: Fiscal Year 2023 Community Agency Funding Recommendations for Services, Arts & Music, and Economic Development and Infrastructure; and Overview of the FY 2023 Annual Action Plan and the City of Hayward CDBG Citizen Participation Plan

That the Council:

1. Conducts a work session regarding the FY 2023 Community Agency Funding recommendations prepared by the Community Services Commission;
2. Reviews and comments on the draft funding recommendations;
3. Reviews and comments on the overview of the FY 2023 Annual Action Plan; and
4. Reviews and comments on the City of Hayward CDBG Citizen Participation Plan

SUMMARY

This report provides an overview of the FY 2023 Community Agency Funding process, the Community Services Commission (CSC) Application Review Committees' (ARCs) proposed funding recommendations for consideration by the CSC, and next steps in the funding process. Funding is typically allocated from two sources: Hayward's Community Development Block Grant (CDBG) annual entitlement and the City's General Fund. In addition to these funds, this year, the CSC is also making recommendations to Council regarding the distribution of one-time American Rescue Plan Act of 2021 (ARPA) funds for eligible community safety and economic recovery activities associated with the COVID crisis in Hayward.

The amount of funding requested for FY 2023 continues to increase compared to previous years. The continual increase in requested funds, even with the additional ARPA funding, resulted in a highly competitive funding allocation process for the FY 2023 cycle. Consequently, the ARCs were faced with challenging decisions about how to appropriately allocate funds with consideration for the CSC and City's goals to provide resources and services for those in the community who need it the most. The proposed funding is summarized by category in Table 1 on the following page and in detail in Attachment II.

This report summarizes the funding recommendations for the City's estimated annual entitlement of CDBG funds (\$1,300,000) for economic development, infrastructure, and public services, and \$548,950 in General Fund monies for social services and arts and music programs. The report concludes with a high-

level overview of the Department of Housing and Urban Development’s (HUD) required FY 2023 Annual Action Plan, which specifies the City’s priority needs and goals for using CDBG entitlement funds in FY 2023.

Table 1. Summary of Recommended Funding Allocation by Category

Funding Source	Category	Recipient	Amount
General Fund	Arts & Music	Community Agencies	\$82,000
General Fund	Social Services	Community Agencies	\$416,950
CDBG	Economic Development/Infrastructure	Community Agencies	\$598,763
CDBG/ARPA	Public Services	Community Agencies	\$735,737
<i>Total ARC Recommended Grants</i>			<i>\$1,833,450</i>
General Fund	Referral Services	Eden I&R	\$50,000
CDBG	HUD-Required Fair Housing Services	Community Agency	\$25,000
CDBG	Home Rehabilitation & Infrastructure Project Management	Community Agency	\$325,000
<i>Total Non-Competitive Grants</i>			<i>\$400,000</i>
GRAND TOTAL FY 2023 RECOMMENDED FUNDING (ALL SOURCES)			\$2,223,450

One-Time Recovery Funds for Arts and Music Agencies

During the past two years of the pandemic, many of the social services agencies received an influx of additional funding to provide COVID related programming for the Hayward community. Staff identified one-time supplemental funding to support the Arts and Music agencies as the City enters the recovery phase of the pandemic. This one-time supplemental funding for the current fiscal year, as outlined in Attachment III, is meant to reinvigorate engagement in arts and music programming in Hayward as more activities return to in-person. Staff is currently exploring other funding sources to further supplement the FY 2023 awards.

ATTACHMENTS

- Attachment I Staff Report
- Attachment II Funding Recommendations
- Attachment III Funding Recommendations for Arts and Music Recovery



DATE: April 5, 2022

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT Community Agency Funding: Fiscal Year 2023 Community Agency Funding Recommendations for Services, Arts & Music, and Economic Development and Infrastructure; and Overview of the FY 2023 Annual Action Plan and the City of Hayward CDBG Citizen Participation Plan

RECOMMENDATION

That the Council:

1. Conducts a work session regarding the FY 2023 Community Agency Funding recommendations prepared by the Community Services Commission;
2. Reviews and comments on the draft funding recommendations;
3. Reviews and comments on the overview of the FY 2023 Annual Action Plan; and
4. Reviews and comments on the City of Hayward CDBG Citizen Participation Plan

SUMMARY

This report provides an overview of the FY 2023 Community Agency Funding process, the Community Services Commission (CSC) Application Review Committees' (ARCs) proposed funding recommendations for consideration by the CSC, and next steps in the funding process. Funding is typically allocated from two sources: Hayward's Community Development Block Grant (CDBG) annual entitlement and the City's General Fund. In addition to these funds, this year the CSC is also making recommendations to Council regarding the distribution of one-time American Rescue Plan Act of 2021 (ARPA) funds for eligible community safety and economic recovery activities associated with the COVID crisis in Hayward.

The amount of funding requested for FY 2023 continues to increase compared to previous years. The continual increase in requested funds, even with the additional ARPA funding, resulted in a highly competitive funding allocation process for the FY 2023 cycle. Consequently, the ARCs were faced with challenging decisions about how to appropriately allocate funds with consideration for the CSC and City's goals to provide resources and services for those in the community who need it the most. The proposed funding is summarized by category in Table 1 on the following page and in detail in Attachment II.

This report summarizes the funding recommendations for the City’s estimated annual entitlement of CDBG funds (\$1,300,000) for economic development, infrastructure, and public services,¹ and \$548,950 in General Fund monies for social services and arts and music programs. The report concludes with a high-level overview of the Department of Housing and Urban Development’s (HUD) required FY 2023 Annual Action Plan, which specifies the City’s priority needs and goals for using CDBG entitlement funds in FY 2023.

Table 1. Summary of Recommended Funding Allocation by Category

Funding Source	Category	Recipient	Amount
General Fund	Arts & Music	Community Agencies	\$82,000
General Fund	Social Services	Community Agencies	\$416,950
CDBG	Economic Development/Infrastructure	Community Agencies	\$598,763
CDBG/ARPA	Public Services	Community Agencies	\$735,737
<i>Total ARC Recommended Grants</i>			<i>\$1,833,450</i>
General Fund	Referral Services	Eden I&R	\$50,000
CDBG	HUD-Required Fair Housing Services	Community Agency	\$25,000
CDBG	Home Rehabilitation & Infrastructure Project Management	Community Agency	\$325,000
<i>Total Non-Competitive Grants</i>			<i>\$400,000</i>

GRAND TOTAL FY 2023 RECOMMENDED FUNDING (ALL SOURCES) \$2,223,450

One-Time Recovery Funds for Arts and Music Agencies

During the past two years of the pandemic, many of the social services agencies received an influx of additional funding to provide COVID related programming for the Hayward community. Staff identified one-time supplemental funding to support the Arts and Music agencies as the City enters the recovery phase of the pandemic. This one-time supplemental funding for the current fiscal year, as outlined in Attachment III, is meant to reinvigorate engagement in arts and music programming in Hayward as more activities return to in-person. Staff is currently exploring other funding sources to further supplement the FY 2023 awards.

BACKGROUND

The CSC serves as an advisory body to the Hayward City Council. The CSC makes recommendations to Council regarding the distribution of Infrastructure and Economic Development (Community Development Block Grant [CDBG]), Public/Social Services (CDBG/General Fund), and Arts and Music (General Fund) program funding through the annual Community Agency Funding (CAF) process. For FY 2023, the CSC is also making recommendations to Council regarding the distribution of one-time ARPA funds for eligible community safety and economic recovery activities associated with the COVID crisis in Hayward.

¹ 20% of the annual entitlement is set aside for administration (e.g., staff salaries, fair housing programming) and planning activities (e.g., homelessness point in time count, homelessness reduction strategic plan).

The FY 2023 Community Agency Funding Process

The CAF process opened with the publication of a Notice of Funding Availability (NOFA) on September 17, 2021. The announcement was published in English and Spanish in the Daily Review; posted to the City's website; and emailed to currently funded agencies, previously funded agencies, applicants from previous years and all other interested parties on the CSC mailing list. Several broadcast email reminders were also sent in advance of the Mandatory Bidder's Conference held on October 19, 2021.

The CSC reviews all eligible applications, and the CSC Chairperson appoints three ARCs by funding category (Infrastructure/Economic Development, Public/Social Services, and Arts and Music) to conduct applicant interviews prior to drafting funding recommendations for Council review and approval. The three funding categories are:

1. **Infrastructure and Economic Development:** Affordable housing (not including new construction); housing rehabilitation; nonprofit facility improvements; microenterprise business support; and capacity building. Funds must meet one of three national objectives: benefit low-moderate income Hayward residents; prevent or eliminate slum blight; or meet an urgent need (i.e., disaster).
2. **Arts & Music (General Fund):** Arts and music programs that benefit Hayward residents, with an emphasis on activities that support youth education.
3. **Public/Social Services (CDBG/ARPA/General Fund):** Benefit low-moderate income Hayward residents through programs to provide food security, health services, homelessness and anti-displacement services, including job training; legal services; youth and education services.

On February 16, 2022², the CSC met and reviewed the preliminary draft recommendations made by each ARC. ARC Chairs and Committee members summarized the discussion and rationale behind ARC decision-making. Additionally, the CSC heard public comment and initiated a 30-day public comment period for community members to submit feedback on the recommendations to the City and CSC. On March 16, 2022³, the CSC met and unanimously voted to recommend the funding as outlined in Attachment II.

DISCUSSION

FY 2023 Community Agency Funding Process

Each year, the City receives applications from community agencies requesting funding through the competitive CAF process. The CSC is responsible for reviewing the applications, interviewing applicants, and making recommendations to the Council for how a portion of the City's General Fund and the City's CDBG entitlement award should be allocated. As part of the

² February 16, 2022, Staff Report and Attachments:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5450535&GUID=52C38EEC-8F69-44EC-A712-661FEA4E0EE1&Options=&Search=>

³ March 16, 2022, Staff Report and Attachments:

<https://hayward.legistar.com/MeetingDetail.aspx?ID=927858&GUID=45F7A843-F75C-4139-8F66-016A7B2D58F7&Options=info|&Search=>

Community Agency Funding process, the CSC Chair appoints three ARCs to conduct applicant interviews and make preliminary recommendations for full CSC consideration.

Available Funding and Funding Requests

The majority of applications are reviewed through a competitive process to allocate \$458,950 from the General Fund and approximately \$1,300,000 from the City’s estimated CDBG entitlement, after the costs of administration and planning are set aside.⁴ Staff uses past allocations to estimate the FY 2023 CDBG entitlement award and the City’s General Fund contribution. The Council has also authorized the distribution of one-time ARPA funds, in the amount of \$500,000, through the FY 2023 CAF process.

By the November 19, 2021, deadline, the City received 50 applications for FY 2023 funding, with twelve new proposed programs. Of the applications received, four did not advance to ARC interviews. Alternatively, staff worked with these agencies to seek other opportunities for funding. Three of the applications, amounting to \$42,416,894, were associated with two new construction projects that were ineligible for CDBG funds and exceeded the available ARPA funding. Council has authorized that one of the projects, construction of a 10-unit tiny home village for individuals experiencing chronic homelessness, be submitted for State Homekey funding.⁵ The fourth applicant that did not participate in ARC interviews was SAVE for their Community Outreach and Prevention Program (COPS). During the previous funding cycle, the CSC expressed a desire for staff to identify alternative funding for SAVE/COPS. Staff worked with SAVE to secure an alternative funding source to continue their services in FY 2023. Additionally, based on guidance from HUD, two agencies that were previously funded under Economic Development were recategorized to Public Services.

The ARCs reviewed applications in December 2021 and conducted interviews in January 2022. Subsequently, the ARCs deliberated and made allocation recommendations using estimates made by staff based on assumed funding from HUD and the City. Table 2 provides a summary of all available FY 2023 funding.

Table 2. FY 2022 Available Funding

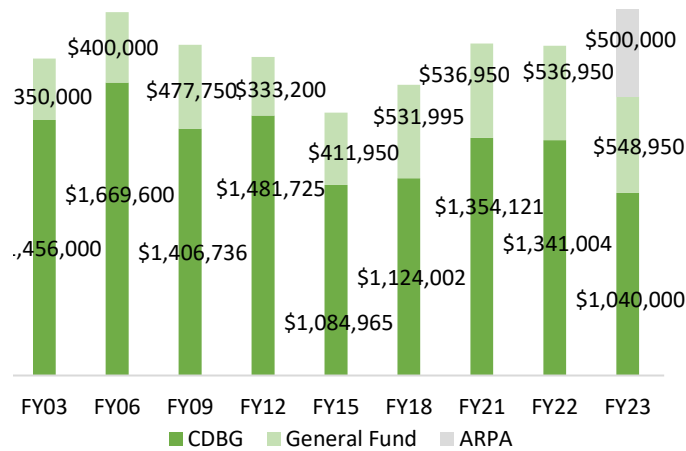
Funding Source	Category	Amount Available
General Fund	Arts & Music	\$82,000
	Social Services	\$416,950
	Referral Services	\$50,000
CDBG	Economic Development & Infrastructure	\$598,763
	Public Services	\$235,737
	HUD Required Fair Housing Services	\$25,000
	Home Rehabilitation & Infrastructure Project Management	\$325,000
ARPA	Public Services	\$500,000
TOTAL AVAILABLE FUNDING		\$2,223,450

⁴ Staff estimate this allocation based on previous years’ entitlement awards. The actual award is expected to be announced by the end of March.

⁵ January 25, 2022, Council Meeting Staff Report and Materials: <https://hayward.legistar.com/LegislationDetail.aspx?ID=5390892&GUID=B276DA40-2A6A-46C1-A313-28235E575135&Options=&Search=>

Similarly to prior years, the amount of funding requested for both General Fund and CDBG allocations exceeded available funding. The increase in requested funds, even with the additional ARPA funding, resulted in a highly competitive funding allocation process for the FY 2023 cycle. Historically, the amount of funds available for the CAF process has varied, as shown in Figure 1.

Figure 1. Availability of Community Agency Funding Over Time⁶⁷



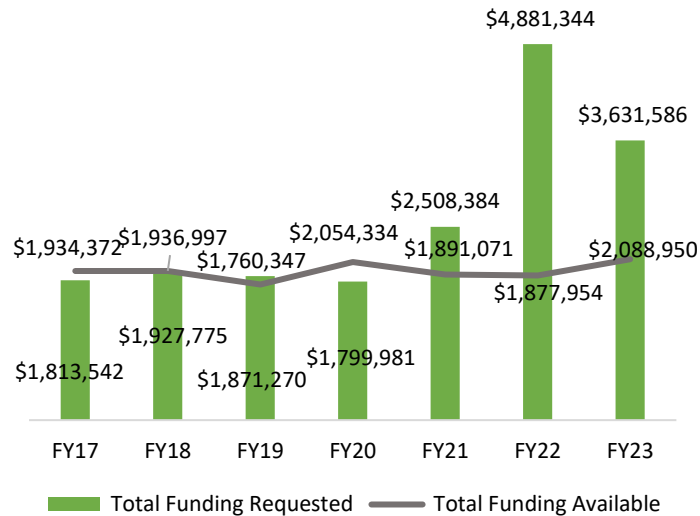
Furthermore, even after eliminating four applications from the competitive process, FY 2023 funding requests far exceeds the amount of available funding, as shown in Figure 2 below.

Figure 2. Funding Requests and Availability since FY 2017⁸

⁶ CDBG totals reflect the estimated entitlement minus 20% for administration and planning.

⁷ FY 2023 CDBG funding level is an estimate based on previous years' entitlement awards. The actual award is expected by late March 2022.

⁸ The significant increase in funding requests for FY 2022 are partially driven by \$2.3M in requests from three agencies for capital or property acquisition projects.



In total, the Public/Social Services, Arts and Music, and Infrastructure/Economic Development ARCs interviewed applicants who requested the amounts listed in Table 3 below.

Table 3. Requested FY 2023 Funding by Category

Category	Funding Source	Number of Applicants	Amount Requested	Amount Available
Competitive				
Arts and Music	General Fund	8	\$186,321	\$82,000
Economic Development	CDBG	2	\$90,445	\$598,763
Infrastructure	CDBG	6	\$1,034,219	
Public Services	CDBG/ARPA	11	\$1,311,627	\$735,737
Social Services	General Fund	16	\$609,474	\$416,950
Non-Competitive				
Referral Services ⁹	General Fund		\$50,000	\$50,000
HUD Required Fair Housing Services ¹⁰	CDBG	1	\$25,000	\$25,000
Home Rehabilitation & Infrastructure Project Management	CDBG	2	\$325,000	\$325,000
TOTALS		46	\$3,632,086	\$2,223,450

Non-Competitive Applications

Per the City of Hayward Compliance Policy Manual adopted by Council in 2014, in each CDBG program year, the cost of administration and HUD-related fair housing activities are subtracted from the annual entitlement award amount. In 2019, staff conducted a competitive RFP process for HUD-mandated fair housing services and Eden Council for Hope and Opportunity (ECHO) was selected. For FY 2023, \$25,000 from the CDBG category is allocated

⁹ An application is not required for the non-competitive referral services award.

¹⁰ These funds are allocated from the City’s administration and planning set-aside, so they do not impact the HUD-mandated 15% cap on CDBG funds for public services.

to ECHO to provide fair housing services to Hayward residents. This award is required by HUD and the expenses are paid out of the CDBG Administration funds. Additionally, through the most recently conducted Alameda County analysis of impediments to fair housing, the City committed to funding home rehabilitation programs to prevent displacement of low-income households. Further, the City allocates an additional \$25,000 to Habitat for Humanity for administrative support on project management of the CDBG infrastructure grants, ensuring the City maintains compliance with federal regulations. Finally, Eden I&R will receive a non-competitive Services award of \$50,000 from the General Fund to operate the 2-1-1 phone line.

Competitive Application Review

After allocating the non-competitive projects, the remaining funds are made available to eligible community partners and social service applicants through the CAF process. Each application is thoroughly reviewed by staff and the CSC, and agency specific questions are compiled and shared with applicants prior to their interview. During this process, agencies are given ten minutes to present their projects to the appropriate ARC, then an additional ten minutes to answer questions from the ARC. As with last year's funding process, all interviews were held virtually using Microsoft Teams.

Following the interviews, each ARC engaged in extensive deliberation, weighing criteria that included agencies' capacity, leveraging of other funds, history providing quality services, ability to meet target outcomes, and the community's need for the service. Additional consideration was taken in evaluating the number of applications a single agency submitted and the over impact that any one agency's recommended funding would have on the total available funds. Their recommendations are reported in detail in Attachment II.

Funding Approach

The CSC approaches the CAF process with the intent to use available funds for the greatest impact by providing needed services for the City's most vulnerable residents. Funding recommendations are influenced by the need for proposed services and an agency's ability to meet certain criteria. While this approach continues to shape the FY 2023 funding recommendations, the CSC expressed interest in exploring alternative sources of funding for projects that have historically been recommended for full funding or were continually among the highest prioritized for funding through the CAF process. The Hayward Public Library's Family Education Program, Centro Legal de la Raza's Tenant Rights' Program, and Abode Services' Alameda County Impact program were among the services discussed. Additionally, there was a desire in having staff identify additional funding sources to address the stagnant funding level for arts and music programs.

Prioritization of Additional Funds

Given the disparity between agencies' funding requests and the amount of available funding, the ARCs provided general guidance for how any additional funds that may become available beyond staff's estimates should be allocated.

The ARCs recommended allocating additional funds as depicted in Table 4 below.

Table 4. Methodology of Recommended Allocations for Additional Funding by Category

CATEGORY	GUIDING PRINCIPLES
Arts and Music	<ul style="list-style-type: none"> • Designate additional funding towards the Juneteenth Celebration and request that staff identify additional funding sources outside the competitive process towards this important cultural event
Economic Development/ Infrastructure	<ul style="list-style-type: none"> • Designate one agency to receive additional funding up to \$75,000 of additional funding • Designate any additional funds toward City housing projects for contributions to housing and homeless development projects
Public/Social Services	<ul style="list-style-type: none"> • Designate any additional funding to each program by the percentage determined by the funding recommendations, in an amount not to exceed their original request

As previously stated, staff expects that the City will receive the FY 2023 CDBG entitlement award by late March 2022. Should the entitlement award exceed staff’s estimates, the adjusted funding recommendations will be based on the ARC’s recommended allocations for additional funds shown above.

Recommended Allocations

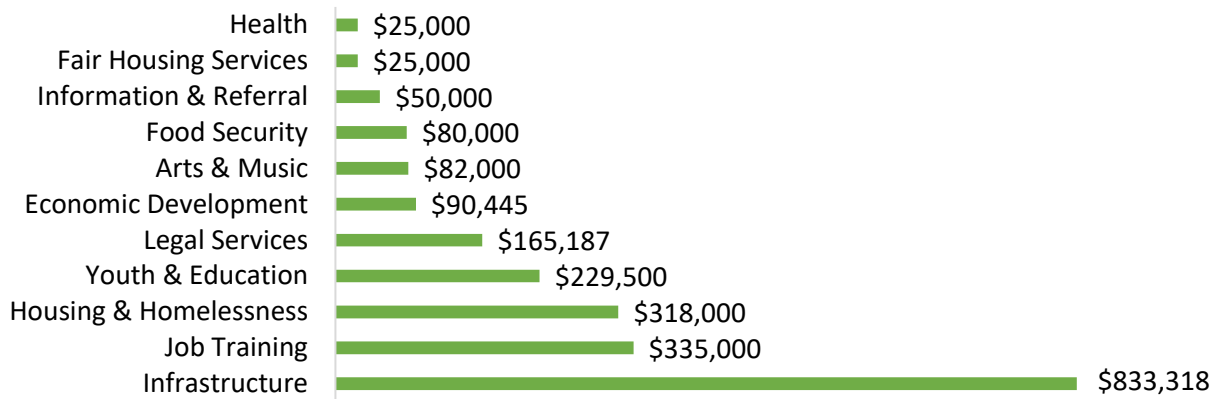
Each ARC’s deliberations resulted in preliminary recommendations, which were reviewed by the CSC at the February 16, 2022, meeting.¹¹ The CSC heard public comments, then the Chairs of each ARC summarized the discussion and decision-making of their ARC during the CSC meeting. Following the Chairs’ presentations, the CSC came to consensus to move forward with the ARC recommendations. At the subsequent CSC meeting of March 16, 2022¹², the CSC reviewed the ARC recommendations and heard public comment. In response to numerous public comments in support of arts and music programs, discussion ensued around future funding expectations and the need to identify potential opportunities to expand the amount of funding available through the CAF process. The CSC requested that the exploration of additional funding for arts and music programs be included in the review of the CAF process. Additional information on this effort is provided below.

The CSC unanimously voted to recommend the funding allocations which are presented for final review in this report and as outlined in Attachment II. Figure 3 presents a summary of their recommendations by the type of service each agency provides.

Figure 3. Recommended Funding Allocation by Service Type

¹¹ February 16, 2022, Staff Report and Attachments:
<https://hayward.legistar.com/LegislationDetail.aspx?ID=5450535&GUID=52C38EEC-8F69-44EC-A712-661FEA4E0EE1&Options=&Search=>

¹² March 16, 2022, Staff Report and Attachments:
<https://hayward.legistar.com/MeetingDetail.aspx?ID=927858&GUID=45F7A843-F75C-4139-8F66-016A7B2D58F7&Options=info|&Search=>



One-Time Recovery Funds for Arts and Music Agencies

During the past two years of the pandemic, many of the social services agencies received an influx of additional funding to provide COVID related programming for the Hayward community. Staff identified one-time supplemental funding to support the Arts and Music agencies as the City enters the recovery phase of the pandemic. This one-time supplemental funding for the current fiscal year, as outlined in Attachment III, is meant to reinvigorate engagement in arts and music programming in Hayward as more activities return to in-person. Staff is currently exploring other funding sources to further supplement the FY 2023 awards.

Community Agency Funding Process Review

As part of the ongoing efforts to refine the CAF process, the CSC requested support and direction from the Council to clarify Council’s funding priorities and to receive feedback on the CAF process to better inform future funding recommendations. On October 26, 2021¹³, the Council authorized the Mayor to appoint three members of Council to form a sub-group to work with a committee of the CSC to review and discuss the CAF process, funding priorities, funding opportunities, and provide recommendations to the CSC and Council for further consideration. This joint Council/CSC CAF Review Committee is scheduled to convene in early April 2022.

Exploration of Arts, Music, and Special Events Funding and Refining Process

At the ARC Review for the Arts and Music programs, the Committee provided feedback that additional funding be identified to enhance and expand the City’s contributions in supporting the Arts and Music programming. In FY 2020, City staff revamped the special events funding process managed by the Economic Development division to better integrate an equity lens in funding distribution. However, this funding for special events was redirected to support businesses impacted by COVID. As the City progresses beyond the pandemic, staff is currently re-examining the special events funding process and exploring opportunities to utilize the Arts and Music ARC to include additional funding to enhance the support of the Arts and Music agencies, as well as to facilitate funding for City special events. The staff assessment of integrating a special events component to the Arts and Music funding process is in preliminary stages, with a FY 2023 City budget request of \$150,000 to increase the funding for

¹³ October 26, 2021, Staff Report and Attachment:
<https://hayward.legistar.com/LegislationDetail.aspx?ID=5192084&GUID=A2A6DA3D-E012-4AA3-BD19-F634B3A66DAD&Options=&Search=>

these categories. As staff progresses in its assessment, the proposed changes to the Arts and Music ARC will be shared with the CAF Subcommittee for feedback.

Racial Equity

Racial equity is an integral lens in making considerations for distribution of City resources to service providers of the City’s most vulnerable populations. Therefore, the CSC continues to implement changes to their approach for funding recommendations. As part of the FY 2022 funding process changes were implemented to the CAF application to collect additional demographic data from agencies about their staffing, leadership, and Board, in addition to the individuals that they serve. Recognizing that cultural awareness and shared experience can often remove barriers to accessing service, it is the desire of the CSC to have funded agencies that reflect the diversity of the community that they serve. Furthermore, in alignment with the Racial Equity Action Plan, the CSC engages in discussions around the importance of funding programs and services that are designed to advance racial equity and opportunities for all people in Hayward.

As part of the FY 2023 CAF process, the CSC interviewed over 30 community agencies, receiving information about current community needs and firsthand accounts from individuals who have received services from programs funded through the CAF process. The CSC plays a critical role in recommending funding towards social programs that provide free or low-cost services to the community, including vulnerable, marginalized, and underserved populations.

The Annual Action Plan

Overview

HUD requires that the City update its Annual Action Plan each year. The Annual Action Plan carries out the Consolidated Plan, which is updated every five years. Council approved the current FY 2021-2025 Consolidated Plan on June 23, 2020.¹⁴ The Consolidated Plan identifies affordable housing, homelessness, housing preservation, and permanent supportive housing; community development of public facilities and public services; elderly, youth, and family education services; and economic development as priority needs for the City.

The FY 2023 Annual Action Plan summarizes the actions, activities, and financial resources to be used in FY 2023 to address the priority needs and goals identified in the 2021-2025 Consolidated Plan. Community input gathered during the Consolidated Planning process informed the development of these priority needs and goals. To achieve the City’s goals for its use of CDBG funds, the FY 2023 Annual Action Plan includes the projects listed in Table 5.

Table 5. FY 2023 Annual Action Plan Projects

Project	Description	Sample Activities
Public Facilities and Infrastructure	Improve and expand access to public infrastructure through development activities. Public facilities may include neighborhood facilities, non-profit	<ul style="list-style-type: none"> Repairs for non-profit facilities and shelters

¹⁴ June 23, 2020 Staff Report and Attachments: <https://hayward.legistar.com/LegislationDetail.aspx?ID=4576644&GUID=7D9A237D-8934-4D4A-94FA-CFF24B9589CA&Options=&Search=>

Project	Description	Sample Activities
	agencies' facilities, community centers, and parks and recreation facilities.	<ul style="list-style-type: none"> • Development to improve ADA compliance for public facilities
Public Services	Provide supportive services for low-income and special needs populations, including services to address homelessness.	<ul style="list-style-type: none"> • Homelessness outreach services • Youth and adult education programming • Employment training programs
Housing Programs	Provide rehabilitation resources for low-income homeowners to reduce risk of displacement and homelessness.	<ul style="list-style-type: none"> • Minor and substantial home repair grants
Economic Development	Provide economic development support to small businesses	<ul style="list-style-type: none"> • Technical assistance to small businesses • Grants to small businesses
Acquisition, Disposition, Clearance, Relocation	Increase the supply of affordable housing and temporary shelter through acquisition of land and real property.	<ul style="list-style-type: none"> • Acquisition of property to increase capacity of City's shelter system
Administration	Citywide administration of the CDBG program for FY 2023	<ul style="list-style-type: none"> • Staffing costs for administering the grant • Planning projects for future programs or development projects

Timeline

Staff will publish a draft of the FY 2023 Annual Action Plan for public comment on April 5, 2022, with a Public Hearing for comment and Council recommendation for approval on April 26, 2022. The City's public comment period will conclude on May 5, 2022 and staff will submit the report to HUD no later than Friday, May 13, 2022.

Citizen Participation Plan Update

Overview

HUD regulations require that all CDBG grantees develop and maintain a Citizen Participation Plan (CCP) that sets forth the City's policies and procedures for community engagement and participation in the CDBG funding and planning process.¹⁵ Community participation is vital to the success of CDBG-funded activities and ensures that the needs of stakeholders are met. The primary goal is to encourage and provide the community, especially low- and moderate-income residents, opportunities to participate in the development of the consolidated plan, any changes to the plan, and the City's performance reporting to HUD.

HUD regulations also require resident participation during the CPP's development and subsequent revisions. The City of Hayward may revise the CPP to reflect changes in HUD regulations or to make improvements to the community participation process. Staff is recommending both procedural and administrative updates to improve community

¹⁵ 24 CFR § 91.105

participation. Proposed changes include reducing barriers to participation by removing the use of “citizen” where appropriate and replacing it with alternative language to ensure the inclusion of all members of the Hayward community. Proposed changes also clarify the pathways for community participation, including reference to the in-depth Community Needs Analysis completed as part of the Consolidated Planning process and integration of results from the city-wide bi-annual resident satisfaction, City Hall to You events, and other ad hoc planning processes, such as the Let’s House Hayward! Strategic Plan or City Strategic Roadmap processes.

Timeline

A 15-day public viewing period of the draft version of the revised CPP is required. The draft revised CPP will be posted on the City’s website, and hard copies will be provided to residents and groups that request them by contacting the City’s Community Services Division. The timing of the public comment period will align with that of the Annual Action Plan and CAF recommendations, with a Public Hearing for comment and Council recommendation for approval on April 26, 2022.

ECONOMIC IMPACT

The proposed programs funded through CDBG and the General Fund’s Social Services programs have a collective positive economic impact on the community, as they will increase food security; provide vital support services to help individuals and families maintain and obtain housing, such as legal aid, fair housing services, shelter, and home rehabilitation; and infuse capital and provide training for local small business.

STRATEGIC ROADMAP

These funding allocation recommendations support several of the City’s Strategic Roadmap priority areas, including Preserve, Protect, & Produce Housing; Grow the Economy; Improve Infrastructure; and Support Quality of Life.

FISCAL IMPACT

The CDBG Program has a neutral impact on the City’s General Fund, as a portion of CDBG funds (up to 20%) may be used to pay for eligible Planning and Administration of the Program. Potential reductions to the City’s CDBG grant size and unpredictable program income will result in equivalent reductions to available funds and to the administrative cap. The CDBG program remains an administratively complex undertaking requiring enhanced dedication of resources from recipients and subrecipients to meet federal reporting standards.

As part of the City’s Federal Stimulus Expenditure Plan¹⁶, Council approved augmenting the FY 2023 Community Agency Funding budget by allocating one-time APRA funding, in the amount of \$500,000, towards addressing the negative economic impacts caused by the public

¹⁶ July 13, 2021, Staff Report and Attachments:
<https://hayward.legistar.com/LegislationDetail.aspx?ID=5028015&GUID=E0215022-6A47-486F-81C4-9BFB2583AE10&Options=&Search=>

health emergency as a result of COVID-19. These funds are included in the FY 2023 CAF recommendations.

Social Services and Arts & Music funds are General Fund-based and subject to Council discretion. If other General Fund obligations require reductions to Social Services or Arts & Music funding, individual grants would be adjusted on a percentage basis accordingly. Historically, Council has acknowledged Social Services grants support “safety net” services (i.e., food, housing, support services for low-income people, and information and referral) and has refrained from reducing or eliminating funding based on fiscal impact.

PUBLIC CONTACT

The Public Comment period for the FY 2023 recommended funding allocations, FY 2023 Annual Plan, and the revised Community Participation Plan is in place from April 5, 2022, through May 5, 2022. Public comment on the Community Agency Funding Process, Annual Action Plan, and the City of Hayward CDBG Community Participation Plan will be heard at the Public Hearing on April 26, 2022. Additionally, prior to this Work Session item, the public had the opportunity to provide public comment on the CAF process during the public comment period and at the CSC’s February 16, 2022 and March 16, 2022, meetings. Public comment can be reviewed in the Attachment I Staff Report of the CSC’s March 16, 2022, meeting¹⁷ and under Documents Received After Published Agenda.

NEXT STEPS

Next steps include the following:

- On Tuesday, April 26, 2022, a Public Hearing will be held regarding the FY 2023 funding recommendations, FY 2023 Annual Action Plan, and the CDBG Community Participation Plan at the City Council Meeting.
- On Thursday, May 5, 2022, the City’s public comment period will conclude.
- Staff will address public comment and on May 13, 2022, will submit the FY 2022 Annual Action Plan to HUD.

Prepared by: Carol Lee, Management Analyst

Recommended by: Monica Davis, Community Services Manager
Jennifer Ott, Assistant City Manager

Approved by:



Kelly McAdoo, City Manager

¹⁷ March 16, 2022, Staff Report and Attachments:
<https://hayward.legistar.com/MeetingDetail.aspx?ID=927858&GUID=45F7A843-F75C-4139-8F66-016A7B2D58F7&Options=info|&Search=>

COMMUNITY SERVICES COMMISSION COMMUNITY AGENCY FUNDING RECOMMENDATIONS FY 2023					
CATEGORY	AGENCY	PROJECT	FY 2022 FUNDING	FY 2023 REQUESTS	FY 2023 RECOMMENDATIONS
ARPA					
Housing and Homelessness	Love Never Fails	LNF Community Engagement Center*	\$ -	\$ 143,515	\$ -
Housing and Homelessness	First Presbyterian Church of Hayward dba South Hayward Parish	SHP Tiny Home Village Program Services*	\$ -	\$ 138,346	\$ 45,000
Job Training	Downtown Streets, Inc.	Hayward Downtown Streets Team (2021)^	\$ 224,166	\$ 236,688	\$ 208,000
Job Training	Love Never Fails	Connect With IT Biz^	\$ 121,672	\$ 263,464	\$ 127,000
Youth & Education	Hayward Public Library	Family Education Program^	\$ 148,716	\$ 147,864	\$ 120,000
TOTAL FY 2022 CDBG PUBLIC SERVICES			\$ 494,554	\$ 929,877	\$ 500,000
CDBG - PUBLIC SERVICES					
Housing and Homelessness	Abode Services	Alameda County Impact	\$ 27,899	\$ 54,786	\$ 37,000
Housing and Homelessness	Alliance for Community Wellness dba La Familia	FESCO Les Marquis House - Emergency Shelter	\$ 25,000	\$ 50,000	\$ 34,000
Housing and Homelessness	Eden Council for Hope and Opportunity	Fair Housing Services**	\$ 25,000	\$ 25,000	\$ 25,000
Housing and Homelessness	Ruby's Place	Shelter and Children	\$ 25,000	\$ 60,000	\$ 34,000
Legal Services	Centro Legal de la Raza	Tenant Rights' Program	\$ 75,164	\$ 93,998	\$ 85,737
Legal Services	Family Violence Law Center	Family Violence and Homelessness Prevention Project	\$ 30,000	\$ 60,000	\$ 45,000
Youth & Education	Love Never Fails	I AM House Children's Program*	\$ -	\$ 62,966	\$ -
TOTAL FY 2022 CDBG PUBLIC SERVICES			\$ 208,063	\$ 406,750	\$ 260,737
CDBG - ECONOMIC DEVELOPMENT & INFRASTRUCTURE					
Economic Development	Centro Community Partners	Entrepreneurship Education, Financial Literacy & Access to Capital to Women/Minority Businesses	\$ 30,000	\$ 45,445	\$ 45,445
Economic Development	Community Child Care Council (4-Cs) of Alameda County	Child Care Initiative Project	\$ 45,000	\$ 45,000	\$ 45,000
Infrastructure-Neighborhood Facilities	First Presbyterian Church of Hayward dba South Hayward Parish	South Hayward Parish Critical Infrastructure Upgrade*	\$ -	\$ 193,800	\$ 193,800
Infrastructure-Neighborhood Facilities	Habitat for Humanity East Bay/Silicon Valley, Inc.	Home Repair Program (FY23) - CalHOME Portion*	\$ -	\$ 49,500	\$ 49,500
Infrastructure-Neighborhood Facilities	Habitat for Humanity East Bay/Silicon Valley, Inc.	Home Repair Program (FY23)**	\$ 175,000	\$ 175,000	\$ 175,000
Infrastructure-Neighborhood Facilities	Rebuilding Together Oakland	Rehabilitation and Repair (2021)**	\$ 150,000	\$ 150,000	\$ 150,000
Infrastructure-Neighborhood Facilities	St. Rose Hospital Foundation	Cath Lab Project*		\$ 500,000	\$ 49,599
Infrastructure-Neighborhood Facilities	Ruby's Place	Program Enhancement: Tiny Homes on Wheels	\$ 44,781	\$ 250,419	\$ 175,419
Infrastructure-Neighborhood Facilities	The Alliance for Community Wellness dba La Familia	FESCO Les Marquis House - Emergency Shelter	\$ 28,000	\$ 40,000	\$ 40,000
TOTAL FY 2022 CDBG ECONOMIC DEVELOPMENT & INFRASTRUCTURE			\$ 472,781	\$ 1,449,164	\$ 923,763
GENERAL FUND - ARTS & MUSIC					
Arts & Music	Hayward Area Historical Society	Discovery Kits	\$ 13,160	\$ 16,820	\$ 12,444
Arts & Music	Hayward Area Historical Society***	Hayward Municipal Band	\$ -	\$ 17,000	\$ 6,886
Arts & Music	Hayward Area Historical Society***	Hayward Arts Council / Band & Orchestra Festival	\$ 20,750	\$ 33,344	\$ 13,500
Arts & Music	Love Never Fails	Healing Arts	\$ 11,795	\$ 56,062	\$ 10,615
Arts & Music	Pacific Chamber Orchestra	Discover Music educational assemblies for the HUSD Elementary Schools	\$ 7,500	\$ 12,500	\$ 6,750
Arts & Music	Ruby's Place***	Sun Gallery Programs	\$ 15,000	\$ 31,900	\$ 14,000
Arts & Music	West Coast Blues Society	Russell City Blues Series & Juneteenth Holiday We Celebration	\$ 15,000	\$ 14,900	\$ 14,010
Arts & Music	Youth Orchestra of Southern Alameda County (EBO)	Hayward Scholarships/Stipends	\$ 3,795	\$ 3,795	\$ 3,795
TOTAL FY 2022 ARTS & MUSIC			\$ 87,000	\$ 186,321	\$ 82,000
GENERAL FUND - SERVICES					
Food Security	Alameda County Community Food Bank	Food Distribution - Food Purchase Program	\$ 30,000	\$ 35,000	\$ 30,000
Food Security	Mercy Retirement & Care Center*	Mercy Brown Bag Program*	\$ -	\$ 30,000	\$ 25,000
Food Security	Spectrum Community Services	Meal Program for Seniors	\$ 22,500	\$ 40,000	\$ 25,000
Health	Crisis Support Services of Alameda County*	Expanding Mental Health and Suicide Prevention Services in Hayward*	\$ -	\$ 34,000	\$ 25,000
Housing and Homelessness	Building Opportunities for Self Sufficiency (BOSS)	South County Homeless Project (SCHP)	\$ -	\$ 36,000	\$ 18,000
Housing and Homelessness	Community Resources for Independent Living (CRLI)	Hayward Housing Services	\$ 11,665	\$ 25,000	\$ 20,000
Housing and Homelessness	Eden Council for Hope and Opportunity	Tenant/Landlord Services	\$ 20,000	\$ 20,000	\$ 15,000
Housing and Homelessness	Eden United Church of Christ	Newcomer Navigation Center	\$ 10,000	\$ 75,000	\$ 50,000
Housing and Homelessness	Family Violence Law Center	Domestic Violence Housing First for Hayward*	\$ -	\$ 10,000	\$ 10,000
Housing and Homelessness	First Presbyterian Church of Hayward dba South Hayward Parish	South Hayward Parish Case Management Services	\$ 34,950	\$ 71,600	\$ 55,000
Information & Referral	Eden I & R, Inc.	211 Communication System**	\$ 50,000	\$ 50,000	\$ 50,000
Legal Services	Immigration Institute of the Bay Area	Legal Services for Immigrants	\$ 20,000	\$ 40,000	\$ 20,000
Legal Services	Legal Assistance for Seniors (LAS)	Legal Services & Education to Hayward Seniors	\$ 10,000	\$ 25,000	\$ 14,450
Youth & Education	ALIVE*	ALIVE Students*	\$ -	\$ 12,000	\$ 12,000
Youth & Education	East Bay Agency for Children (EBAC)	Hayward HUB Family Resource Center	\$ 22,500	\$ 50,000	\$ 40,000
Youth & Education	Eden Youth and Family Center	Eden Youth and Family Center	\$ 22,500	\$ 55,874	\$ 22,500
Youth & Education	Horizon Services, Inc.	Lambda Project	\$ 22,500	\$ 50,000	\$ 35,000
TOTAL FY 2022 SOCIAL SERVICES			\$ 276,615	\$ 659,474	\$ 466,950

^Previously funding in a different category

*New agency/program applying for funds

**Non-competitive award

***Fiscal Sponsor

All amounts are preliminary and subject to change. Final award amounts will be authorized by Hayward City Council in June 2022. CDBG awards are dependent upon FY 2023 federal funding allocations and GF awards are subject to available budgetary funding.

FUNDING RECOMMENDATIONS FOR ARTS AND MUSIC RECOVERY FY 2022							
CATEGORY	AGENCY	PROJECT	FY 2021 FUNDING	FY 2022 REQUESTS	FY 2022 RECOMMENDATIONS	FY 2022 SUPPLEMENTAL ONE-TIME FUNDS	FY 2022 TOTAL FUNDING RECOMMENDATION
GENERAL FUND - ARTS & MUSIC							
Arts & Music	Hayward Area Forum for the Arts dba Sun Gallery	Sun Gallery Programs	\$18,000	\$29,000	\$15,000	\$14,000	\$29,000
Arts & Music	Hayward Area Historical Society	Discovery Kits	\$8,860	\$21,500	\$13,160	\$8,340	\$21,500
Arts & Music	Hayward Area Historical Society*	Band & Orchestra Festival	\$9,000	\$7,000	\$4,750	\$2,250	\$7,000
Arts & Music	Hayward Area Historical Society*	Hayward Arts Council	\$16,000	\$25,000	\$16,000	\$9,000	\$25,000
Arts & Music	Hayward Area Historical Society*	Hayward Municipal Band	\$7,072	\$14,000	\$0	\$6,928	\$14,000
Arts & Music	Love Never Fails	Healing Arts	\$10,473	\$49,337	\$11,795	\$37,542	\$49,337
Arts & Music	Pacific Chamber Orchestra	Discover Music educational assemblies for the HUSD Elementary Schools	\$8,800	\$12,000	\$7,500	\$4,500	\$12,000
Arts & Music	West Coast Blues Society	Russell City Blues Series & Juneteenth Celebration	\$0	\$15,000	\$15,000	\$0	\$15,000
Arts & Music	Youth Orchestra of Southern Alameda County (EBYO)	Hayward Scholarships/Stipends	\$3,795	\$3,990	\$3,795	\$195	\$3,990
TOTAL FY 2022 ARTS & MUSIC RECOMMENDATIONS			\$82,000	\$176,827	\$87,000	\$82,755	\$176,827

*Fiscal Sponsor



CITY OF HAYWARD

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

File #: WS 22-008

DATE: April 5, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Solid Waste and Recycling Franchise Agreement: Update on Negotiations

RECOMMENDATION

That the Council receives an update on the status of current negotiations with Waste Management of Alameda County (WMAC), and provides comments to staff.

SUMMARY

The City holds a franchise agreement with WMAC to provide solid waste, recycling, and organic materials collection, and processing services. The current agreement commenced March 1, 2015, and was scheduled to expire March 1, 2022. The agreement includes the option to extend for three, 12-month periods, and on January 18, 2022, Council opted to extend the contract for one year. If the City extended the contract the maximum numbers of times, the agreement would expire March 1, 2025. Staff is currently negotiating exclusively with WMAC as authorized by Council. Most recently, on January 18, 2022, staff requested from Council and was granted an extension of the exclusive negotiating period until June 30, 2022.

ATTACHMENTS

Attachment I Staff Report



DATE: April 5, 2022
TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT Solid Waste and Recycling Franchise Agreement: Update on Negotiations

RECOMMENDATION

That Council receives an update on the status of current negotiations with Waste Management of Alameda County (WMAC), and provides comments to staff.

SUMMARY

The City holds a franchise agreement with WMAC to provide solid waste, recycling, and organic materials collection, and processing services. The current agreement commenced March 1, 2015, and was scheduled to expire March 1, 2022. The agreement includes the option to extend for three, 12-month periods, and on January 18, 2022 Council opted to extend the contract for one year. If the City extended the contract the maximum numbers of times, the agreement would expire March 1, 2025. Staff is currently negotiating exclusively with WMAC as authorized by Council. Most recently, on January 18, 2022, staff requested from Council and was granted an extension of the exclusive negotiating period until June 30, 2022.

BACKGROUND

WMAC has been the City's solid waste and recycling services franchisee since at least the mid-1970s. WMAC provided the service under a different business name initially (Oakland Scavenger Company) and has, in the past thirty years, subcontracted with Tri-CED Community Recycling for residential recycling services.

At the March 9, 2020¹ Council Sustainability Committee (CSC) meeting, the CSC discussed possible approaches to the new solid waste franchise agreement, and recommended the City start exclusive negotiations with WMAC. The CSC also expressed a desire for the City to partner with Hayward schools, if possible, so that solid waste services and outreach would be consistent throughout Hayward. The CSC also directed staff to be innovative and sustainability-minded in negotiations.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4389835&GUID=EFF0E6BA-0F1F-4CA3-B275-1B18D86FF2EE&Options=&Search=>

At its June 23, 2020² meeting, Council approved a period of exclusive negotiations with WMAC through October 31, 2020. At the October 27, 2020 meeting, Council extended the exclusive negotiating period until June 30, 2021.

At the November 9, 2020³ CSC meeting, staff presented an update on negotiations. The CSC expressed a desire for increasing the number of public litter cans, as well as increasing the number of illegal dumping collections performed by WMAC, and flexibility on the contract length. At its March 8, 2021⁴ meeting, the CSC heard from Hayward recycling service providers, WMAC and Tri-CED, about the ongoing negative effects of the China National Sword policy on the recycling markets in California, and the importance of reducing contamination in collected recyclables.

On June 15, 2021⁵, Council approved an extension of the exclusive negotiation period with WMAC through December 31, 2021. On October 26, 2021⁶, Council received a report updating them on franchise agreement negotiations and Council held a work session on the negotiations between the City and WMAC. Council expressed a desire to keep rates reasonable, install more public litter cans, try to maintain the Main Street office, and maintain the bulky collection service. Council also expressed concern about SB1383 mandates wasting functional recycling and garbage carts merely due to their colors and not matching the State's new color scheme, and requiring jurisdictions to procure and disseminate a very large amount of organic material.

On January 10, 2022, staff presented an update to the CSC and recommended a one-year extension of the current contract. The CSC supported the recommendation and suggested bringing up the topic of a possible combined City of Hayward and Hayward Unified School District contract at the next Hayward Local Agencies Committee (HLAC) meeting. The CSC also recommended that staff promote the bulky item pick-up service in The Stack Newsletter. On January 18, 2022⁷, Council approved the one-year extension of the contract and also granted an extension of the exclusive negotiating period until June 30, 2022. On March 28, 2022, staff presented an update to the CSC on the negotiations. The CSC's comments will be included in staff's presentation to Council on April 5.

DISCUSSION

While, negotiations have proceeded at a slower pace than anticipated, staff and WMAC have increased the frequency of meetings in 2022 and are making swifter progress. With the one-year extension approved by Council in January, the current franchise agreement term will end on March 1, 2023. However, staff and WMAC aim to have all elements of a new agreement in place by the end of April 2022. Once the terms of the new franchise

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=4576643&GUID=060523BF-B23D-49D7-A78E-F40F4DB335C4&Options=&Search=>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4686767&GUID=7FE71371-C877-447E-993D-AFA9732B3526&Options=&Search=>

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4816826&GUID=3FAFD9A3-6BEF-4BFE-B619-BB9C4A346E51&Options=&Search=>

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4983870&GUID=CFAEB194-2F77-4434-BBD1-5FB23712A6E9>

⁶ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5192092&GUID=1893F7A1-05E5-4606-9364-31F12BF785BD&Options=&Search=>

⁷ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5382579&GUID=C1A9EF92-809E-4109-9D94-B44070621B45>

agreement are agreed upon, the public noticing and approval hearings will take approximately four months before the new contract can take effect. The following is an overview of some of the key services that have been discussed during negotiations since January.

Terms Tentatively Negotiated

Diversions Requirements

The current contract includes very ambitious landfill diversion requirements for WMAC called the franchise recovery rate⁸ that proved too ambitious and were not attained. For example, the current landfill diversion requirement for 2022 is 74%, and WMAC's franchise recovery rate for 2021 was 35%. Staff and WMAC discussed potential revisions to the diversion requirements and have tentatively agreed upon the following new franchise recovery rate requirements per year for the new contract.

<u>Year</u>	<u>Franchise Recovery Rate</u>
<u>2023</u>	<u>36%</u>
<u>2024</u>	<u>37%</u>
<u>2025</u>	<u>38%</u>
<u>2026</u>	<u>40%</u>
<u>2027</u>	<u>42%</u>
<u>2028</u>	<u>44%</u>
<u>2029</u>	<u>46%</u>
<u>2030</u>	<u>48%</u>
<u>2031</u>	<u>49%</u>
<u>2032</u>	<u>50%</u>
<u>2033</u>	<u>50%</u>

Hayward's overall diversion rate as reported to CalRecycle was 73% in 2020. Staff estimates that if the above-listed goal for 2032 is achieved, then Hayward's overall diversion rate would improve by approximately 10%. WMAC plans to reach the proposed franchise recovery rate requirements by upgrading their sorting equipment at the Davis Street facility in San Leandro, increasing outreach about contamination and focusing outreach on customers who produce the highest volume of solid waste. WMAC also plans to ensure commercial customers comply with SB1383, and help larger generators of dry waste better separate their recyclables. The current agreement allows the City, after following due process, to assess liquidated damages of \$100,000 per year for failure to comply with diversion requirements. WMAC has agreed to keep this provision in the new contract.

Multi-Family Properties – Eliminate Surcharge for the Use of Bins for Recycling

While Tri-CED provides recycling services for most residential customers in Hayward, Tri-CED does not have front-end-load trucks used to service metal bin containers. However, some properties would rather use bins than carts, and properties that choose recycling bin service must be serviced by WMAC. When the current contract was negotiated, it was

⁸ The franchise recovery rate only applies to material collected by WMAC. The franchise recovery rate does not include material self-hauled to the Davis Street Transfer Station or material handled by third parties.

agreed that these properties would pay the per dwelling unit recycling fee paid by all multi-family properties and also a discounted rate for recycling bins from WMAC. This discounted rate was 20% the cost of an equivalent-sized solid waste bin. In the spring of 2021, it was discovered that the rate for recycling bins had been inadvertently increased to be 50% the cost of an equivalent-sized solid waste bin. On June 15 2021⁹, Council approved refunds to multi-family customers for the difference. WMAC and staff have tentatively agreed to not require multi-family properties to pay any additional rate for a recycling bin. This way, all multi-family properties will be charged the same per dwelling unit recycling fee regardless of container type or size.

The following tentatively agreed-upon elements have not changed since the January 18, 2022 report to the Council.

SB 1383 Cart and Bin Requirements

SB 1383 and subsequent regulations developed by CalRecycle¹⁰ include several requirements that the franchise agreement can help address, including a cart color mandate. Trash carts are mandated to be black or gray, recycling carts are mandated to be blue, and organics carts are mandated to be green. WMAC and Tri-CED will replace all trash and recycling carts to meet SB 1383 requirements, which in addition to being compliant will also provide Hayward customers with sturdy carts over the life of the contract, which could potentially be 13 years. WMAC will also paint, replace, or change the lid color of existing bins to match the required color scheme.

SB1383 Organics Procurement

SB1383 requires that jurisdictions procure organics material annually based on population, and Hayward's requirement equates to about 13,000 tons of mulch or compost needing to be procured annually. WMAC has agreed to increase the amount of compost provided for compost giveaways from 5,000 bags of compost to 10,000 bags per year. The City will need to procure approximately an additional 12,500 tons to meet SB 1383 requirements. CalRecycle has indicated that strict enforcement of this requirement may not occur until 2025 and also that jurisdictions may receive credit for compost used on some private building projects. Staff and Stopwaste continue to work with CalRecycle to clarify procurement requirements and enforcement plans. WMAC is willing to include the cost of compost procurement in the new franchise agreement.

SB 1383 Monitoring for Contamination

SB 1383 requires monitoring customers' containers for contamination. Staff and WMAC have discussed at length the procedures and criteria to be used to define and determine levels of contamination. WMAC has proposed to use cameras on collection trucks to monitor contamination, and also implement a method of charging fees for repeated occurrences of unacceptable levels of contamination. The warnings and surcharges related to contamination are listed in Attachment II.

⁹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4983871&GUID=73F41AA1-8BF7-44AF-9049-75713D5E547A&Options=&Search=>

¹⁰ <https://www.calrecycle.ca.gov/organics/slcp/>

Overage Charges

In addition to monitoring contamination, staff and WMAC have agreed to use the truck camera system to monitor for overages and implement a method of charging fees for overflowing carts and bins. Overage would be defined as a container's lid being open by 12 inches or more.

Big Belly Trash Receptacles

WMAC has agreed to increase the total number of public litter cans allowed citywide from 400 to 500, and allow for the installation of 25 Big Belly dual containers (trash & recycling), per year over the first four years of the contract. In addition, staff is considering replacing all the black metal cans in the Downtown area with new Big Belly dual containers. Many of the lids have been removed from the black metal cans and the Big Belly design deters overfilling and scavenging.

Davis Street Self-Haul Vouchers for Excess Waste

WMAC has agreed to continue offering 5,000 free disposal coupons every calendar year to all Hayward residents. The coupons are redeemable for the disposal of 2 cubic yards of waste at the Davis Street Transfer Station.

Household Battery Collection Expansion

Currently, household battery collection is only offered to single-family homes. WMAC has indicated it can provide collection containers for multi-family properties that may be located in a property manager's office. WMAC has also agreed to provide containers for collection of household batteries in public locations such as City Hall and the libraries.

Public Litter Container Service

WMAC may use its Smart Truck technology to record video of the servicing of public litter cans to ensure cans receive the agreed-upon schedule of service. WMAC will provide monthly summaries of locations and dates of servicing for each container and accept increased liquidated damages for missed collection while also adding contract definitions for Abandoned Waste, Litter, and Excluded Material.

Electric Vehicles

Staff asked WMAC to leverage the opportunity presented by a new franchise agreement to seriously investigate deploying new electric route trucks instead of acquiring new compressed natural gas (CNG) trucks. WMAC has indicated that electric vehicle technology needs to mature further in order to feasibly and reliably power the hydraulic lift system and carry the heavy load of a collection truck. However, WMAC agreed to potentially include some electric-power trucks to perform route service, should technological and economical changes occur through the course of the contract. In the near term, WMAC agreed to add smaller electric support vehicles such as supervisor pick-ups, and trucks that deliver carts or collect bulky material to its fleet that serves Hayward, as current technology allows those vehicles to operate reliably. Tri-CED also agreed to add an electric pickup truck and a flatbed truck for container distribution to its fleet.

Recycling Markets

City staff have tentatively agreed to add contract language to allow for rate adjustments if WMAC's revenue from the sale of recycling commodities changes significantly. WMAC has agreed to add Destinations of Recyclables to quarterly reports. Contract language will also be updated to reflect the California Statewide Commission on Recycling's recently published list of items that are truly recyclable.

Elements Under Discussion

Main Street Office

WMAC's office on Main Street has been closed for most of the pandemic. Closing the office would save Hayward less than \$200,000 over the course of the contract, or about 0.39% of the proposed rate increase that would be implemented with the new contract. This equates to approximately 15 cents per month for the typical single-family household.

Rate Compression

City staff have agreed to the concept of "rate compression" or adjusting larger size cart rates to encourage customers to select the right size for their needs, but this requires further discussion. Staff intends to limit changes to rates so that any given customer does not experience an excessive rate increase. Potential alterations to the rate structure are still under discussion.

Biosolids Management

New legislation will require that the management and disposal of Hayward's biosolids change during the term of the new contract. The cost and potential operational changes are still under discussion.

Overall Cost

The overall initial rate increase, rate structure and cost of service is still under discussion. WMAC is completing economic projections, running cost models, and acquiring information from Tri-CED and has yet to provide final information to the City for review. WMAC has also requested a cost-based analysis be conducted during the course of the contract, where an approved return on investment is reviewed and assured.

Timeline

Staff is hopeful that negotiations can be completed in the spring of 2022 so that a new contract can be presented to Council in summer 2022. The current agreement allows the City to request two additional one-year extensions, for an ultimate expiration on February 28, 2025. If negotiations are not completed in spring of 2022, staff may request that WMAC allow the City an additional one-year extension for a potential ultimate expiration of February 28, 2026. Otherwise, staff would recommend issuance of a request for proposals to potentially select a hauler through a competitive process, which could take approximately two and a half years. The anticipated schedule for completing negotiations as well as the alternate schedule are as follows:

Negotiated Agreement Successful:

Council Work Session to Consider Negotiated Terms	April 5, 2022
Council Hearing to Consider Approval of New Agreement	June 2022
New Agreement Takes Effect	September 1, 2022

If Terms Not Agreed Upon by April 2022:

Issue RFP for Consultant Services for Assistance with Selecting a New Franchisee	May 2022
Council Action to Hire Selected Consultant	July 2022
Prepare and Issue RFP	Fall 2022
Receive Proposals	Winter 2022
Select a Franchisee and Negotiate a Contract	Spring/Summer 2023
Council Approval of New Franchise Agreement	Fall 2023
New Service Provider to Order Carts, Bins, Vehicles, etc.	Fall 2023
Receive equipment and distribute new collection carts	Fall 2024
Begin New Service	January 1, 2025

ECONOMIC IMPACT

As per comments and directions from the CSC and Council, staff is striving to keep rates reasonable and enhance services and has considered equity throughout negotiations. Staff negotiated a reduced cost of recycling bins for multi-family dwellings, retained the smallest, lowest cost garbage cart rate and the continuation of bulky collection for multi-family dwellings. Staff also negotiated for a new battery collection service for multi-family properties as it is currently only available to single-family properties. The low-income rate assistance program will also remain part of the agreement. Maintaining reasonable solid waste and recycling service fees and improving service levels would have a positive impact on the community.

Rate Adjustment Implementation: The City has two main options for rate adjustment implementation, with each having two variations:

- Option 1: Keep the rate year March 1, as is currently.
- Option 2: Move the rate year to September 1 to coincide with the effective date of the new franchise agreement.

Under Option 1, the negotiated new franchise rate adjustment can be implemented on September 1 (Option 1A), or be delayed to March 1 (Option 1B).

Under Option 1A, customers will see the new franchise rate adjustment on September 1 and a CPI adjustment on March 1, 2023, and every March 1 thereafter.

Under Option 1B, customers will not see any increase until March 1, 2023; however, at that time the franchise rate adjustment will have to be slightly increased to account for the 6-month delay in its implementation. Like Option 1A, there will also be a CPI adjustment.

Staff recommends Option 1B, which allows for a full 12-month separation between rate adjustments.

The two variations under Option 2 are not recommended since 1) they require a rate increase on September 1, only 6 months after the last increase, and 2) for administrative and billing reasons, WMAC is not in support of Option 2.

Again, staff recommends Option 1B, which has no increase in September.

FISCAL IMPACTS

Negotiation of a new franchise agreement continues to require significant staff time; however, such staff time will be absorbed by already budgeted positions. If rates are increased, Franchise Fees will modestly increase, which will benefit the City's General Fund, Recycling Fund, Stormwater Fund, and Street System Improvement Fund.

Franchise Fees

Staff recommends no change in the total franchise fees, but staff is proposing a re-allocation of the existing fees as shown below in Table 5. The change would increase the amount of the Street Impact Fee to address Hayward's increasing costs for pavement rehabilitation. There would be a corresponding decrease in the Street Cleaning Fee.

This change is recommended to bring the contribution to pavement and rehabilitation more in line with the impact of truck traffic on City streets.

Table 5. Recommended Re-Allocation of Franchise Fees

	Existing	Proposed
Franchise Fees	13.5%	13.5%
Street Cleaning Fees	2.5%	1.0%
Street Impact Fees	1.0%	2.5%
Measure D Augmentation	1.0%	1.0%
Total	18.0%	18.0%

STRATEGIC ROADMAP

This agenda item does not directly relate to any of the six priorities outlined in the Council's Strategic Roadmap. It is possible that a new franchise agreement could support the following project in the *Support Quality of Life* Strategic Priority:

- Project 7: Implement targeted illegal dumping prevention program
- Project 7, Part 7a: Pilot programs and analysis
- Project 7, Part 7b: Roll out permanent program

SUSTAINABILITY FEATURES

Solid waste management involves the safe and responsible management of discarded material from generation through processing to disposal. Reducing waste landfilled by maximizing the reuse, recycling, and composting of materials increases diversion, conserves natural resources, and plays an important role in making a community sustainable.

PUBLIC CONTACT

No public contact has been conducted.

NEXT STEPS

After receipt of comments from Council, staff will continue to negotiate with WMAC and update Council prior to June 30, 2022. If negotiations are not successful, the City could prepare and issue a request for proposals (RFP) and call for new proposals from any qualified and interested service provider, including WMAC.

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

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

Tentatively Agreed Upon Surcharges

Contamination and Overage Surcharges

Prior to initiating the Contamination and Overage Surcharge, Waste Management and City Staff will conduct a robust four-month outreach campaign. During the campaign the Smart truck system of cameras monitoring material as they are collected by the trucks will be turned on to allow warnings to be sent to customers through email and hard copy letters.

After the 'go live' date, customer will receive two warnings before a surcharge is applied to their account.

Contamination - The table below shows the contamination threshold and # of warnings before penalties for various recycling and organics containers. Garbage containers not subject to surcharge.

Generator	Subject to Surcharge?	Contamination Threshold	# of Warnings Before Charged	Reset Every 12 Months?
Residential Recycling Carts	Yes	10%	2	Yes
Residential Organics Carts	Yes	10%	2	Yes
MFD Recycling Carts	Yes	10%	2	Yes
MFD Organics Carts	Yes	10%	2	Yes
Commercial Recycling Carts	Yes	10%	2	Yes
Commercial Organics Carts	Yes	10%	2	Yes
MFD Recycling Bins	Yes	10%	2	Yes
MFD Organics Bins	Yes	10%	2	Yes
Commercial Recycling Bins	Yes	10%	2	Yes
Commercial Organics Bins	Yes	10%	2	Yes

MFD = Multi-Family Dwelling

Criteria for Contamination:

- 10% threshold – approximately a 13-gallon kitchen bag size of non-organic or non-recyclable material in the container
- For loose items, auditors have picture guides to help identify unacceptable items
- WMAC and City to work together to determine reasonable implementation of contamination monitoring and surcharge system

Overages - The table below show the containers subject to the overage threshold and # of warnings before penalties.

Container	Subject to Surcharge?	Threshold	# of Warnings Before Charged	Reset Every 12 Months?
Residential Garbage Carts	Yes	12 inches open	2	Yes
Residential Recycling Carts	No	-	-	-
Residential Organics Carts	No	-	-	-
MFD Garbage Carts	Yes	12 inches open	2	Yes
MFD Recycling Carts	No	-	-	-
MFD Organics Carts	No	-	-	-
Commercial Garbage Carts	Yes	12 inches open	2	Yes
Commercial Recycling Carts	Yes	12 inches open	2	Yes
Commercial Organics Carts	Yes	12 inches open	2	Yes
MFD Garbage Bins	Yes	12 inches open	2	Yes
MFD Recycling Bins	Yes	12 inches open	2	Yes
MFD Organics Bins	No	-	-	-
Commercial Garbage Bins	Yes	12 inches open	2	Yes
Commercial Recycling Bins	Yes	12 inches open	2	Yes
Commercial Organics Bins	Yes	12 inches open	2	Yes

MFD = Multi-Family Dwelling

Contamination Warnings and Surcharges

Carts

Incidents 1&2 = Warning
 Incidents 3 + = \$25.00

Bins

Incidents 1&2 = Warning
 Incidents 3 + = \$75.00

Overages Warnings and Surcharges

Carts

Incidents 1&2 = Warning
 Incidents 3 + = \$10.00

Bins

Incidents 1&2 = Warning
 Incidents 3 + = \$75.00