

**SPECIAL JOINT HAYWARD CITY
COUNCIL/HAYWARD
REDEVELOPMENT
SUCCESSOR AGENCY/HAYWARD
HOUSING AUTHORITY MEETING**

JUNE 6, 2023

PRESENTATIONS

ITEM #19

WS 23-023

Sidewalk Vending Ordinance

Strategic Roadmap Priority: Sidewalk Vendor Ordinance City Council Work Session

June 6, 2023

Rozalynne Thompson, Senior Planner and Dulce Ochoa, Assistant Planner



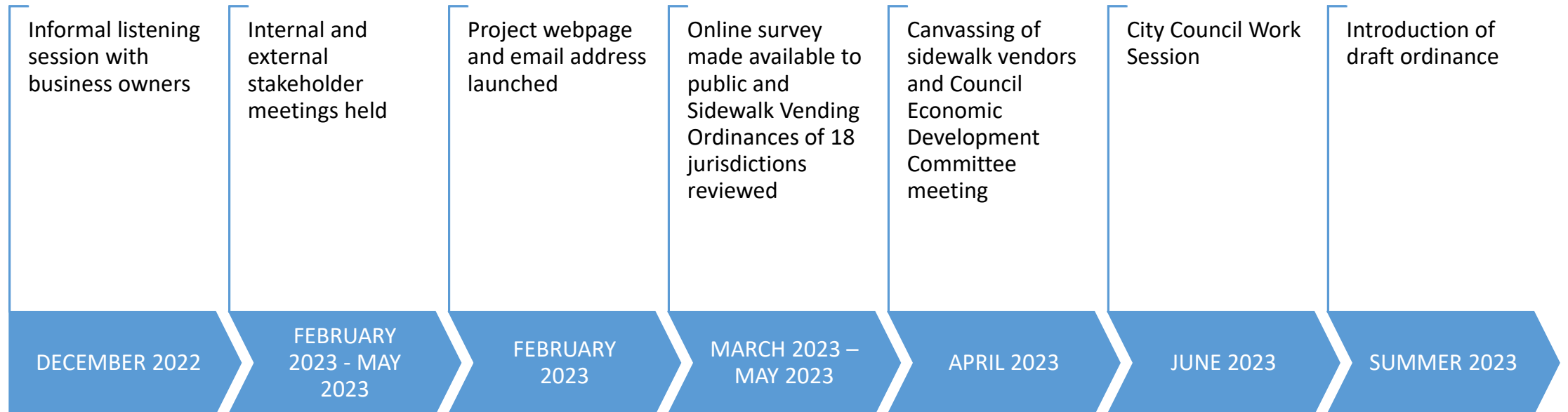
Project Background

- “Grow the Economy” adopted as one of six strategic priorities in FY 2021-23 Strategic Roadmap
- “Invest in programs that support Hayward business and workers” included as one of five projects identified under “Grow the Economy” Priority
- “Sidewalk Vendor Ordinance” included as one of these programs

Senate Bill (SB) 946 Overview

- Also known as the Safe Sidewalk Vending Act, signed into law on September 17, 2018, by Governor Jerry Brown
- Effective January 1, 2019
- Decriminalized sidewalk vending statewide and imposed limits on local jurisdictions' authority to regulate sidewalk vending
- The intent is to
 - promote entrepreneurship and economic development opportunities to low-income and immigrant communities
 - Increase access to culturally significant foods and merchandise
 - Contribute to a safe and dynamic public space
- Preempts any contrary local regulations, requiring any local regulation of sidewalk vending be consistent with SB 946

Outreach Efforts



Draft Policy Language

Locational Guidelines (Best Practice)

- ADA clearance
- 100-foot distance requirement from public and private schools
- Distance requirement from parks
- Distance requirement from building entrances and exits

Locational Guidelines (Optional)

- No vending or setbacks from community-wide focal points
- No vending within landscaped areas
- Limit sidewalk vendors in residential zones to roaming only
- No vending within designated parking zones

Draft Policy Language

Operational Guidelines (Best Practice)

- Hours of operation
- Maintaining area clean of trash and debris
- Stationary vendors in residential areas
- Prohibited items for sale

Operational Guidelines (Optional)

- No selling of services or engaging in or offering to engage in any type of rental activity, including the rental of any goods or services
- Displaying only goods that are available for immediate on-site sale
- Prohibiting display of any signs advertising any off-site business

Questions

- Do you agree with the recommended best practices for locational and operational guidelines?
- Which of the optional locational and operational guidelines should be included in the ordinance?
- Are there any additional locational and operational optional guidelines that should be considered?

ITEM #20

PH 23-022

*FY 2024 Budget/CIP
Public Hearing and
Adoption*



FY 2024
Proposed
Operating & CIP
Budgets
Public Hearing &
Adoption

June 6, 2023

Nicole Gonzales, Director of Finance

Where We've Been

FY 2024 Budget Expenditure Summary

City of Hayward Budget	FY 2024
City Funds	
General Fund	204,978,128
Measure C Fund	22,953,218
ARPA Fund	3,031,000
Special Revenue Funds	9,674,409
Debt Service Funds	9,056,799
Enterprise Funds	106,345,093
Internal Service Funds	41,114,180
	397,152,826
Agency Funds	
Hayward Successor Redevelopment Agency Operating Fund	4,417,893
Housing Authority Fund	178,879
Hayward Shoreline JPA	12,000
	4,608,773
Total City Operating Budget	401,761,600
Total CIP Budget	115,589,655

FY 2024 Proposed Operating Expenditure Budget

in 1,000's	FY 2023 Adopted	FY 2024 Proposed 4/28/2023	FY 2024 Proposed 6/6/2023	Change from 4/28/2023	\$ Change from FY 2023 Adopted	% Change from FY 2023 Adopted
General Fund	\$ 194,688	\$ 204,569	\$ 204,978	\$ 409	\$ 10,290	5.3%
All Other Funds	\$ 206,617	\$ 197,315	\$ 196,783	\$ (532)	\$ (9,834)	-4.8%
Total City Budget	\$ 401,305	\$ 401,885	\$ 401,761	\$ (123)	\$ 456	0.1%

FY 2024 Proposed Operating Budget Changes Since May

General Fund

1. Cost of Living Adjustment (COLA) of 5% for Mayor and City Council – Increase of \$6,805
2. Additional Strategic Roadmap Projects – Increase of \$402,000
 - a. Ticketing System for Tracking Council / Constituent Requests
 - b. Consultant Services to Administer 360 Evaluations and Executive Coaching
 - c. Replacement of Monument Gateway Signed on Jackson/Silva – Transfer to Capital Improvement Fund
 - d. Contract Services - Expand Litter Collection Services

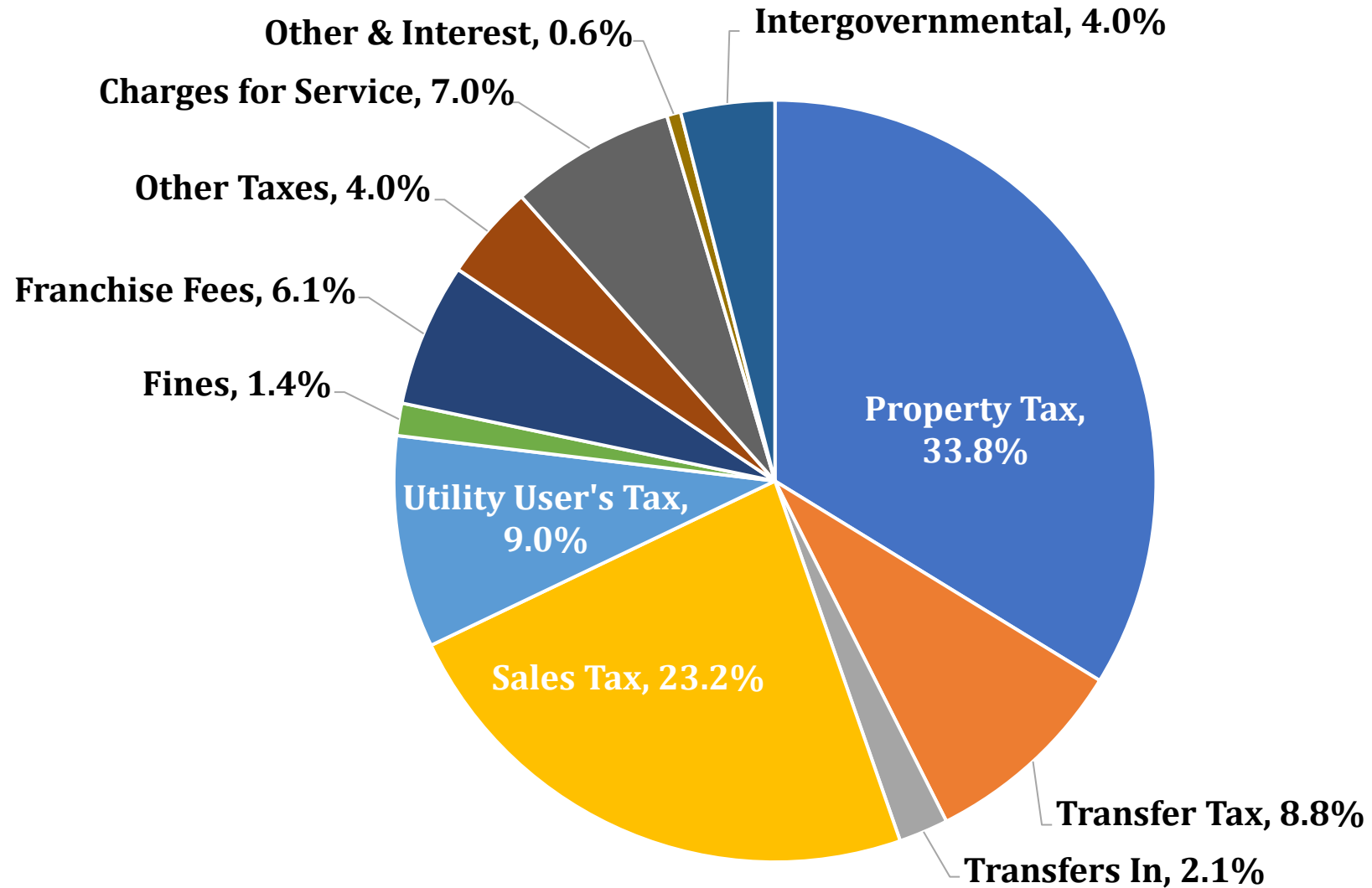
All Other Funds

1. Reduction in Debt Service payment fulfilled in FY 2024 for the 2013 Water Revenue Refunding Bond – Decrease of \$549,711
2. Administrative correction in Special Revenue Funds to reflect appropriate transfer amounts to the Workers Compensation Fund – Net Increase of \$18,075

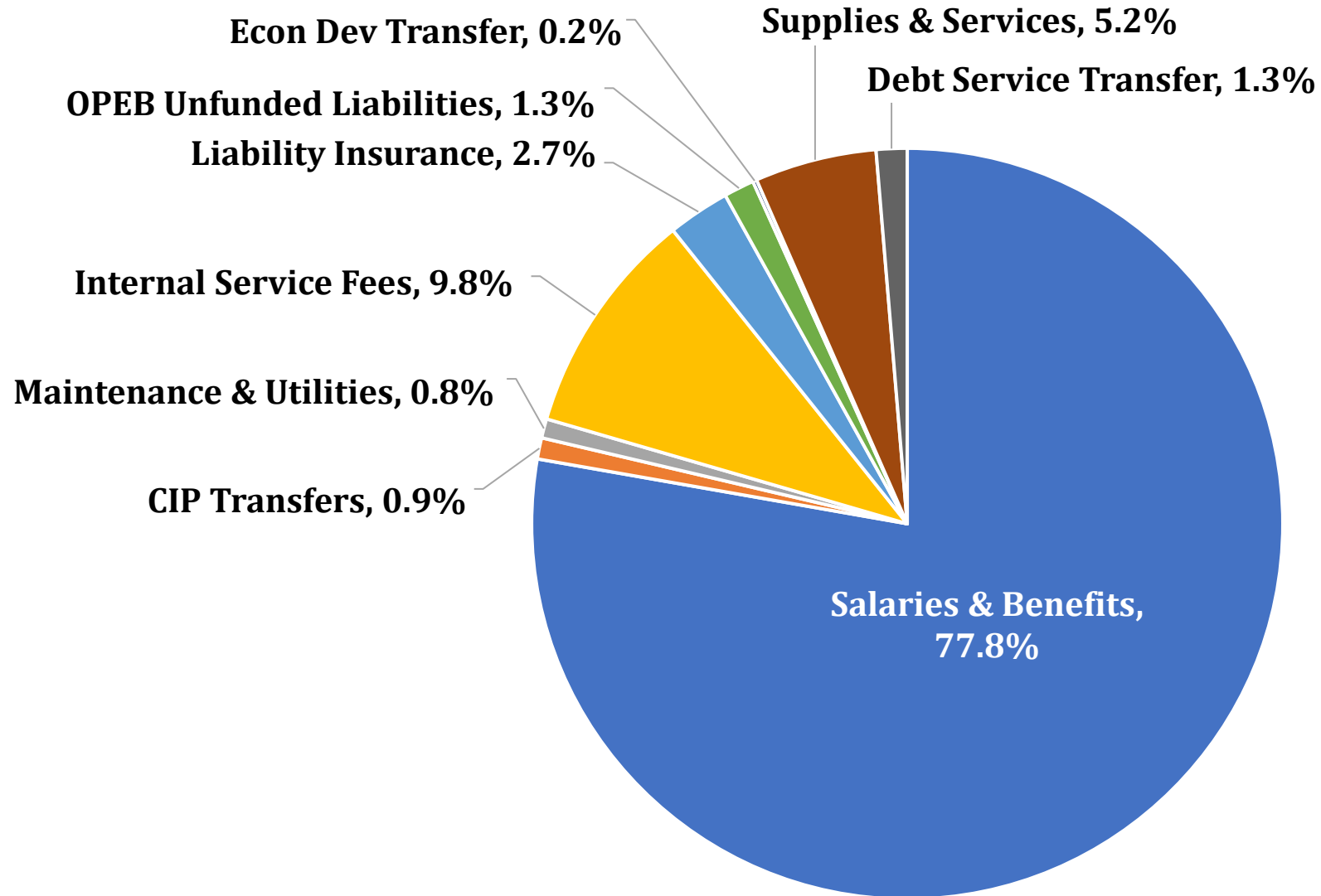
General Fund Five (5) Year Forecast Update Proposed FY 2024

General Fund Forecast (FY 2024 Proposed)	FY 2024 Year 1	FY 2025 Year 2	FY 2026 Year 3	FY 2027 Year 4	FY 2028 Year 5
<i>\$ In thousands</i>					
Revenue	\$199,883	\$207,881	\$214,906	\$220,118	\$225,132
Expenditures	204,978	217,392	223,348	229,397	233,269
Net Change in Reserve-Surplus / (shortfall)	(5,095)	(9,511)	(8,442)	(9,279)	(8,137)
Beginning Balance	\$44,221	\$39,126	\$29,616	\$21,174	\$11,895
Net Change in Reserve - Surplus / (Shortfall)	(5,095)	(9,510)	(8,442)	(9,279)	(8,137)
Ending Balance	\$39,126	\$29,616	\$21,174	\$11,895	\$3,758

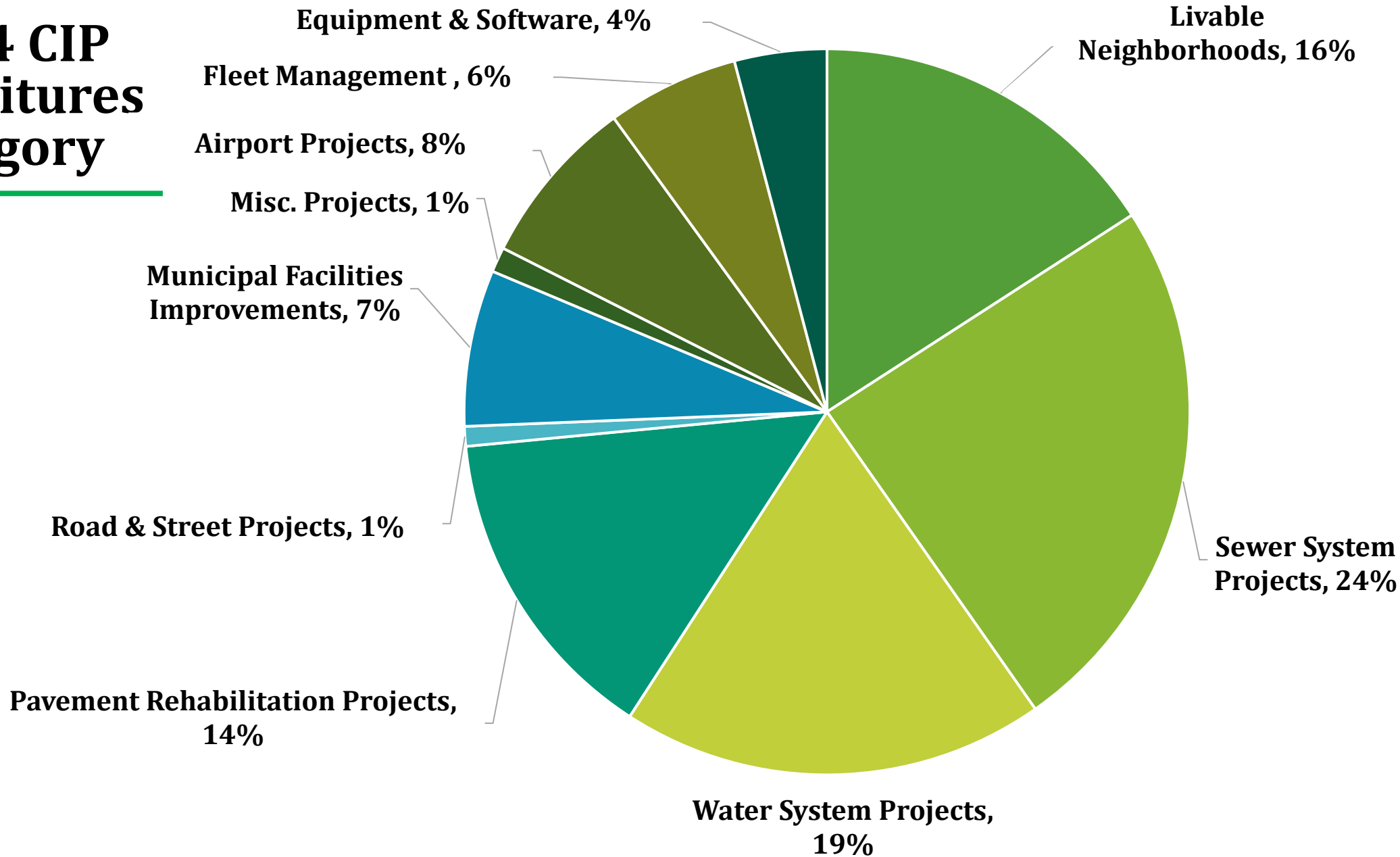
General Fund Revenue by Source



General Fund Expenditures by Category

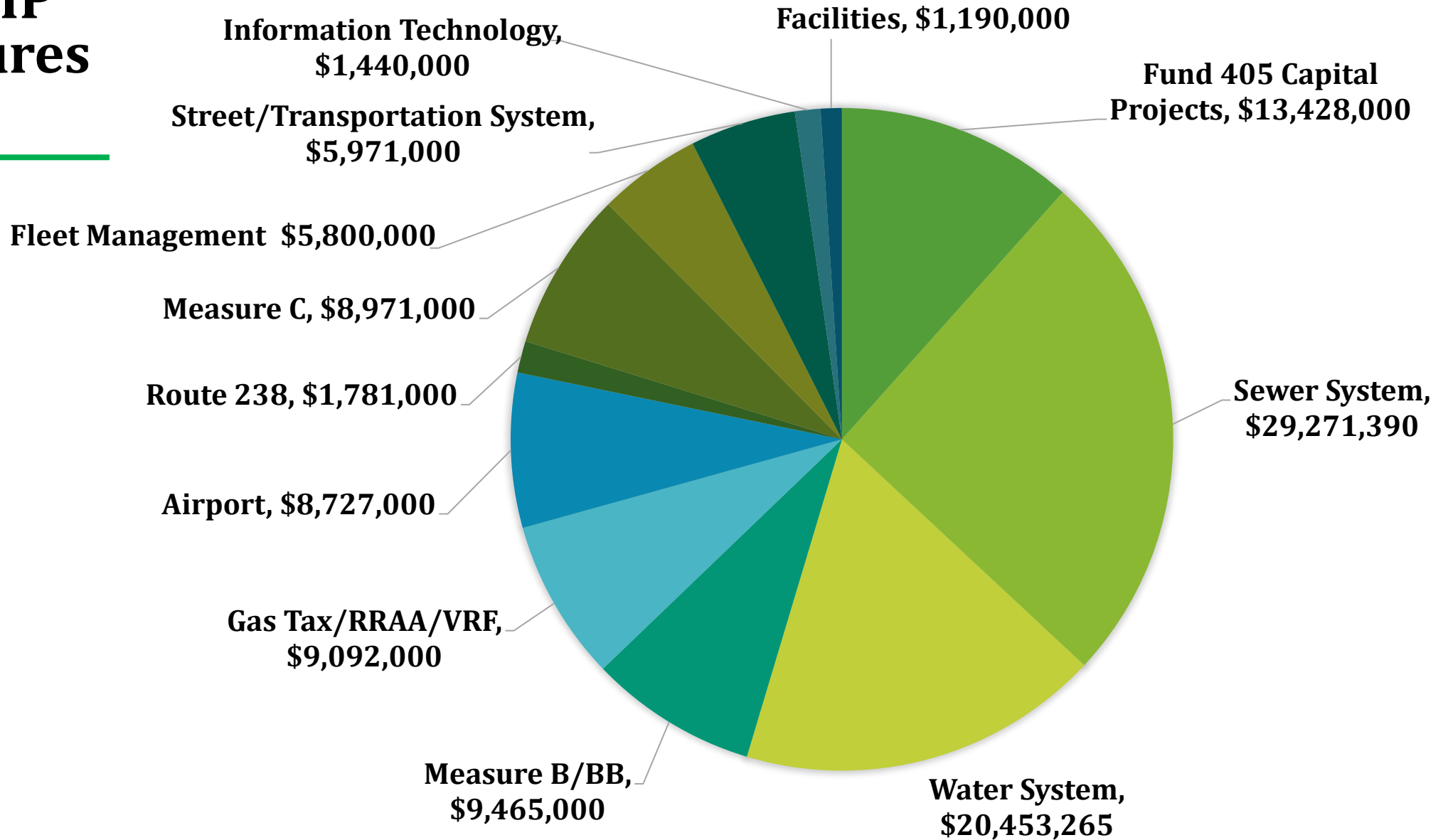


FY 2024 CIP Expenditures by Category



FY 2024 CIP Expenditures by Fund

Total: \$115M



Recommendation

1. Conduct a Public Hearing in accordance with the City's Charter
 - SECTION 1202. PUBLIC HEARING ON THE BUDGET
2. That the Council adopts resolutions approving the FY 2024 Operating and CIP Budgets in accordance with the City's Charter
 - SECTION 1203. ADOPTION OF THE BUDGET After the conclusion of the public hearing, the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and thereafter it shall adopt the budget with revisions, if any. Upon final adoption, the budget shall be in effect for the ensuing fiscal year*.

* SECTION 1200. THE FISCAL YEAR Unless otherwise provided by ordinance, the fiscal year of the City shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

- Council Questions
- Hold Public Hearing
- Council Discussion and Motion



ITEM #21

PH 23-027

*Gann Limit
Adoption*



FY 2024 Gann Appropriation Limit

June 6, 2023

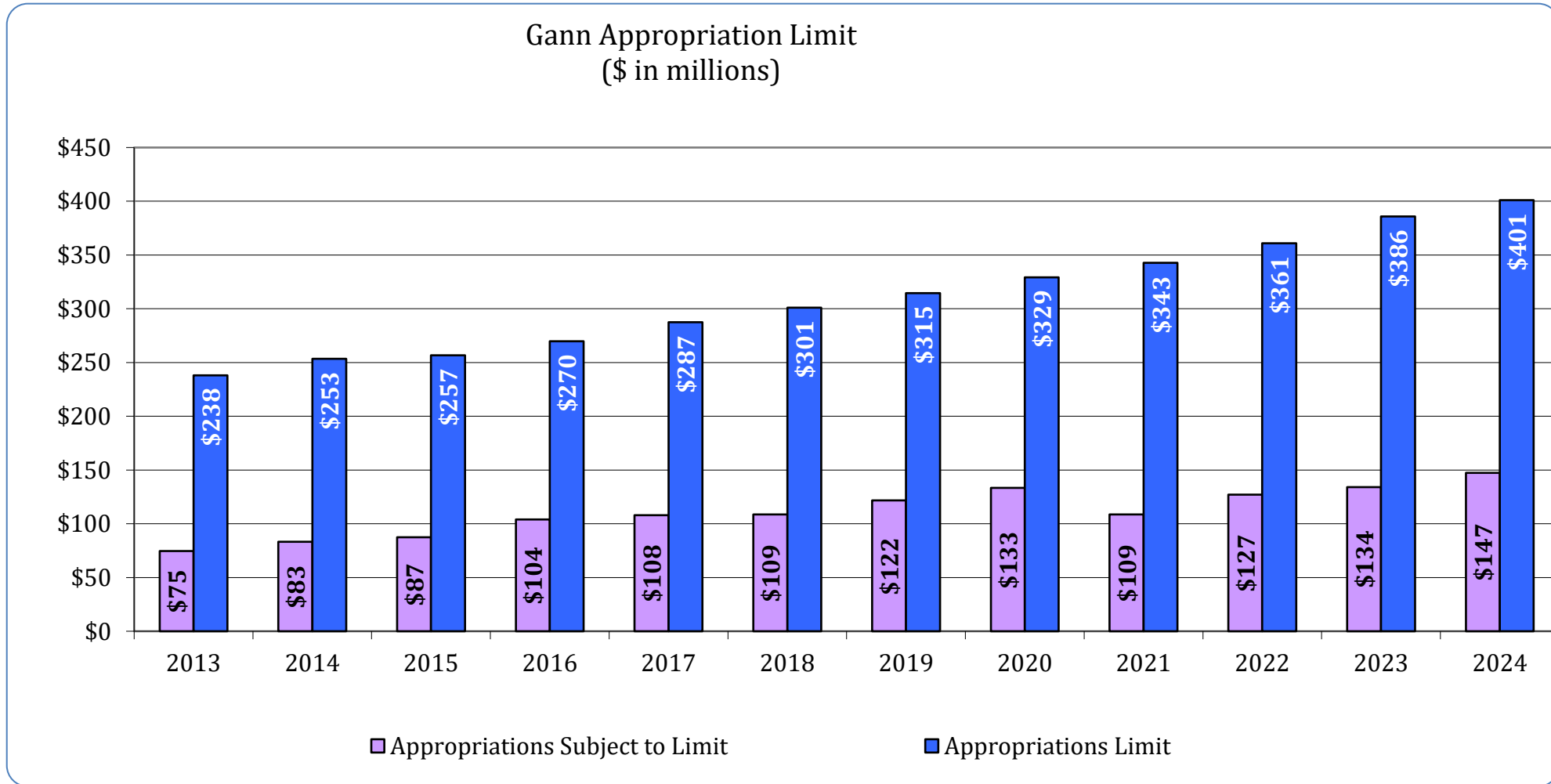
Nicole Gonzales, Director of Finance

What is a Gann Appropriations Limit?

- State Proposition 4, commonly known as the Gann Initiative, was approved by California voters in November 1979.
- Proposition 4 created Article XIII B of the State Constitution, which placed limits on the amount of revenue that can be spent by government agencies.
- Proposition 111, was approved by the voters in June 1990 and provided new adjustment formulas to the Gann Limit and requires local governments to adopt Gann Appropriations Limits each fiscal year.
- The appropriations limitation imposed by Propositions 4 and 111 creates a restriction on the amount of revenue that can be appropriated in any fiscal year. The limit is based on actual appropriations during the 1978-79 fiscal year and is increased each year using population and inflation growth factors.
- Only revenues that are classified as "proceeds of taxes" are subject to the limit.

Gann Appropriations Limits

**FY 2024
Gann Appropriation Limit
\$401 million**



Recommendation

- That the Council adopts a Resolution establishing a Gann Appropriation Limit for Fiscal Year 2024.

ITEM #22

LB 23-022

*Reach Code
Amendments*



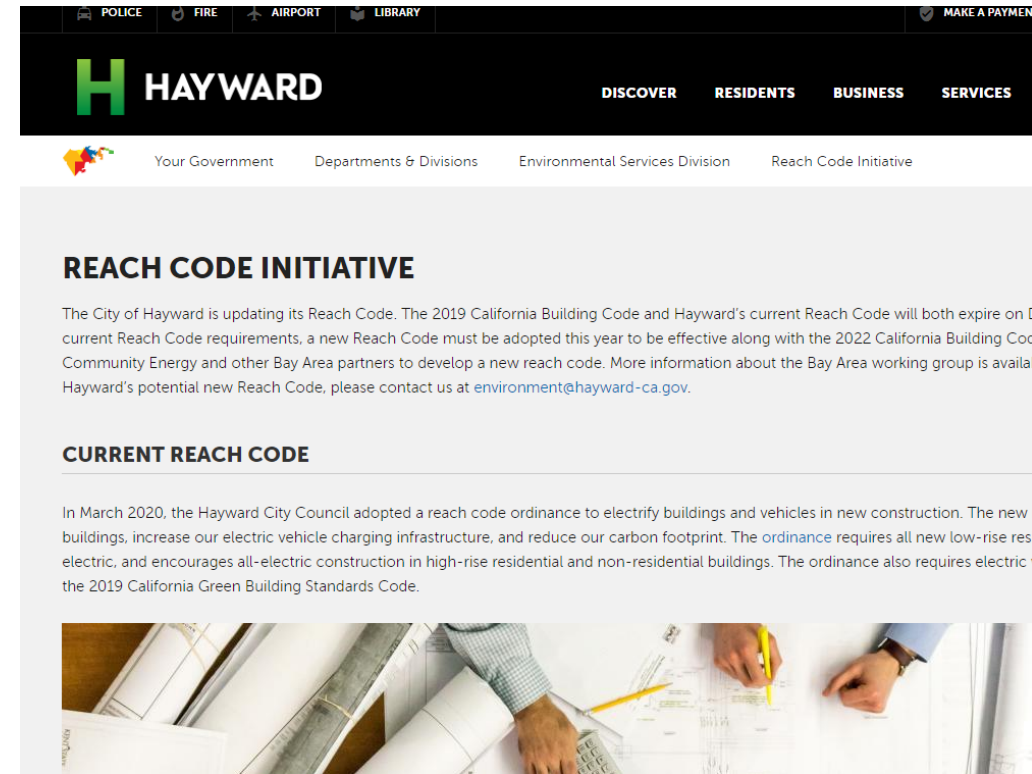
City Council

2023 Reach Code

June 6, 2023

Hayward's Reach Code

- Adopted by Council November 15, 2022
- Modifies the California Building Code
- Reduces use of fossil fuels in buildings and vehicles



<https://www.hayward-ca.gov/reach-code>

Hayward Reach Code Requirements

- All new residential buildings must be all electric (no natural gas).
- All new non-residential buildings must be all electric or “electric ready”.
- Enhanced EV charging required for all building types.

California Building Standards Commission

- Reach Codes must be filed with California Building Standards Commission (CBSC)
- CBSC reviewed Hayward's ordinance and asked for state code sections to be identified
- Revised ordinance received preliminary approval from CBSC
- No other substantive changes to ordinance



California Restaurant Association v. City of Berkeley

- City of Berkeley adopted ordinance in 2019.
- California Restaurant Association (CRA) filed suit
- U.S. District Court dismissed claim in 2021
- CRA appealed to Ninth Circuit Court of Appeals
- Ninth Circuit Court issued opinion that ordinance is preempted by the federal Energy Policy & Conservation Act (EPCA).
- Berkeley recently requested a re-hearing

Staff Recommendation

That Council:

- 1) Accepts public comments; and
- 2) Comments on this report; and
- 3) Finds the Reach Code exempt from CEQA; and
- 4) Adopts the resolution; and
- 5) Introduces the Reach Code ordinance including:
 - a) electrification requirements for new buildings; and
 - b) amendments to the Off-Street Parking Regulations for EV charging.

