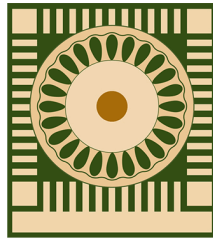


CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, June 15, 2021

7:00 PM

Remote Participation

City Council

CITY COUNCIL MEETING

COVID-19 Notice: Consistent with State of California Executive Order No. 29-20 dated March 17, 2020, the City Council will be participating in public meetings via phone/video conferencing.

How to watch the meeting from home:

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 the link below to join the meeting:

<https://hayward.zoom.us/j/95544063937?pwd=dklMQTh0Slp6cGU1QysyQ3hXeW03Zz09>

Meeting ID: 955 4406 3937

Passcode: CC6/15@7pm

or

Dial: +1 669 900 6833 or +1 346 248 7799

Meeting ID: 955 4406 3937

Password: 5286707755

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 Salinas

ROLL CALL

CLOSED SESSION ANNOUNCEMENT**June 8, 2021****June 15, 2021****PUBLIC COMMENTS**

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

ACTION ITEMS

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

HAYWARD YOUTH COMMISSION

1. [APPT 21-001](#) Hayward Youth Commission: Adopt a Resolution Confirming the Appointment and Reappointment of Members of the Hayward Youth Commission (Report from City Clerk Lens)

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

CONSENT

2. [MIN 21-081](#) Approve City Council Minutes of the City Council Meeting on May 25, 2021

Attachments: [Attachment I Draft Minutes of 5/25/2021](#)

3. [MIN 21-082](#) Approve City Council Minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority Meeting on June 1, 2021

Attachments: [Attachment I Draft Minutes of 6/1/2021](#)

4. [CONS 21-301](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Avidex Industries LLC, to Retrofit the Council Chambers and City Hall Conference Room 2A Audio and Visual Systems to Allow for Hybrid Council and Commission Meetings

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

5. [CONS 21-303](#) Adopt a Resolution Approving Waste Management of Alameda County's Plan to Adjust Recycling Rates for Multi-Family Customers and Issue Refunds for Overcharges

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

6. [CONS 21-312](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Enter into an Amendment to Extend the Exclusive Negotiating Rights Agreement with Eden Housing Inc. and Pacific Companies (Parcel Groups 3 and 4)

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

7. [CONS 21-313](#) Adopt a Resolution Accepting and Confirming Report for Delinquent Sewer and Water Bills Incurred by Property Owners and Authorizing Collection of Delinquent Charges on Property Tax Roll

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III List of Special Assessments](#)
[Attachment IV Legal Notice](#)

8. [CONS 21-320](#) Adopt a Resolution Authorizing the City Manager to Enter into a City Partnership with East Bay Community Energy for the Energy Resilient Public Facilities Program

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

9. [CONS 21-330](#) Adopt a Resolution Authorizing the City Manager to Continue Exclusive Negotiations with Waste Management of Alameda County through December 31, 2021 to Extend the Solid Waste and Recycling Franchise Agreement

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

LEGISLATIVE BUSINESS

10. [LB 21-023](#) East Bay Community Energy Default Product: Adopt a Resolution Selecting a Default Electricity Product from East Bay Community Energy (Report from Public Works Director Ameri)

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

CITY MANAGER’S COMMENTS

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

COUNCIL REPORTS 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, June 22, 2021, 7:00 PM****PUBLIC COMMENT RULES**

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

PLEASE TAKE NOTICE

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

PLEASE TAKE FURTHER NOTICE

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

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

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

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

CHILDCARE WILL NOT BE PROVIDED UNTIL FURTHER NOTICE DUE TO COUNTYWIDE SHELTER-IN PLACE ORDER.



CITY OF HAYWARD

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

File #: APPT 21-001

DATE: June 15, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Hayward Youth Commission: Adopt a Resolution Confirming the Appointment and Reappointment of Members of the Hayward Youth Commission

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II) confirming the appointment to the Hayward Youth Commission of thirteen (13) voting members, eleven (11) alternate members, and the reappointment of eight (8) continuing members.

SUMMARY

The City conducted its annual recruitment for the Hayward Youth Commission (HYC) between March 9, 2021, and May 21, 2021, and a panel of representatives from the three local agencies (City of Hayward, Hayward Area Recreation and Park District (HARD), and the Hayward Unified School District (HUSD)) reviewed forty-six (46) applications and interviewed forty (40) eligible applicants on June 4, 2021. The panel selected a total of twenty-four (24) regular voting and alternate members. The same panel confirmed the reappointment of eight (8) current members.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: June 15, 2021

TO: Mayor and Council Members

FROM: City Clerk

SUBJECT: Hayward Youth Commission: Adopt a Resolution Confirming the Appointment and Reappointment of Members of the Hayward Youth Commission

RECOMMENDATION

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SUMMARY

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BACKGROUND

On June 4, 2021, an interview panel comprised of representatives from the three local public agencies (City of Hayward, HARD, and HUSD) interviewed forty (40) candidates to fill vacancies on the HYC. The agency representatives were: Council Member Francisco Zermeño and Council Member Salinas from the City of Hayward; Board Secretary Rick Hatcher and Board Director Peter Rosen from HARD; and Board President Dr. April Oquenda and Board Vice President Ken Rawdon from HUSD.

The interview panel unanimously selected twenty-four (24) regular voting and alternate members as provided in Table 1 and approved the reappointment of eight (8) current members as presented in Table 2 and Attachment II. It is worth noting that three members (*) who were seeking reappointment to 2-year terms were invited to interview with the panel to clarify their attendance during the pandemic. At the conclusion of the interview, one was selected to fill a regular seat and two were recommended to fill alternate seats.

TABLE I: Selected Voting and Alternate Members

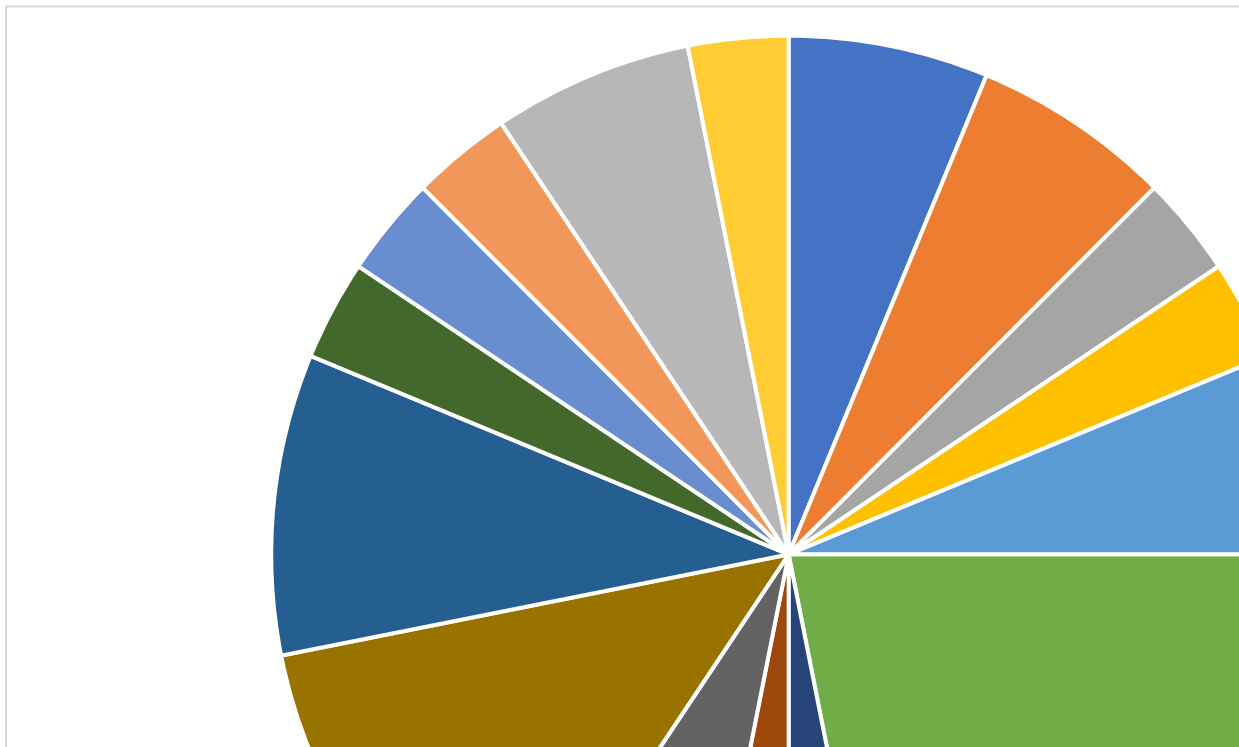
VOTING MEMBER	SCHOOL	SUCCEEDS	TERM EXPIRES
Angela Perez Aleman	Martin Luther King Jr. Middle School	Alejandro Correa-Alejo	6/30/2023
Myldret Vazquez-Bejar	Anthony Ochoa Middle School	Saul Arrizon	6/30/2023
Phylis Essandoh	Hayward High School	Joseph Franco	6/30/2023
Dulce Rivera Flores	Bret Harte Middle School	Yahya Elshawarbi	6/30/2023
Rachel Fryer	Mt. Eden High School	Ellette Mendall	6/30/2023
Athena Caelyn Herrera	Encinal High School	Israel Mendez	6/30/2023
Joshua Linares (*)	Chabot College	Christian Morgan	6/30/2023
Samiksha Ligan	Impact Academy of Arts & Technology	Camila San Juan	6/30/2023
Isabelle Anne Milanés	Leadership Public School	Kaili Spooner	6/30/2023
Jema Reyes	Tennyson High School	Katherine Tran	6/30/2023
Sharana Sabesan	Impact Academy of Arts & Technology	Cynthia Vertiz-Jimenez	6/30/2023
Ariyanna Wilkinson-Williams	Tennyson High School	Amanda Wei	6/30/2023
Savannah Wong	Athenian School	Darien West	6/30/2023
ALTERNATE MEMBER	SCHOOL		TERM EXPIRES
Ivan Arroyo (*)	Hayward High School		6/30/2022
Sophia Araujo	Redwood Christian School		6/30/2022
Diego Barcenás	Impact Academy of Arts & Technology		6/30/2022
Khalil Canlas	Mt. Eden High School		6/30/2022
Angelina R. De Dios	Leadership Public School		6/30/2022
Abigail Garcia	Bret Harte Middle School		6/30/2022
Gabriel Malik	St. Bede Catholic School		6/30/2022
Lizbeth Martinez (*)	Mt. Eden High School		6/30/2022
Alicia Saenz	Anthony Ochoa Middle School		6/30/2022
Ananya Suresh	Challenger School, Ardenwood		6/30/2022
Gabriel Villagomez	Mt. Eden High School		6/30/2022

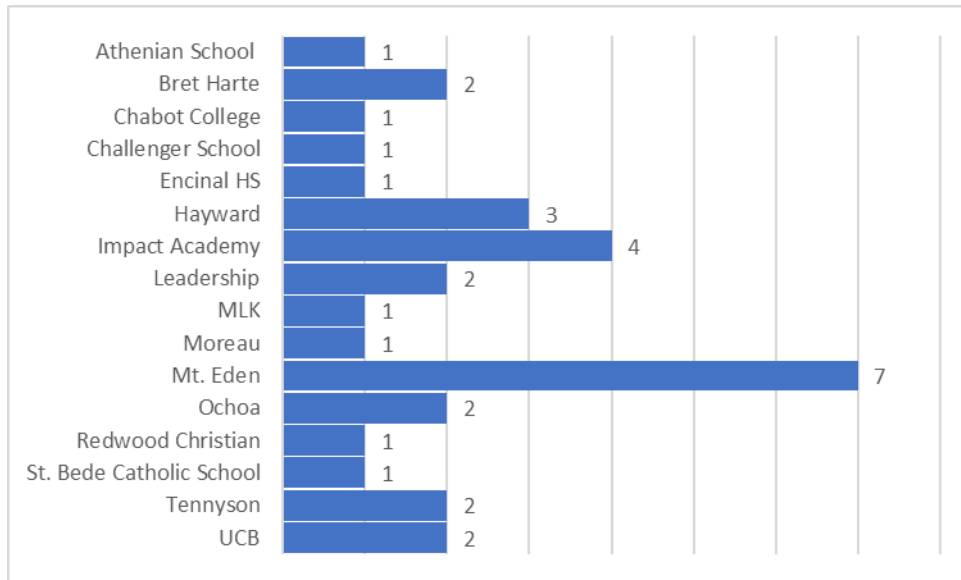
TABLE II: Current Members

VOTING MEMBER	SCHOOL	TERM EXPIRES
Alessandra Eiras	Mt. Eden High School	6/30/2023
Harnoor Gill	UC Berkeley	6/30/2023
Arianna Mendoza	Mt. Eden High School	6/30/2023
James Mira	Moreau Catholic High School	6/30/2023
Pooja Rathaur	UC Berkeley	6/30/2023
Sruthy Sabesan	Impact Academy of Arts and Technology	6/30/2023
Anna Tran	Hayward High School	6/30/2023
Vanna Van	Mt. Eden High School	6/30/2023

The current 2021 membership consists of thirty-two (32) representatives from Hayward schools as depicted in the chart below. As vacancies occur throughout the year, appointments will be made from the alternate list.

CHART I: 2021 HAYWARD YOUTH COMMISSION





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

PUBLIC CONTACT

Information about the annual recruitment was disseminated through various channels.

OUTREACH	CONTACT
City's website	page views
Hayward Youth Commission Conference	individuals
Earth Day Poster & Writing Contest	participants
PeachJar	individuals
Schools and Institutions	18
Facebook	followers
Twitter	followers
NextDoor	followers
Instagram	followers
The Stack	readers
HUSD Subscribers	subscribers

NEXT STEPS

Following Council's action, oaths of affirmation will be administered to newly and reappointed members.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

A handwritten signature in black ink, appearing to read 'K McAadoo', written over a horizontal line.

Kelly McAadoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION CONFIRMING THE APPOINTMENT AND REAPPOINTMENT OF MEMBERS OF THE HAYWARD YOUTH COMMISSION

WHEREAS, the City conducted its annual recruitment for the Hayward Youth Commission; and

WHEREAS, a panel of representatives from the three local agencies (City of Hayward, Hayward Area Recreation and Park District (HARD), and the Hayward Unified School District (HUSD)) reviewed forty-six (46) applications and interviewed forty (40) eligible applicants on June 4, 2021; and

WHEREAS, the panel selected a total of twenty-four (24) regular voting and alternate members.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby confirm the appointment of the below-named persons as members of the Hayward Youth Commission, for the terms as designated.

VOTING MEMBER	SCHOOL	SUCCEEDS	TERM EXPIRES
Angela Perez Aleman	Martin Luther King Jr. Middle School	Alejandro Correa-Alejo	6/30/2023
Myldret Vazquez-Bejar	Anthony Ochoa Middle School	Saul Arrizon	6/30/2023
Phylis Essandoh	Hayward High School	Joseph Franco	6/30/2023
Dulce Rivera Flores	Bret Harte Middle School	Yahya Elshawarbi	6/30/2023
Rachel Fryer	Mt. Eden High School	Ellette Mendall	6/30/2023
Athena Caelyn Herrera	Encinal High School	Israel Mendez	6/30/2023
Joshua Linares	Chabot College	Christian Morgan	6/30/2023
Samiksha Lingan	Impact Academy of Arts & Technology	Camila San Juan	6/30/2023
Isabelle Anne Milanes	Leadership Public School	Kaili Spooner	6/30/2023
Jema Reyes	Tennyson High School	Katherine Tran	6/30/2023
Sharana Sabesan	Impact Academy of Arts & Technology	Cynthia Vertiz-Jimenez	6/30/2023
Ariyanna Wilkinson-Williams	Tennyson High School	Amanda Wei	6/30/2023
Savannah Wong	Athenian School	Darien West	6/30/2023

ALTERNATE MEMBER	SCHOOL	TERM EXPIRES
Ivan Arroyo	Hayward High School	6/30/2022
Sophia Araujo	Redwood Christian School	6/30/2022
Diego Barcenas	Impact Academy of Arts & Technology	6/30/2022
Khalil Canlas	Mt. Eden High School	6/30/2022
Angelina R. De Dios	Leadership Public School	6/30/2022
Abigail Garcia	Bret Harte Middle School	6/30/2022
Gabriel Malik	St. Bede Catholic School	6/30/2022
Lizbeth Martinez	Mt. Eden High School	6/30/2022
Alicia Saenz	Anthony Ochoa Middle School	6/30/2022
Ananya Suresh	Challenger School, Ardenwood	6/30/2022
Gabriel Villagomez	Mt. Eden High School	6/30/2022

BE IT FURTHER RESOLVED that the City Council of the City of Hayward does hereby confirm the reappointment of the below-named persons as a member of the Hayward Youth Commission, for the term as designated.

VOTING MEMBER	SCHOOL	TERM EXPIRES
Alessandra Eiras	Mt. Eden High School	6/30/2023
Harnoor Gill	UC Berkeley University	6/30/2023
Arianna Mendoza	Mt. Eden High School	6/30/2023
James Mira	Moreau Catholic High School	6/30/2023
Pooja Rathaur	UC Berkeley University	6/30/2023
Sruthy Sabesan	Impact Academy of Arts and Technology	6/30/2023
Anna Tran	Hayward High School	6/30/2023
Vanna Van	Mt. Eden High School	6/30/2023

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

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 #: MIN 21-081

DATE: June 15, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve City Council Minutes of the City Council Meeting on May 25, 2021

RECOMMENDATION

That the City Council approves the City Council meeting minutes of May 25, 2021.

SUMMARY

The City Council held a meeting on May 25, 2021.

ATTACHMENTS

Attachment I Draft Minutes of 5/25/2021



**HAYWARD CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, May 25, 2021, 7:00 p.m.**

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m. The meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No 29-20 dated March 17, 2020, regarding the COVID-19 pandemic. Members of the City Council, City Staff, and members of the public participated via the Zoom platform.

Pledge of Allegiance: Council Member Lamnin

ROLL CALL

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

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on May 25, 2021, at 5:30 p.m., pursuant to Government Code 54957 regarding the City Manager's annual performance evaluation. Mayor Halliday noted there was no reportable action related to the item.

PRESENTATION

Mayor Halliday issued a Proclamation declaring June 2021 as Lesbian, Gay, Bisexual, Transgender, Questioning, Queer, Intersex, and 2-Spirit (LGBTQ+) Pride Month. The proclamation was accepted by Mr. Robert Lopez and Ms. Rochelle Collins, Clinical Psychologist Ph.D. Trainee Program Director, with Project Eden & Project Eden – East County, A Program of Horizon Services, Inc.

PUBLIC COMMENTS

Mr. Patrick, Hayward resident, expressed bicycle lanes and Patrick Avenue traffic calming changes are dangerous to Patrick Avenue residents when they back out of the driveway, noted having parking spaces next to traffic lanes is dangerous, suggested having parking spaces next to the curb with buffers between bicycle lanes, and asked that the signal light at Huntwood Way and Gading Road be reprogrammed.

City Manager McAdoo noted Public Works Director Ameri is doing targeted outreach in that neighborhood to evaluate the improvements and address concerns raised.

Council Member Salinas noted there was a vehicle accident on Patrick Avenue and asked staff to evaluate if it was related to recent improvements.

CONSENT

1. Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement for Materials Testing and Special Inspection Services with Consolidated Engineering Laboratories for the Fire Station 6 and Fire Training Center Project by \$325,000 for a Total Not-to-Exceed Amount of \$675,000 **CONS 21-272**

Staff report submitted by Director of Public Works Ameri dated May 25, 2021, was filed.

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

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

Resolution 21-081, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Consolidated Engineering Laboratories for Additional Services Associated with the Fire Station 6 and Fire Training Center Improvement Project"

2. Adopt a Resolution Authorizing the City Manager to Execute a Lease Agreement with the Pacific Gas & Electric Company for Property at the Water Pollution Control Facility **CONS 21-274**

Staff report submitted by Director of Public Works Ameri dated May 25, 2021, was filed.

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

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



**HAYWARD CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, May 25, 2021, 7:00 p.m.**

Resolution 21-082, “Resolution Authorizing City Manager to Execute a Lease Agreement with the Pacific Gas & Electric Company for Property at the Water Pollution Control Facility (WPCF)”

3. Adopt Resolutions Making Findings to Designate Parcel No. 083-0221-006-06 on Mission Boulevard as Surplus Property and Begin the Surplus Property Process Consistent with the Surplus Property Land Act and Summarily Vacating the Public Service Easement on Parcel No. 083-0221-006-06 Pursuant to Section 8333 of the Streets and Highways Code **CONS 21-275**

Staff report submitted by Director of Public Works Ameri dated May 25, 2021, was filed.

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

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

Resolution 21-083, “Resolution Designating the City-Owned Property Located Near the Northeast Corner of Mission Boulevard and Fairway Street in Hayward, California as Surplus Land Pursuant to Government Code Section 54221, APN 083-0221-006-06”

Resolution 21-084, “Resolution of the City Council of the City of Hayward Summarily Vacating a Public Service Easement Located on Parcel No. 083-0221-006-06”

4. Adopt a Resolution Approving Plans and Specifications and Call for Bids for the FY22 Median Landscape Improvement Project No. 05315 **CONS 21-279**

Staff report submitted by Director of Public Works Ameri dated May 25, 2021, was filed.

Mayor Halliday highlighted correspondence received from Mr. Steven Dunbar in which he suggested the median landscaping project be looked at in the context of future improvements on Hesperian Boulevard. Public Works Director Ameri noted the project will not be affected by future improvements.

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

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

Resolution 21-085, “Resolution Approving Plans and Specifications for the FY22 Median Landscape Improvement Project, Hesperian Boulevard (La Playa Drive to W Winton Avenue) Project No. 05315, and Call for Bids”

5. Adopt a Resolution Accepting the Resignation of Mr. Patrick Kariuki from the Keep Hayward Clean and Green Task Force, Effective Immediately **CONS 21-280**

Staff report submitted by City Clerk Lens dated May 25, 2021, was filed.

Council Member Andrews thanked Keep Hayward Clean and Green Task Force (KHCG TF) Member Kariuki for his contributions to the community and announced an upcoming KHCG TF clean up event on July 24, 2021, at Giuliana Plaza.

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

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

Resolution 21-086, “Resolution Accepting the Resignation of Mr. Patrick Kariuki from the Keep Hayward Clean and Green Task Force”

6. Adopt a Resolution Accepting the Resignation of Ms. Karima Sharifi from the Library Commission, Effective Immediately **CONS 21-286**



**HAYWARD CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, May 25, 2021, 7:00 p.m.**

Staff report submitted by City Clerk Lens dated May 25, 2021, was filed.

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

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

Resolution 21-087, "Resolution Accepting the Resignation of Ms. Karima Sharifi from the Library Commission"

WORK SESSION

7. I-880/Whipple Road and I-880/Industrial Pkwy Interchange Improvement Project: Select Preferred Alternative to Present to Alameda County Transportation Commission for the I-880/Whipple Rd and I-880/Industrial Pkwy Interchange Improvement Project
WS 21-026

Staff report submitted by Public Works Director Ameri dated May 25, 2021, was filed.

Public Works Services Director Ameri and Alameda County Transportation Commission (ACTC) Director of Project Delivery Sharma announced the report and introduced Mark Thomas Project Manager Dansky who provided an update of the I-880/Whipple Road and I-880/Industrial Parkway Interchange Improvement Project. Senior Transportation Engineer Simbaqueba provided a synopsis of staff's recommendation.

Mayor Halliday opened the public comment section at 8:23 p.m.

Mr. Kim Huggett, Hayward Chamber of Commerce President and CEO, noted the Chamber did not have a preference on the build alternatives for improvements at the I-880/Whipple Road/Industrial Parkway Southwest and the I-880/Industrial Parkway West, but was interested in getting the project built; noted the criteria did not include economic development; and added that the improvements will help stimulate the Huntwood Business Park and companies on the other side of the freeway.

Mr. Patrick, Hayward resident, supported the build alternatives, noted the off-ramp northbound will alleviate many accidents, noted it was a good time to add bike and pedestrian lanes, and supported relinquishment of land.

Mr. Steve Dunbar indicated he submitted an email for the record, noted the proposed designs are safe and cost effective, and added that Alternative 3 and Design Variation made sense, and spoke about getting the safety protection without being in direct conflict with climate action goals.

Mayor Halliday closed the public hearing at 8:30 p.m.

Discussion ensued among members of City Council, and City staff regarding: the funding plan for building the proposed project; stakeholder outreach and community impact analysis; acquisition of land for a public infrastructure project; the Draft Environmental Document and response to comments; and potential stimulus funding for infrastructure projects and grants and other federal and state funding sources.

Members of the City Council were in full support of Build Alternative 3 with Design Variation because it improves safety, is superior for non-motorized users and minimizes right-of-way impacts. Members of the City Council offered the following suggestions: include impact to industries in the Industrial Corridor when the project returns to Council; take into consideration that Whipple Road/Industrial Parkway are gateways into the city and the visual presence of on-ramps and off-ramps has to be a outstanding design; make sure areas are safe and can be well-maintained; make sure there is ample lighting under the underpasses and do not want to see overpass chain link fences; be creative and balance consideration of environmental impacts; stress on getting people in and out of the city quickly; consider using lighting as part of public art and consider light installation to reflect celebrations throughout the year to attract more pedestrians and deter graffiti; work with the Economic Development team to help any businesses that will be displaced find alternative locations preferably in Hayward; create a page with meeting information on the I-880/Whipple Road and I-880/Industrial Pkwy Interchange Improvement Project available on the City website and kept in chronological order; consider art that connects to area's geography and the bay; and noted the project benefits the industrial area.

Members of City staff, Alameda County Transportation Commission project managers, Mark Thomas project managers, and public speakers were thanked for their contributions to the project.

PUBLIC HEARING

8. Amazon Facility: Introduce an Ordinance Related to a Zoning Text Amendment to Conditionally Permit Truck Terminals in the Industrial Park District and Adopt a Resolution Approving a Conditional Use Permit and Related Addendum for an Amazon Last Mile Delivery Facility at 2701 W. Winton Avenue. Amazon.com Services, Inc. (Applicant); Black Creek Group (Property Owner) (Item Continued to a Date Uncertain at the Request of the Applicant) **PH 21-037**



**HAYWARD CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, May 25, 2021, 7:00 p.m.**

The item was continued to a date uncertain.

CITY MANAGER'S COMMENTS

City Manager McAdoo announced that in April the Environmental Services Division and Maintenance Services Department partnered with KHCG TF to deliver litter pickup care packages to people's homes to do litter pickup in their neighborhoods, there were 42 households registered and about 139 participants, and thanked residents for their participation.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews thanked Council Member Márquez for adopting a block.

Mayor Halliday recognized Ms. Davida Scott and the Raising Leaders program for adopting blocks throughout Hayward.

Council Member Márquez asked City Manager McAdoo to consider collaborating with the Department of Public Health to increase vaccination rates in south Hayward, noted Tiburcio Vasquez, Glad Tidings Church and La Familia have been great partners, and urged to coordinate efforts to encourage vaccinations; and acknowledged the first-year anniversary of George Floyd's death and asked to observe a moment of silence in his memory before adjournment.

Council Member Andrews thanked all community members and City staff for efforts in planning the recognition of Juneteenth.

Council Member Salinas noted the zip code 94544 is leading the county in vaccinating and asked for clarity on current statistics and encouraged families with young teens.

City Manager McAdoo noted incorrect data was shared in the NPR report and statistical information would be verified, noted vaccination clinics will be open over the weekend, and encouraged members of the City Council to share communication from the Department of Public Health.

Council Member Wahab asked City staff to share more information via social media about vaccine availability for 12- to 15-year-olds.

Mayor Halliday acknowledged great outreach efforts regarding vaccines in south Hayward, recognized the anniversary of George Floyd's death and what his death brought racism to light and how it has led to positive changes, and asked for a moment of silence.

COUNCIL REFERRALS

None received.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 9:13 p.m. in memory of Mr. Jay Mahler.

Mr. Jay Mahler was raised in Hayward; made great contributions in the field of mental health treatment and was an individual with lived experience; was the first Consumer Relations Manager in Alameda County Behavioral Health Care Services from 2006 until 2012; founded the Pool of Consumer Champions in 2006; was appointed by the then Governor to the California Council on Mental Health from 1979 to 1985; was a member of the California State Mental Health Planning Council since 1990; served on the Alameda County Mental Health Advisory Board, the Fairmont Hospital Advisory Board, and the Eden District Mental Health Committee; upon his retirement, the Alameda County Board of Supervisors approved a new building to be named after him; and in 2015, the Jay Mahler Recovery Center in San Leandro opened its doors to offer a homelike, voluntary setting promoting peer to peer support and mental health wellness services. Mayor Halliday asked staff to work with the Mahler family to plant a tree in memory of Jay Mahler.

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 21-082

DATE: June 15, 2021

TO: Mayor and City Council

FROM: City Council

SUBJECT

Approve City Council Minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority Meeting on June 1, 2021

RECOMMENDATION

That the City Council approves the special joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority meeting minutes of June 1, 2021.

SUMMARY

The City Council held a special joint City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority meeting on June 1, 2021.

ATTACHMENTS

Attachment I Draft Minutes of 6/1/2021



**SPECIAL JOINT HAYWARD CITY COUNCIL/ HAYWARD REDEVELOPMENT
SUCCESSOR AGENCY/ HAYWARD HOUSING AUTHORITY MEETING
REMOTE PARTICIPATION
Tuesday, June 1, 2021, 7:00 p.m.**

The special joint Hayward City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority meeting was called to order by Mayor Halliday at 7:00 p.m. The special meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No 29-20 dated March 17, 2020, regarding the COVID-19 pandemic. Members of the City Council, City staff, and members of the public participated via Zoom platform.

Pledge of Allegiance: Council/HRSA/HHA Member Lamnin

ROLL CALL

Present: COUNCIL/HRSA/HHA MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab,
Zermeño
MAYOR/CHAIR Halliday
Absent: None

CLOSED SESSION ANNOUNCEMENT

The Special City Council convened in closed session on June 1 2021 at 5:00 p.m., regarding three items: 1) City Manager’s annual performance evaluation pursuant to Government Code 54957; 2) conference with labor negotiators pursuant to Government Code section 54957.6 regarding all labor groups; and 3) conference with property negotiators pursuant to Government Code 54956.8 regarding Caltrans Parcel Group 3: adjacent to Tennyson Road, East 16th Street and Calhoun Street; APNs: 078C-0626-003-16, 078C-0626-003-09, 078C-0626-001-07. Mayor Halliday announced there was no reportable action and Assistant City Attorney Brick confirmed there was no reportable action related to the items.

PRESENTATION

Mayor Halliday issued a Proclamation recognizing June as Elder Abuse Awareness Month and June 15 as Elder Abuse Awareness Day. Ms. Dena Aindow, Victim/Witness Advocate, accepted the recognition on behalf of the Alameda County District Attorney’s Office.

PUBLIC COMMENTS

Ms. Velda Goe, Hayward resident, stated that her neighborhood wants to participate in the selection of the consultant for traffic mitigation on Campus Drive and noted an email was submitted with further comments.

Mr. Tom Ferreira, Hayward resident, expressed concern about road projects and suggested using available funding to repair the Clawiter overpass off Highway 92.

Ms. Cynthia Nunes thanked Council Members Lamnin, Márquez, and Andrews for meeting with her to discuss Decarcerate Alameda County's Care First Resolution.

CONSENT

1. Approve City Council Minutes of the Special City Council Meeting on May 15, 2021 **MINS 21-075**

It was moved by Council Member Wahab, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on May 15, 2021.

2. Approve City Council Minutes of the City Council Meeting on May 18, 2021 **MINS 21-076**

It was moved by Council Member Wahab, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on May 18, 2021.

3. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Assessments for Fiscal Year 2022; and Set June 22, 2020, as the Public Hearing Date for Such Actions for Consolidated Landscaping and Lighting Assessment District No. 96-1, Zones 1-18 **CONS 21-263**

Staff report submitted by Maintenance Services Director Rullman dated June 1, 2021, was filed.

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

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

Resolution 21-088, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2022 for Consolidated Landscaping and Lighting Assessment District No. 96-1, Zones 1-18, and Setting June 22, 2021, as the Public Hearing Date"

4. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2022 for Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer, and Set June 22, 2021, as the Public Hearing Date **CONS 21-264**

Staff report submitted by Maintenance Services Director Rullman dated June 1, 2021, was filed.



**SPECIAL JOINT HAYWARD CITY COUNCIL/ HAYWARD REDEVELOPMENT
SUCCESSOR AGENCY/ HAYWARD HOUSING AUTHORITY MEETING
REMOTE PARTICIPATION
Tuesday, June 1, 2021, 7:00 p.m.**

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

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

Resolution 21-089, "Resolution of Intention Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2022, and Setting June 22, 2021, as the Public Hearing Date Concerning Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer"

5. Adopt a Resolution Rejecting All Bids, Approving Revision of Plans and Specifications, and Calling for Bids for the Mission Boulevard Corridor Improvements Phase 3 Project, Project No. 05287 **CONS 21-248**

Staff report submitted by Director of Public Works Ameri dated June 1, 2021, was filed.

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

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

Resolution 21-090, "Resolution Rejecting all Bids, Approving Revision of Plans and Specifications, and Calling for Bids for the Mission Boulevard Corridor Improvements Phase 3 Project, Project No. 05287"

6. Adopt a Resolution Approving Plans and Specifications, and Call for Bids for the Municipal Parking Lot No. 2 Improvement Project No. 05248 **CONS 21-278**

Staff report submitted by Director of Public Works Ameri dated June 1, 2021, was filed.

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

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

Resolution 21-091, "Resolution Approving Plans and Specifications for the Municipal Parking Lot No. 2 Improvement Project No. 05248, and Call for Bids"

7. Adopt Resolutions Regarding Fossil Fuel Non-Proliferation Treaty and Cities Race to Zero **CONS 21-277**

Staff report submitted by Director of Public Works Ameri dated June 1, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Lamnin, and carried by the following roll call vote, to approve the resolutions.

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

Resolution 21-092, "Resolution Committing to Policies Opposing Fossil Fuel Expansion and Accelerating the Clean Energy Transition as Part of the Safe Cities Movement and Endorsing the Call for a Global Fossil Fuel Non-Proliferation Treaty"

Resolution 21-093, "Resolution Committing to Setting Science Based Greenhouse Gases Emission Targets and Implementing Inclusive and Resilient Climate Action as Part of the Cities Race to Zero Movement"



**SPECIAL JOINT HAYWARD CITY COUNCIL/ HAYWARD REDEVELOPMENT
SUCCESSOR AGENCY/ HAYWARD HOUSING AUTHORITY MEETING
REMOTE PARTICIPATION
Tuesday, June 1, 2021, 7:00 p.m.**

-
8. Adopt a Resolution Awarding a Contract to Teichert Construction for the FY21 Pavement Improvement Project, Project No. 05227, 05236, 05238, 05295, 05297, in the Amount of \$10,538,547, and Approving an Administrative Change Order Budget in the Amount of \$861,453 **CONS 21-287**

Staff report submitted by Director of Public Works Ameri dated June 1, 2021, was filed.

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

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

Resolution 21-094, "Resolution Approving Award of Contract to Teichert Construction for the FY21 Pavement Improvement Project, Project Nos. 05227, 05236, 05238, 05295, and 05297"

9. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 to Increase the Professional Services Agreement with Pavement Engineering, Inc., for Engineering Services for the FY22 Pavement Improvement Project, in the Amount of \$347,965, for a Total Not-to-Exceed Contract Amount of \$1,362,670 **CONS 21-293**

Staff report submitted by Director of Public Works Ameri dated June 1, 2021, was filed.

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

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

Resolution 21-095, “Resolution Authorizing the City Manager to Execute Amendment No. 3 to Professional Services Agreement with Pavement Engineering, Inc., to Provide Engineering Services for the FY22 Pavement Improvement Project, Project No. 05239”

10. Adopt a Resolution Authorizing the City Manager to Negotiate and Enter into an Amendment to Extend the Exclusive Negotiating Rights Agreement with Trumark Properties (Caltrans Parcel Group 5) **CONS 21-299**

Staff report submitted by Assistant City Manager/Development Services Director Ott dated June 1, 2021, was filed.

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

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

Resolution 21-096, “Resolution Authorizing the City Manager to Negotiate and Execute an Extension of the Exclusive Negotiating Rights Agreement Between the City of Hayward and Trumark Properties, LLC for a Proposed Development Located Parcel Group 5: Bunker Hill”

At the request of Mayor Halliday and with Council consensus, Legislative Business Item 12 was heard prior to Work Session Item 11.

WORK SESSION

11. FY22 and FY23 Water and Sewer Rates: Review and Provide Feedback on Recommended FY 2022 and FY 2023 Water and Sewer Rates **WS 21-030**

Staff report submitted by Director of Public Works Ameri dated June 1, 2021, was filed.

Public Works Director Ameri announced the staff report and introduced Raftelis Vice President/Project Director Sanjay Gaur who introduced his team and provided a synopsis of the staff report related cost-of-service analysis, revenue requirements, and recommended FY 2022 and FY 2023 water service rates.

Public Works Director Ameri and Sr. Management Analyst Lo provided a synopsis of the staff report related cost-of-service analysis, revenue requirements, and recommended FY



**SPECIAL JOINT HAYWARD CITY COUNCIL/ HAYWARD REDEVELOPMENT
SUCCESSOR AGENCY/ HAYWARD HOUSING AUTHORITY MEETING
REMOTE PARTICIPATION
Tuesday, June 1, 2021, 7:00 p.m.**

2022 and FY 2023 sewer service rates. Sr. Management Analyst Lo highlighted there was a typographical error in the report and indicated the full two-year adjustment will be effective on October 1, 2022.

Mayor Halliday opened the public comment period at 8:20 p.m.

Ms. Alicia Fernandez, Hayward resident, inquired about a proposal for changes in her neighborhood to convert housing to large developments with ground floor retail.

City Manager McAdoo shared there was a post circulating on NextDoor that the City was planning to convert single family homes to multi-family units and noted there was no active proposal.

Mayor Halliday closed the public comment period at 8:24 p.m.

Discussion ensued among members of the City Council, City staff and Raftelis Vice President Gaur regarding: the proposed water rate increases from 3% to 7% over the next five years and target reserve amounts recommended and sewer rates; staffing levels to accommodate rate increases; consideration for switching to monthly billing and online billing and fiscal impact; automatic Lifeline and Economy sewer rates for low water use; mechanism for collecting payment rather than stopping service; and methodology used when evaluating increases during the pandemic with use of reserves.

Members of the City Council provided the following recommendations: consider conversations with the Hayward Chamber of Commerce about adjustments for industries, such as restaurants, that had been impacted by shelter in place; continue ensuring all residents are receiving information and not just homeowners and provide residents with options; and evaluate switching to monthly billing and present findings and recommendations to the Council Infrastructure Committee.

It was noted the Council will consider the rate adjustments and hold a public hearing on July 20, 2021.

LEGISLATIVE BUSINESS

12. Juneteenth: Adopt a Resolution Establishing a City Business Closure Day in Observance of Juneteenth LB 21-020

Staff report submitted by City Manager McAdoo dated June 1, 2021, was filed.

City Manager McAdoo provided a synopsis of the staff report.

Council Member Andrews thanked City staff for researching and bringing back consideration of the City declaring Juneteenth as a City holiday/business closure day, thanked the National Association for the Advancement of Colored People (NAACP) for recommending the item and working with her, and urged all to reflect on the historical importance of the day and its meaning.

Ms. Freddye Davis, Hayward South Alameda County Chapter NAACP President, Ms. Cynthia Thomas, Hayward resident, and Mr. Todd Davis, Hayward resident, spoke in support of enacting a business closure day in observance of Juneteenth, noted the historical significance of Juneteenth, the acknowledgement of past injustices, and the commitment to making changes, and thanked City Manager McAdoo and the City Council for their consideration of the item.

Mayor Halliday opened the public hearing at 7:33 p.m.

Ms. Ruth Harris expressed support for establishing a City business closure day in observance of Juneteenth, noted her work with the family of Dr. Martin Luther King Jr., and added this was a great way to learn about other ethnicities.

Ms. Alanda Johnson, Hayward resident, appreciated the consideration of the City declaring Juneteenth as a City business closure day, echoed comments from fellow NAACP officers about the importance of Juneteenth, and urged for a unanimous vote by the Council.

Mayor Halliday closed the public hearing at 7:37 p.m.

Council Member Andrews made a motion to approve the resolution establishing a City business closure day in observance of Juneteenth.

Council Member Wahab and Council Member Márquez seconded the motion.

Members of the City Council thanked and recognized Council Member Andrews, Ms. Freddye Davis, and the NAACP for their leadership and bringing the item forward.

Council Member Márquez expressed the item broadens perspective and acknowledges history and noted the need to do the best to improve outcomes for everyone in the community.

Council Member Wahab expressed all civil rights stem from civil rights of Black people as a catalyst, and noted the holiday is community focused on economic inequality and partnerships that offer job resources and investment in the community.

In response to Council Member Lamnin's inquiry about the plan for the libraries during the business closure, City Manager McAdoo indicated she will discuss with the Library Director about a partnership for recognition at the library.

Council Member Zermeño noted the business closure further recognizes how the City value diversity in the community.



**SPECIAL JOINT HAYWARD CITY COUNCIL/ HAYWARD REDEVELOPMENT
SUCCESSOR AGENCY/ HAYWARD HOUSING AUTHORITY MEETING
REMOTE PARTICIPATION
Tuesday, June 1, 2021, 7:00 p.m.**

Council Member Salinas spoke about civil rights movement events and the field of ethnic studies and noted enactment of the resolution continues the City's commitment to social justice and diversity and it is a reminder that equity is not easily attainable.

Mayor Halliday explained the day cannot be made a declared City holiday as opposed to a business closure without participation from bargaining groups, thought Lincoln's birthday holiday could be a holiday to trade for Juneteenth, noted it was important to bring public attention to history, and mentioned the Juneteenth Freedom Celebration event planned for June 19, 2021, at City Hall Plaza.

Library Director Addleman noted the library is hosting its annual Juneteenth readathon, is participating at the Juneteenth Freedom Celebration and honoring African American Musicians Recognition month and showcasing their biographies in the library.

Council Member Wahab asked City Manager McAdoo and Human Resources Director Sangy to continue the effort to work with bargaining groups to make the day a recognized holiday and substituted with an existing holiday. Mayor Halliday noted California Admission Day could be another holiday to consider trading.

It was moved by Council Member Andrews, seconded by Council Members Wahab and Márquez, and carried by the following roll call vote, to approve the resolution.

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

Resolution 21-097, "Resolution Recognizing June 19 of Each Year as Juneteenth in the City of Hayward and Establishing a City Business Closure Day"

13. Strategic Roadmap: Adoption of Updated FY21-23 Strategic Roadmap LB 21-019

Staff report submitted by Assistant City Manager Ott dated June 1, 2021, was filed.

Assistant City Manager Ott announced the staff report and introduced Management Analyst Thomas who provided a synopsis of the staff report.

Council Member Márquez asked to add the words “For All” after the section “Preserve, Protect, & Produce Housing” on the wheel infographic for consistency with the project outline; and asked to use a different word in place of “combat” for the “Combat Climate Change” priority.

Some suggestions offered by members of the City Council and staff were adapt, mitigate, confront, tackle, address, conquer, and climate change adaptation and justice.

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

Council Member Zermeño expressed support for the staff recommendation and indicated he would not mind changing language to “Climate Action Plan”. Council Member Zermeño made a motion per staff’s recommendation.

Council Member Wahab seconded the motion. Council Member Wahab noted the Strategic Roadmap is Council’s vision and specific items still come before the Council to discuss implementation and encouraged the public to email the Council to discuss items they believe should be prioritized for future discussions.

Council Member Lamnin supported Council Member Márquez’s desire to change language for “Combat Climate Change” by replacing the word “combat”; requested that Project 1 text under “Preserve, Protect, and Produce Housing for All” be changed from “... support the homeless” to “... support people who are homeless”; and asked to consider modifying language for the “Police building” project. City Manager McAdoo agreed and offered the language, “assess police facility needs and bring building up to standards and plan for future.”

Mayor Halliday thanked everyone for the vision, suggestions, implementation; and expressed she would like to see completed items added to the Strategic Roadmap.

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

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

Resolution 21-098, “Resolution Approving and Adopting the City of Hayward Three-Year Strategic Roadmap (Fiscal Year 2021–Fiscal Year 2023)”



**SPECIAL JOINT HAYWARD CITY COUNCIL/ HAYWARD REDEVELOPMENT
SUCCESSOR AGENCY/ HAYWARD HOUSING AUTHORITY MEETING
REMOTE PARTICIPATION
Tuesday, June 1, 2021, 7:00 p.m.**

PUBLIC HEARING

14. Gann Appropriations Limit for Fiscal Year 2022: Adopt Appropriations Limit for Fiscal Year 2022 Pursuant to Article XIII B of the Constitution of the State of California PH 21-043

Staff report submitted by Director of Finance Claussen, dated June 1, 2021, was filed.

Finance Director Claussen provided a synopsis of the staff report.

There being no public comment, Mayor Halliday opened and closed the public hearing at 9:06 p.m.

Council Member Márquez asked that the first Whereas of the resolution be modified by swapping the word “citizens” with “voters”; and offered a motion per staff’s recommendation.

Finance Director Claussen agreed to making the change.

Council Member Salinas seconded the motion.

It was moved by Council Member Márquez, seconded by Council Member Salinas, and carried by the following roll call vote, to approve the resolution with language modification to the first Whereas.

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

Resolution 21-099, “Adoption of Appropriations Limit for Fiscal Year 2022 Pursuant to Article XIII B of the Constitution of the State of California”

15. FY 2022 Budget/CIP Public Hearing and Adoption: Public Hearing for the Proposed FY 2022 Operating Budgets for the City of Hayward, Hayward Redevelopment Successor Agency, and Hayward Housing Authority; FY 2022 Capital Improvement Program Budget; Adoption of the FY 2022 Operating Budgets and Appropriations for FY 2022; Adoption of the FY 2022 Capital Improvement Program Budget and Appropriations for FY 2022; Adoption of the Hayward Redevelopment Successor Agency Budget; and Adoption of the Hayward Housing Authority Budget **PH 21-042**

Staff report submitted by Director of Finance Claussen, dated June 1, 2021, was filed.

Finance Director Claussen provided a synopsis of the staff report.

Discussion ensued among members of the City Council/ HRSA/HHA Board and City staff regarding; Risk Management Fund for projected increase in insurance premium expense and cost mitigation measures; cost related to hiring the traffic consultant for Campus Drive and street mitigation measures included in the budget; reporting structure for policy innovation pilot programs and frequency of status updates; revenue from sales tax and additional efforts for economic development to help increase the sales tax; property tax revenue projections; recently adopted initiatives under policy innovation and funding from salary savings and updates during mid-year and budget appropriation during the next fiscal year; mid-year budget process; budget proposal includes use of reserves with some offset by anticipated federal relief funds; appropriation of stimulus funds for needed city facility improvements; recommended reserves, and appropriation of 1% of cannabis revenue will be discussed during the Community Foundation report to the Council Budget and Finance Committee; and vacancies and recruitment efforts to diversify HPD;

Mayor/Chair Halliday opened the public hearing at 9:40 p.m.

Mr. Alexis Villalobos, Hayward Community Coalition (HayCoCoa) representative, thanked the City for beginning to fund items they have been demanding, thanked Council Member Márquez and Mayor Halliday for efforts and comments related to the Policy Innovation recommendations, and noted HayCoCoa will continue to advocate for their goals.

Ms. Lacey Amodei, The Hayward Collective representative, noted she submitted written comments, expressed thanks for the Mobile Mental Health Response Team pilot program; spoke about the need for increased transparency and accessibility regarding implementation of policies; expressed concerns about recommendation #20 (Mental Health Registry) and urged that there be a consultation with subject matter experts on disability justice; and hoped recommendations to evaluate the Community Advisory Panel (CAP) could return sooner than the scheduled 12 months.

Ms. TJ, Hayward Concerned Citizens (HCC) member, thanked all Council Members who responded to emails, asked to leave Hayward Police Department (HPD) budget intact with staffing, tools and resources to uphold public safety, noted that gutting HPD and crippling



**SPECIAL JOINT HAYWARD CITY COUNCIL/ HAYWARD REDEVELOPMENT
SUCCESSOR AGENCY/ HAYWARD HOUSING AUTHORITY MEETING
REMOTE PARTICIPATION
Tuesday, June 1, 2021, 7:00 p.m.**

response creates lack of confidence that crimes in progress will not be adequately addressed, added that residents voted for measures to support police improvements and fire services and wanted assurances the budget for services continue to meet expectations.

Ms. Suzanne, Hayward Concerned Citizens (HCC) member, expressed support for HPD and stressed its importance for her neighborhood, spoke in opposition to pulling funding from HPD for policy innovation pilot projects, and wanted to see pilot program results (including successes and failures) reviewed on a quarterly basis.

Ms. Claire Dugan, Hayward Concerned Citizens (HCC) member, supported a fully funded HPD because they are needed to keep Hayward safe, noted taxpayers have a right to live their lives without fear of crime, and added HCC has grown from 20 people to over 300.

Mr. Emilio Mendoza Ronquillo expressed support for HayCoCoa's four funding recommendations, noted that increased policing does not decrease crime, suggested having qualified personnel handle situations without violence, and asked for more funding for individuals who are homeless.

Mr. Tom Ferreira, Hayward Concerned Citizens (HCC) member, expressed full support of HPD and against any defunding, and asked if the 7 officer positions will be released immediately. City Manager McAdoo noted they will be released but shared that HPD has currently 23 vacancies and they are struggling to fill vacancies.

Mayor/HRSA/HHA Chair Halliday closed the public hearing at 9:54 p.m.

Members of the City Council/HRSA/HHA Board thanked City staff, Finance staff for the work putting together the budget book and community members for the input provided throughout the budget process.

Council/HRSA/HHA Member Wahab made a motion noting the City is still anticipating federal relief funds; thanked employees for concessions; added the goal is to rebuild reserves; mentioned the City has invested in recruitment efforts and use vacancy savings for other priorities; stressed the importance of making public safety viable and safe for all people; added that infrastructure projects were on hold because of COVID; and noted all stakeholders were represented in budget discussions and the proposed budget was a step in the right direction.

Council/HRSA/HHA Member Salinas seconded the motion; noted the proposed budget delivers core services to the community; noted policy innovation modifications were in response to community input related to HPD; added that everyone is interested in improving police service delivery; mentioned the City is investing in social services and roads with an eye on flexibility; added the Council will receive quarterly reports on policy innovations projects

including successes and failures in innovative space; and thanked Director Claussen for another budget with a focus on the City's strategic initiatives and priorities.

Council/HRSA/HHA Member Márquez appreciated City staff for implementing programming and resources for the public; thanked the community for the input related to concerns; noted the City wants to try innovative ways to provide public safety for all community members; thanked HayCoCoa and HCC for engaging in the conversation and asked for continued mutual respect; encouraged people to carefully look at measure language to understand budget allocations; and was pleased with the progress made.

Council/HRSA/HHA Member Zermeño thanked Finance Director Claussen for the proposed budget which included public recommendations; added the budget emphasizes the public safety priority; noted the main emphasis of the budget is to ensure residents receive public services and encouraged everyone to shop in Hayward first to increase the revenue.

Council/HRSA/HHA Member Andrews thanked City staff, thanked HayCoCoa, HCC, and The Hayward Collective for preparing recommendations; thanked HPD staff for the difficult conversations; asked for a presentation at midyear of the budget breakdown into divisions to educate the community; was interested in brief quarterly reports on policy innovation projects that includes successes and opportunities for growth; asked for information at mid-year about approved voter measures and what they were intended to do with tax proceeds generated; and was concerned with only having two people identified for community engagement and suggested revisiting staffing levels in the future.

Council/HRSA/HHA Member Andrews offered a friendly amendment to the motion: include during the midyear budget review further HPD budget breakdown and explanation of ballot measures and what they were intended to fund; revisit staffing levels for community engagement; and evaluate having a quarterly report on public safety recommendations.

Discussion ensued about the friendly amendment.

Council/HRSA/HHA Member Wahab and Council Member Salinas were amenable to the friendly amendment.

Mayor/Chair Halliday offered a friendly amendment to the motion directing the City Manager and Finance Director to present a plan for the replenishment of reserves during the mid-year budget review.

Council/HRSA/HHA Member Wahab and Council Member Salinas were amenable to the friendly amendment.

Mayor/Chair Halliday thanked City staff and the community for the manner in which conversations regarding policy innovations and policing were handled; noted the Council listened and recognized points made on both sides; and added the City emerged with promising recommendations based on significant community input.



**SPECIAL JOINT HAYWARD CITY COUNCIL/ HAYWARD REDEVELOPMENT
SUCCESSOR AGENCY/ HAYWARD HOUSING AUTHORITY MEETING
REMOTE PARTICIPATION
Tuesday, June 1, 2021, 7:00 p.m.**

It was moved by Council/HRSA/HHA Member Wahab, seconded by Council/HRSA/HHA Member Salinas, and carried by the following roll call vote, to approve the resolutions with the following friendly amendments to the motion directing staff to: include during the midyear budget review further HPD budget breakdown and explanation of ballot measures and what they were intended to fund; revisit staffing levels for community engagement; evaluate having a quarterly report on public safety recommendations; and present a plan for the replenishment of reserves.

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

Resolution 21-100, “Resolution Approving the Operating Budget of the City of Hayward for Fiscal Year 2022; Adopting Appropriations for Fiscal Year 2022, Except for General Fund Community Agency Funding”

Redevelopment Successor Agency Resolution 21-01, “Resolution of the City Council of the City of Hayward, acting as the Governing Board of the Successor Agency for the Redevelopment Agency of the City of Hayward, Approving the Budget of the Redevelopment Successor Agency of the City of Hayward and Adopting Appropriations for Fiscal Year 2022”

Housing Authority Resolution 21-01, “Resolution Confirming the Proposed Hayward Housing Authority Budget for Fiscal Year 2022”

Resolution 21-101, “Resolution Approving Capital Improvement Projects for Fiscal Year 2022”

Resolution 21-102, “Resolution Approving and Appropriating the Community Agency Funding Recommendations for Fiscal Year 2022”

CITY MANAGER'S COMMENTS

There were none received.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Salinas thanked the City Manager and Mayor for providing a space for the LGBTQ+ community at the pride flag raising ceremony at City Hall and noted he was proud to be part of a city where equity and civil rights are a core value.

Council Member Wahab wished a happy Pride Month to all and suggested in the future the City switches to the new, more inclusive version of the Pride flag.

Council Member Andrews thanked City staff and Hayward Chamber of Commerce for their assistance with the Juneteenth Celebration scheduled for June 19, 2021; and acknowledged the Tulsa Race Massacre 100th anniversary and encouraged all to read about the history of the Greenwood neighborhood in Tulsa, Oklahoma.

Council Member Lamnin wished happy Pride to all and thanked Mayor Halliday and Council Member Márquez for ensuring the City recognizes Pride Month every year; and noted the Alameda County Coalition for Fair Redistricting will be holding two public retreats on June 6 and June 9, 2021, and provided www.alcoredistricting.org for more information.

Mayor Halliday recommended a TED talk that discussed what makes a good city flag; and she hoped, in the future, the communications team can look for a design that represents the current city.

COUNCIL REFERRALS

None received.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:48 p.m. in honor and memory of the Santa Clara Valley Transportation Authority (VTA) employees (Abdolvahad Alaghmandan, Adrian Balleza, Alex Fritch, Jose Hernandez, Lars Lane, Michael Rudometkin, Paul Megia, Taptejdeep Singh, and Timothy Romo) killed on May 26, 2021, in San Jose.

APPROVED

Barbara Halliday
Mayor, City of Hayward
Chair, Hayward Redevelopment Successor Agency
Chai, Hayward Housing Authority



**SPECIAL JOINT HAYWARD CITY COUNCIL/ HAYWARD REDEVELOPMENT
SUCCESSOR AGENCY/ HAYWARD HOUSING AUTHORITY MEETING
REMOTE PARTICIPATION
Tuesday, June 1, 2021, 7:00 p.m.**

ATTEST:

Miriam Lens
City Clerk, City of Hayward
Secretary, Hayward Redevelopment Successor Agency
Secretary, Hayward Housing Authority



CITY OF HAYWARD

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

File #: CONS 21-301

DATE: June 15, 2021

TO: Mayor and City Council

FROM: CIO/Director of Information Technology

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Avidex Industries LLC, to Retrofit the Council Chambers and City Hall Conference Room 2A Audio and Visual Systems to Allow for Hybrid Council and Commission Meetings

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute an agreement with Avidex Industries, LLC to retrofit the Council Chambers and City Hall Conference Room 2A audio and visual systems for a total cost of \$92,931.

SUMMARY

The City of Hayward City Council meetings are public meetings and are broadcast and recorded for the public from the Council Chambers at Hayward City Hall. The retrofit of the Council Chambers and City Hall Conference Room 2A audio/video systems will offer a solution to continue online meetings and reopening City Hall Council Chambers to the public, also known as, hybrid meetings.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: June 15, 2021

TO: Mayor and City Council

FROM: CIO/Director of Information Technology

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BACKGROUND AND DISCUSSION

The City of Hayward City Council meetings are public meetings and are broadcast and recorded for the public from the Council Chambers at Hayward City Hall. The City Council Chambers and City Hall Conference Room 2A are also utilized by other government agencies, such as the Hayward Unified School District, for public meetings. The COVID-19 pandemic has forever changed the design of public meetings by moving them online to provide for safe social distancing. The Council and City staff have been able to participate remotely via Zoom and now, with COVID restrictions lifting, the Council and public participation in the Council Chambers will be returning to in person/remote hybrid meetings. The audio/video (A/V) technology currently in the City Hall Council Chambers is not equipped to handle these types of hybrid meetings. This retrofit to the Council Chambers will primarily address audio and video functionality to allow for participants to attend meetings from the Council Chambers as well as remote locations via Zoom through the installation of larger viewing screens for Council participants, and correct audio/video feed in pre-function area. City Hall Conference

Room 2A will be equipped with an additional camera to allow for overflow participants and to address audio issues with the wireless microphone system. These improvements are critical and necessary elements of the City Council's public meetings to achieve a hybrid public meeting model. Additionally, based on current trends, hybrid meetings are likely to be required with the recent introduction of multiple state bills requiring a higher level of accessibility to our meetings. An example is Assembly Bill 703 which states "that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction." (AB-703) Therefore, modifications to Council Chambers and its systems will be required and this project directly addressed these new expected requirements.

The retrofit of the Council Chambers and City Hall Conference Room 2A audio/video systems will offer a solution to continue online meetings and reopening City Hall Council Chambers to the public. Avidex is qualified to perform the work and has previously performed Council chamber modification work for the City. Avidex has an intimate knowledge of the infrastructure and current design of the Council Chambers. Their engineers originally designed and actively maintain the City's unique chamber design and no other vendor has historical knowledge of the City's design. Avidex can begin work immediately without significant additional training.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Organizational Health by supporting the City's diversity, equity, and inclusion action plan.

FISCAL IMPACT

The cost of this service agreement with Avidex is not expected to exceed \$92,931 and will be funded initially from the IT CIP existing FY2021 budget with subsequent reimbursement from stimulus funding.

NEXT STEPS

If approved, staff will finalize the agreement and work with Avidex to begin the retrofit work and to prepare for hybrid meetings beginning in September 2021.

Prepared by: Maritza Vargas, IT Client Support

Recommended by: Adam Kostrzak, Chief Information Officer

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH AVIDEX INDUSTRIES, LLC., TO RETROFIT THE COUNCIL CHAMBERS AND CITY HALL CONFERENCE ROOM 2A AUDIO AND VISUAL SYSTEMS TO ALLOW FOR HYBRID COUNCIL AND COMMISSION MEETINGS

WHEREAS, due to the COVID-19 pandemic, the City Council and City staff have been participating in public meetings remotely via Zoom; and

WHEREAS, now with COVID restrictions lifting, the Council and public participation in the Council Chambers will be returning to in person/remote hybrid meetings; and

WHEREAS, technology currently in the City Hall Council Chambers is not equipped to handle these types of hybrid meetings; and

WHEREAS, these improvements are critical and necessary elements of the City Council's public meetings to achieve a hybrid model; and

WHEREAS, the City previously contracted Avidex for Council chamber modifications, and, as a result, Avidex staff has knowledge and understanding of the chamber designs and is available to begin work immediately.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward hereby authorizes and directs the City Manager to negotiate and execute an Agreement with Avidex Industries, LLC., for equipment and professional services in an amount not-to-exceed Ninety Two Thousand Nine Hundred Thirty One Dollars (\$92,931), in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

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 21-303

DATE: June 15, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Approving Waste Management of Alameda County's Plan to Adjust Recycling Rates for Multi-Family Customers and Issue Refunds for Overcharges

RECOMMENDATION

That Council adopts a resolution (Attachment II) approving Waste Management of Alameda County's plan to adjust recycling rates for bin service for multi-family customers and issue refunds for overcharges.

SUMMARY

The City holds a franchise agreement with Waste Management of Alameda County (WMAC) to provide solid waste, recycling, and organic materials collection, and processing services. In early 2021, staff and WMAC discovered that some larger Hayward multi-family property accounts may have been overcharged for recycling services for about the last four years. The overcharge and the amount have been confirmed and WMAC is prepared to reimburse these fifty-nine customers a total of \$533,237.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Rebate Table



DATE: June 15, 2021

TO: Mayor and City Council

FROM: Director of Public Works

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BACKGROUND

WMAC sub-contracts with Tri-CED to provide recycling services for most residential customers in Hayward. The current franchise agreement requires multi-family dwellings pay a per-dwelling-unit fee for recycling service. The current fee is \$7.84 per unit. Tri-CED does not have front-end-load trucks used to service metal bin containers and only offers carts and 14-yard roll-off containers. However, some properties would rather use bins than carts or roll-offs, and properties that choose recycling bin service must be serviced by WMAC. Therefore, these properties would pay the per unit recycling fee so that Tri-CED is kept whole (although it does not provide the service) and also pay WMAC for recycling bin service for the service that they receive. However, in order to mitigate the cost for multi-family properties opting for recycling bin service, WMAC and the City agreed at the beginning of the franchise that these customers would be charged a discounted rate for recycling bins from WMAC. This discounted rate would equate to 20% the cost of an equivalent-sized solid waste bin. For example, a 1 cubic-yard solid waste bin cost \$155.80 per month; therefore, for a 1

cubic-yard recycling bin, a multi-family property should pay only 20% of that cost, which is \$31.16 per month.

DISCUSSION

For several years, to encourage recycling, the cost of recycling was included in the solid waste rates and commercial customers paid no additional rates for recycling service. Consistent with the terms of the current agreement, most commercial recycling rates gradually increased during the first few years of the agreement to be 50% the cost of an equivalent-sized solid waste bin. The rates for recycling bins for multi-family dwellings were supposed to remain at 20% the cost of a solid waste bin throughout the contract. However, when performing the annual rate review, it was overlooked that WMAC had inadvertently included the subset of multi-family recycling bin rates with the majority of the commercial recycling rate increases. This error resulted in WMAC mistakenly overcharging multi-family recycling bin customers. After realizing the mistake, City staff and WMAC analyzed the affected accounts, and worked together to develop a proposal to refund the affected multi-family property accounts.

Due to different billing methods and billing cycles for the affected properties, as well as limitations to WMAC's billing system, WMAC could not change the rates immediately. Therefore, if approved by Council, WMAC will update the rates effective September 1, 2021, and credit customers' accounts by September 2021. Prior to September, account holders will receive a letter explaining the credit, that the credit will show on the next billing statement, and that they can receive a refund check upon request.

The refunds for the fifty-nine accounts are listed in Attachment III and range in amounts from less than \$100 for some smaller accounts, to more than \$40,000 for two large accounts. If checks are not issued, most accounts would not need to pay for solid waste services for one to six months.

ECONOMIC IMPACT

Returning \$533,237 to fifty-nine multi-family properties would have a positive impact on the local economy. Maintaining reasonable solid waste and recycling service fees would also have a positive impact on the community.

FISCAL IMPACT

The reimbursement of the affected commercial accounts and resetting of the recycling rate for multi-family bin customers by WMAC will not have a significant impact on the City's General Fund or solid waste funds. The City received about \$96,000 in franchise fees for the \$533,237 in overcharges. The franchise fees will likely be deducted from upcoming payments from WMAC.

STRATEGIC ROADMAP

This agenda item does not directly relate to any of the six priorities outlined in the Council's Strategic Roadmap.

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

If Council approves, staff and WMAC will initiate a process of crediting or disseminating refunds to the accounts affected by the overcharge for recycling starting in September 2021.

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION APPROVING WASTE MANAGEMENT OF ALAMEDA COUNTY'S
PLAN TO ADJUST RECYCLING RATES FOR MULTI-FAMILY CUSTOMERS AND
ISSUE REFUNDS FOR OVERCHARGES

WHEREAS, the City of Hayward holds a franchise agreement with Waste Management of Alameda County (WMAC) to provide solid waste, recycling, and organic materials collection, and processing services; and

WHEREAS, WMAC inadvertently overcharged 59 multi-family accounts for recycling services as listed in Attachment III of the staff report.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby approves WMAC's plan to adjust recycling rates for multi-family customers and issue refunds for overcharges.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

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

Property/Account Name	Service Address	Amount Overcharged
RIVERSIDE TERRACE APARTMENTS	1754 B ST	\$6,424.61
T ABEL	28151 RUUS RD	\$2,859.77
PARKSIDE PLAZA ASSOCIATION	27505 TAMPA AVE	\$19,377.74
T ABEL	27314 TYRRELL AVE	\$6,764.38
ALOHA APARTMENTS	250 W JACKSON ST	\$2,213.46
DIXON APTS	29596 DIXON ST	\$11,639.08
VASIREDDI, RAMESH	25836 HAYWARD BLVD	\$11,444.29
AUTUMN PLACE	539 LAUREL AVE	\$318.70
CHAN, BENG FEIN	22546 MAIN ST	\$4,657.76
GIBSON PROPERTY	29013 DIXON ST	\$0.02
THE TIMBERS APARTMENTS	25200 SANTA CLARA ST	\$26,469.14
BUSK, BURTON	21691 MONTGOMERY ST	\$2,606.89
AMADOR VILLAGE APARTMENTS	24080 AMADOR ST	\$22,399.54
SOLSTICE APARTMENT MANON LLC	27467 MANON AVE	\$6,803.36
COURTYARD APTS	24050 SILVA AVE	\$15,582.04
YOUNG, DAVID	26972 MANON AVE	\$19,934.87
HILLCREST HOLDING, LLC	26970 HAYWARD BLVD	\$3,268.26
SYCAMORE MANOR APARTMENTS	795 SYCAMORE AVE	\$13,233.87
763 BLOSSOM ASSOCIATES	27340 TYRRELL AVE	\$4,657.76
SILK OAK APARTMENTS	1725 B ST	\$4,657.76
EDWARDS, MARK & GENISE	1518 C ST	\$3,265.44
MAJESTIC APARTMENTS	959 TORRANO AVE	\$11,151.31
EDEN HOUSING INC	22645 GRAND ST	\$3,265.44
SHARMA, HEMANT K	25538 DEL MAR AVE	\$3,306.43
KIMBERLY APARTMENTS	399 SCHAFFER RD	\$664.27
CP IV CREEKWOOD LLC	22280 CITY CENTER DR	\$4,778.17
ANEESH GOYAL	27950 MANON AVE	\$4,778.17
PINEHURST APARTMENTS	29359 DIXON ST	\$3,242.09
26030 PONDEROSA APARTMENTS LLC	26030 GADING RD	\$3,263.37
CTE	390 INDUSTRIAL PKWY	\$1,814.73
THE FAIRWAY	548 GARIN AVE	\$4,778.17
HOM, HENRY	930 A ST	\$3,349.86
PLAZA VERDE APARTMENTS	550 BERRY AVE	\$2,474.94
VENETIAN TERRACE APARTMENTS	26609 GADING RD	\$589.91
BMW CLEARBROOK CIRCLE LLC	29843 CLEARBROOK CIR	\$46,353.93
METRO SIX55 APARTMENTS	655 TENNYSON RD	\$11,391.21
PRASAD, JAMES	27033 BELVEDERE CT	\$40.24
GREENLEAF-MANON LLC	27495 MANON AVE	\$4,604.98
EDEN HOUSING INC	28901 MISSION BLVD	\$23,782.72
EDEN HOUSING INC	28939 MISSION BLVD	\$23,782.72
CYPRESS APARTMENTS LLC	25013 CYPRESS AVE	\$356.57
ESSEX PROPERTY TRUST INC	25200 CARLOS BEE BLVD	\$1,243.47
CADENCE APARTMENTS	28850 DIXON ST	\$27,499.09
HAYWARD SUMMIT APT LLC	25190 CYPRESS AVE	\$9,594.10
ADVENT PROPERTYS	25013 CYPRESS AVE	\$8,345.96

WSRH PARKVIEW, LLC	28222 LUSTIG CT	\$3,068.33
DOWNTOWN HAYWARD SENIOR APARTM	808 A ST	\$6,810.38
VIVANTE APARTMENT HOMES	26609 GADING RD	\$31,282.04
HAYWARD 544 LLC	25800 INDUSTRIAL BLVD	\$1,450.80
SCHAFFER & MF PARTNERS LLC	399 SCHAFFER RD	\$8,924.68
PARK MANOR APARTMENT, LP	24200 SILVA AVE	\$1,848.69
SCHAFFER GARDEN VENTURES LLC	749 SCHAFFER RD	\$5,525.01
WARHURST PROPERTIES	28537 E 13TH ST	\$1,047.00
SF BAY PARTNERS LLC	250 W JACKSON ST	\$17,805.39
PRIME TENNYSON LLC	655 TENNYSON RD	\$41,553.19
LEISURE TERRACE APARTMENTS	1638 E ST	\$2,182.92
ALVISTA AT THE BRIDGE- ALLIANCE	25800 INDUSTRIAL BLVD	\$7,364.40
1180 E ST PROPERTY LLC	1180 E ST	\$2,130.81
LUSTING MS PARTNERS LLC	28222 LUSTIG CT	\$9,212.97
	Total	\$533,237.16



CITY OF HAYWARD

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

File #: CONS 21-312

DATE: June 15, 2021

TO: Mayor and City Council

FROM: Assistant City Manager/Development Services Director

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Enter into an Amendment to Extend the Exclusive Negotiating Rights Agreement with Eden Housing Inc. and Pacific Companies (Parcel Groups 3 and 4)

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) authorizing the City Manager to negotiate and enter into an amendment to extend the Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing Inc. and Pacific Companies until June 30, 2022, allowing completion of entitlements and related environmental analysis and negotiation of a Disposition and Development Agreement (DDA) for former Route 238 Bypass properties, Parcel Groups 3 and 4.

SUMMARY

The City of Hayward entered into a Purchase and Sale Agreement (PSA) with the California Department of Transportation (Caltrans) in January 2016 to manage the disposition and development of former right of way for the now defunct 238 Bypass. This land is divided into 10 parcel groups and must be disposed of by 2027. This report covers Parcel Groups 3 and 4.

A Request for Proposals (RFP) for developers for Parcel Groups 3 and 4 was issued in April 2018, and in July 2018, the Council provided authorization for the City Manager to negotiate and enter into an Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing Inc. and Pacific Companies (Development Team), to develop over 150 units of affordable housing and a school distributed over 14 acres.

On May 5, 2020, the Council adopted a Resolution extending the ENRA period for another year due to unforeseen delays and significant site planning issues and the slowdown caused by the COVID-19 crisis. Following that extension, the Development Team submitted their entitlement application in May 2020. Since that date, the Development Team has resubmitted multiple times and worked diligently with City staff to revise the site plan due to fire access issues while conducting environmental analysis on the proposed project. The environmental analysis revealed significant geotechnical and slope stability issues

that require expensive capital improvement work to make the project roadways stable and safe. City staff is working with the Development Team to coordinate public and private improvements to ensure that the project remains feasible.

Given the amount of cost and effort expended thus far in analyzing and working through these issues as well as the applicant's commitment to completing project approvals, staff recommends authorizing the City Manager to enter into an amendment to extend the ENRA with the Development Team for six months to December 20, 2021, with two three-month administrative extensions at the City's sole discretion which, if exercised, would extend the ENRA to June 30, 2022.

If approved, the proposed project will add a total of 180 affordable housing units to the City's housing stock, which would help the City to meet over 23% of the Regional Housing Needs Allocation (RHNA) goal for low-income households and 4% of the RHNA goal for very low-income households. In addition, the site will be developed with The Primary School, a pre-school through elementary school that integrates education, health care, and family support services into their educational model.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: June 15, 2021

TO: Mayor and City Council

FROM: Assistant City Manager/Development Services Director

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with the Development Team to coordinate public and private improvements to ensure that the project remains feasible.

Given the amount of cost and effort expended thus far in analyzing and working through these issues as well as the applicant’s commitment to completing project approvals, staff recommends authorizing the City Manager to enter into an amendment to extend the ENRA with the Development Team for six months to December 20, 2021, with two three-month administrative extensions at the City’s sole discretion which, if exercised, would extend the ENRA to June 30, 2022.

If approved, the proposed project will add a total of 180 affordable housing units to the City’s housing stock, which would help the City to meet over 23% of the Regional Housing Needs Allocation (RHNA) goal for low-income households and 4% of the RHNA goal for very low-income households. In addition, the site will be developed with The Primary School, a pre-school through elementary school that integrates education, health care, and family support services into their educational model.

BACKGROUND

Route 238 Corridor Lands Development

In the mid-1960s, the California State Department of Transportation (Caltrans) purchased more than 400 parcels of property for the construction of a 14-mile Route 238 Corridor Bypass Freeway to run through the City of Hayward and parts of unincorporated Alameda County. In 1971, a lawsuit, filed in federal court on behalf of residents to be displaced by the freeway construction, blocked the project. Caltrans subsequently abandoned the freeway plan and began to individually auction off these properties with the sole purpose of disposing of the land, without any larger land use or community considerations. To ensure the productive development of this land in a manner that maximizes land value while balancing the desires of the surrounding neighborhood and larger community, the City entered into a PSA with Caltrans to manage the disposition and development of these properties. The PSA divides the properties into 10 parcel groups, which must be disposed of by 2027. Table 1 below provides the current status of these parcel groups.

TABLE 1: STATUS OF 238 PARCEL GROUPS

PARCEL GROUP	STATUS	ENTITY	EST. DISPOSITION TIMELINE	ESTIMATED UNIT COUNTS	AFFORDABLE UNIT COUNT
1 & 10	Sold / Under Construction	William Lyon Homes (SOHAY)	August 2018	472 (approved)	48 (approved)
2	Executed Purchase & Sale Agreement	The True Life Companies (Mirza)	June 2020	189 (approved)	20 (approved)
3	Under Negotiation	Eden Housing and The Pacific Companies	Winter 2021	180	180
4	Under Negotiation	Eden Housing and The Pacific Companies	Winter 2021	3	0
5	Under Negotiation	Trumark Properties, LLC	Fall 2020	82	8

6	Under Negotiation	Integral	Spring 2022	300	30
7	Sold	One Subaru of Hayward	June 2020	0	0
8	Master Development Planning	Resources for Community Development	Winter 2021	196	96
9	Master Development Planning	City of Hayward	Winter 2021	TBD	TBD
TOTAL				1,422	382¹

Parcel Groups 3 and 4

Parcel Group 3 consists of three parcels located between the Tennyson Road extension on the south and Broadway St. on the north. The parcel group consists of approximately 28.5 acres. The main parcel is primarily open space with barns and corrals for horses. The group also includes two smaller lots between Webster St. and Broadway St. that are currently vacant. Parcel Group 4 consists of approximately 80.7 acres. The majority of the land is open grassland, with a cabin located in the middle of the parcel, and a barn at Calhoun Street.

On April 3, 2018, the City Council approved the issuance of a RFP for Parcel Groups 3 and 4 for the re-sale of the parcels through a competitive process to ensure the best price and land use for the City. When the City issued the RFP, the minimum price included a 5% administrative fee to cover City sales costs, which made the minimum price for Parcel Group 3: \$2.415 million, and Parcel Group 4: \$1.61 million.

On July 17, 2018, the City Council reviewed the summary of proposals from the RFP and provided authorization for the City Manager to negotiate and enter into the ENRA with Eden Housing Inc. and Pacific Companies, to develop conceptual development plans, pursue entitlements, and negotiate a DDA for Parcel Groups 3 and 4. After execution of the initial ENRA on November 30, 2018, the Development Team engaged in seismic trenching work to better understand the topography and suitability of Parcel Group 3. The trenching took longer than anticipated because of the rain and the results raised challenges to the feasibility of the Development Team’s initial designs. The site exploration uncovered additional environmental concerns such as fault traces and areas that are prone to landslides. These findings necessitated a redesign of the proposed project and site plan and the development program has been refined to include approximately 180 units in addition to the charter school, dedicated open space, and site improvements.

On May 5, 2020, the City Council adopted the first extension to the ENRA to allow the Development Team to submit the entitlement package based on the updated development program and to conduct environmental analysis on the proposed project. Through the entitlement process, City staff and the Development Team have worked through fire access and geotechnical and slope stability issues, which further delayed the entitlement process and resulted in several resubmittals of the application. Site modifications have also resulted in various updates to the environmental analysis related to geotechnical and slope stability issues that require expensive capital improvement work to make the project roadways stable and safe. City staff is currently working with the Development Team to coordinate public and

¹ Staff estimates 18% of total Route 238 Corridor Lands Development residential units will be affordable.

private improvements to ensure that the project remains feasible. At this point, most issues are close to resolution and the project is slated to go before the Planning Commission for a first public hearing in June 2021.

DISCUSSION

Key Elements of ENRA Extension Terms

The primary terms of the ENRA remain in place, with the following change in key terms recommended for approval for the ENRA Extension:

1. *Negotiating Period* – Through June 16, 2022, which includes two 90-day administrative extensions by the City Manager possible if the Developer is showing progress on meeting performance responsibilities, and additional non-refundable negotiating deposits are made per #2.
2. *Extension Payments* – \$10,000 will be required for each 90-term extension approved by City Manager, which is applicable to the purchase price if a DDA is adopted and which would be retained by City if the project is terminated.

Housing Element Compliance and Progress Reports

Local jurisdictions report their progress meeting their RHNA goals to the State. Table 2 (below) reflects the progress made towards meeting Hayward's RHNA goals as of the last report year (2019), estimated progress based on number of units entitled, and progress based on projects seeking approval, for the period between 2015-2023. Table 3 provides the income limits associated with each income category for Alameda County. Permits to construct the units must be issued in order to count toward the City's RHNA goals.

The proposed Project will add a total of 180 affordable housing units to the City's housing stock, which would help the City to meet over 23% of the RHNA goal for low-income households and 4% of the RHNA goal for very low-income households. Additionally, the project helps the City meet the following goals established in the City's Housing Element:

- Assist in the development of housing affordable to low- and moderate-income households; and
- Promote equal housing opportunities for all persons.

TABLE 2. 2015 -2023 RHNA GOAL PROGRESS IN THE CITY OF HAYWARD

Income Category*	Unit Goal	Reported 2019		Approved		Pending** Approval		Estimated Compliance		Estimated Deficiency	
		Units	% of goal	Units	% of goal	Units	% of goal	Units	% of goal	Units	% of goal
Very low	851	65	8%	204	24%	87	10%	355	42%	495	58%
Low	480	153	32%	70	15%	122	25%	345	72%	135	28%
Moderate	608	72	12%	55	9%	10	02%	135	22%	472	78%

* The City has achieved the Above Market Rate housing goals for the 2015-2023 RHNA cycle.

** The project units are not reflected in the above table because the entitlement application is still pending.

TABLE 3. INCOME LIMITS BY INCOME CATEGORY AND HOUSEHOLD SIZE FOR ALAMEDA COUNTY AS ESTABLISHED BY CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Income Category	Household Size							
	1	2	3	4	5	6	7	8
Extremely Low 30% AMI*	\$28,800	\$32,900	\$37,000	\$41,100	\$44,400	\$47,700	\$51,000	\$54,300
Very low 50% AMI*	\$47,950	\$54,800	\$61,650	\$68,500	\$74,000	\$79,500	\$84,950	\$90,450
Low 80% AMI*	\$76,750	\$87,700	\$98,650	\$109,600	\$118,400	\$127,150	\$135,950	\$144,700
Median 100% AMI	\$87,900	\$100,500	\$113,050	\$125,600	\$135,650	\$145,700	\$155,750	\$165,800
Moderate 120% AMI	\$105,500	\$120,550	\$135,650	\$150,700	\$162,750	\$174,800	\$186,850	\$198,900

* Percent area median income (AMI) is used to identify income and rent levels; however, the method for calculating income limits involves assessment of multiple data points and is not necessarily a percent of the median income. For more information see <https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/income%20limits%202021.pdf>

ECONOMIC IMPACT

No property taxes are currently being paid on these parcel groups. Resale of the parcel groups may partially return them to the tax rolls, provide an opportunity for new residential development needed to address the goals of the Housing Element, and provide a dedication of open space.

FISCAL IMPACT

This is the initial phase of potential property disposition and development. There are no anticipated fiscal impacts with the ENRA/DDA negotiations as the developer deposit will pay for staff time and consulting costs. The estimated amount of new tax revenue that will be generated will be estimated at the conclusion of the negotiating period.

STRATEGIC ROADMAP

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

Project 5, Part 5.a and 5b: Facilitate disposition and development of Route 238 Corridor lands; Finalize planning on redevelopment of 6 remaining parcel groups; Finalize disposition and development agreements for all parcels.

SUSTAINABILITY FEATURES

The proposed development will comply with the City's Reach Code and Building Code, which encourages all-electric construction for high density development projects and inclusion, at minimum, EV ready/capable parking spaces. In addition, the project will generally incorporate green building standards into design and operation of the project per the RFP.

PUBLIC CONTACT

No public notice is required with this action. However, additional community outreach will be conducted by the Development Team and the City throughout the remainder of the entitlement review and approval process. In addition, there will be standard hearings before the Planning Commission and City Council as the City considers the necessary approvals for the proposed project.

NEXT STEPS

Subsequent Actions and Estimated Timing

The following Table 4 is a summary of the proposed schedule. These dates will be subject to discussion with the developer and may change during negotiations of a Disposition and Development Agreement.

TABLE 4: PROPOSED DEVELOPMENT SCHEDULE

ITEM	ESTIMATED TIMING
Council Approves Second Amendment of Exclusive Negotiating Rights Agreement to Extend Agreement	June 15, 2021
Planning Commission Vote on CEQA & Entitlements	June 2021
City Council DDA Approval	September 2021
Submit Grading Permits	July 2021
Submit for Building Permits for School	August 2021
Close on Land	November 2021
Submit Building Permit for Housing	November 2021
Funding Commitments for School	December 2021
TEFRA Hearing	February 2022
Pull Building Permit and Start School Construction	March 2022

Funding Commitments for Housing	April 2022
City Council Financing Approvals	June 2022
Close on Construction Financing for Housing, Pull Building Permits, and Start Housing Construction	August 2022

Prepared by: Leigha Schmidt, Acting Principal Planner

Recommended by: Jennifer Ott, Assistant City Manager/Development Services Director

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EXTENSION OF THE EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT BETWEEN THE CITY OF HAYWARD AND EDEN HOUSING AND THE PACIFIC COMPANIES FOR A PROPOSED DEVELOPMENT LOCATED ON PARCEL GROUPS 3 AND 4

WHEREAS, the State Department of Transportation (Caltrans) purchased over 400 parcels of property in the City of Hayward for the planned construction of the 238 Bypass Freeway project, which was stopped because of a lawsuit filed by La Raza Unida of Southern Alameda County; and

WHEREAS, the City and Caltrans negotiated a Purchase and Sale Agreement for the City to acquire a portion of the properties from Caltrans, that was approved by the City Council and the California Transportation Commission (CTC) in January 2016; and

WHEREAS, the Purchase and Sale Agreement with Caltrans allows the City to buy from Caltrans ten different parcel groups that expires in January 2027; and

WHEREAS, on April 3, 2018, the City Council approved a resolution authorizing the City Manager to issue a Request for Proposals (“RFP”) for the disposition and development of Parcel Groups 3 and 4; and

WHEREAS, on July 17, 2018, the City Council approved the Exclusive Negotiating Rights Agreement that was executed on November 20, 2018 and was set to expire on May 23, 2020; and

WHEREAS, on May 5, 2020, City Council approved a Resolution authorizing the City Manager to negotiate an ENRA extension, which is set to expire on June 30, 2021; and

WHEREAS, the approval of this Resolution and the authorization to negotiate an extension of the exclusive negotiating rights agreement in itself does not obligate either party to acquire or convey any property, does not grant Eden Housing or Pacific Companies the right to develop the properties for any use, and does not constitute the approval of a project as defined by the California Environmental Quality Act pursuant to California Public Resources Code Sections 21000 et seq. and California Code of Regulations Sections 15000 et seq. (“CEQA”).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to negotiate and execute an amendment to extend the Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing/Pacific Companies, or affiliates thereof, consistent with the terms generally outlined in the accompanying staff report, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

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 21-313

DATE: June 15, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Accepting and Confirming Report for Delinquent Sewer and Water Bills Incurred by Property Owners and Authorizing Collection of Delinquent Charges on Property Tax Roll

RECOMMENDATION

That Council adopts a resolution (Attachment II) accepting and confirming the report regarding delinquent water and sewer bills and authorizing collection of the delinquent charges by a special assessment against the properties on the Alameda County property tax roll if not paid by August 1, 2021.

SUMMARY

In November 2012, Council approved collection of delinquent water and sewer service charges by way of special assessments on property tax rolls for property owners that receive only sewer service from the City and from owners of multi-family properties. Currently, this includes forty-four affected properties with a total of \$27,302.94 in unpaid sewer and water charges, including administrative fees, as listed on Attachment III. It is anticipated that the final list of properties and amount of delinquent water and sewer charges will be smaller by the final due date of August 1, 2021. Recovery of these outstanding charges improves the fiscal health of the Water and Wastewater Operating Funds, which benefits all rate payers.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	List of Special Assessments
Attachment IV	Legal Notice



DATE: June 15, 2021

TO: Mayor and City Council

FROM: Director of Public Works

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SUMMARY

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BACKGROUND

The City provides water and sewer services to almost all residents and businesses within the City limits. The exceptions are a small number of properties that receive water service from the East Bay Municipal Utility District or sewer service from Oro Loma Sanitary District. In addition to in-City customers, Hayward provides sewer service to about 900 “sewer-only” customers, mainly located in unincorporated Alameda County, as well as water or sewer service to other customers outside of the City limits. The Hayward Municipal Code states that responsibility for water and sewer bills lies with the person or entity that requested service, i.e., the account holder of record. For sewer-only accounts, however, ultimate responsibility rests with the property owner, regardless of the name on the account.

For accounts that become subject to collection, the most effective measure available to the City is to discontinue water service for unpaid charges. However, the City is unable to shut off water to sewer-only customers since water service is not provided by the City. With respect to multi-family customers, discontinuing water service would leave tenants without water, in most cases through no fault of their own. On November 27, 2012, Council approved ordinances allowing for the collection of delinquent water and sewer bills as special assessments on property tax bills. The ordinances apply to accounts that are at least sixty days in arrears as of March 1, 2021 and provides the City with a tool to collect delinquent charges from property owners that receive sewer service only from the City and from owners of multi-family properties. The ordinances are intended for use as a last resort, in addition to remedies that already exist.

DISCUSSION

Delinquent water and sewer service charges that would be placed on the property tax rolls are comprised of all charges in arrears by sixty days or more as of March 1, 2021, a fifty-dollar administrative fee charged by the City, and a 1.7% administrative fee charged by the Alameda County Assessor's Office. As of the date of this writing, there are forty-four affected properties that have a total of \$24,646.55 in unpaid sewer and water charges, plus an additional \$2,200 in administrative fees to the City and \$456.39 in administrative fees to the County, as listed on Attachment III. If not paid by August 1, 2021, the unpaid charges and administrative fees will become a special assessment against the property and will appear on each property owner's tax bill later this year.

To give Council a sense of the impact of the ordinance, the first formal letter was sent to 108 account holders, with total delinquent charges of \$116,377.07. The attached list includes forty-four parcels, with charges totaling \$27,302.94, including City and County fees, which means that \$89,074.13, or approximately 77% of the original amount, has been collected that otherwise may not have been paid.

By comparison, at the same time last year, there were forty-nine affected properties with an outstanding balance of \$48,126.46, of which there was one property owner owing a total of \$28,295.08. In the previous year, there were sixty-three affected properties with an outstanding balance of \$69,090.55, including City and County fees.

As seen in previous years, some property owners paid off their delinquent balance after Council action. The final list that will be transmitted to the County Assessor may be smaller than the list provided in Attachment III. The final list transmitted to the County Assessor last year included forty affected properties with an outstanding total balance of \$27,099.54, compared to forty-nine affected properties with an outstanding balance of \$48,126.46 prior to Council action.

Staff mailed three formal notices to each affected property owner in March, April, and May. Property owners were provided with an opportunity to schedule an administrative hearing if they disagreed with the charges or their responsibility for paying them. No requests for hearings were received.

ECONOMIC IMPACT

The properties that are affected by this action are summarized in the following table:

	Number of Parcels	Amount Owed
	39	Less than \$500
	1	\$500 - \$1,000
	2	\$1,000 - \$2,000
	2	\$2,000 - \$10,000
	0	More than \$10,000
Total:	44	\$27,302.94

To the extent that the City recovers and discourages delinquencies, all rate payers will benefit from slightly less overall future rate increase requirements.

FISCAL IMPACT

There is no negative fiscal impact to the City as cost recovery occurs through administrative fees. Recovery of these outstanding charges improves the fiscal health of the Water and Wastewater Operating Funds, which benefits all rate payers.

STRATEGIC ROADMAP

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

SUSTAINABILITY FEATURES

There are no direct sustainability features associated with this report.

PUBLIC CONTACT

In addition to the three notices sent directly to property owners, a notice of the City Council's scheduled confirmation of this report (Attachment IV) was published in *The Daily Review* on June 4, 2021.

NEXT STEPS

The City will continue to accept payments until August 1, 2021. After that date, the list will be finalized and forwarded to the Alameda County Assessor's Office by August 9, 2021 in accordance with the County's schedule.

Prepared by: Michelle Tran, Development Review Specialist

Recommended by: Alex Ameri, Director of Public Works

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. 21-_____

Introduced by Council Member _____

RESOLUTION ACCEPTING AND CONFIRMING THE REPORT REGARDING DELINQUENT WATER AND SEWER BILLS AND AUTHORIZING COLLECTION OF THE DELINQUENT CHARGES BY SPECIAL ASSESSMENT AGAINST THE PROPERTIES ON THE ALAMEDA COUNTY PROPERTY TAX ROLL IF NOT PAID BY AUGUST 1, 2021

WHEREAS, the Director of Public Works and Director of Finance have rendered an itemized report in writing to this Council indicating certain property owners that receive water and/or sewer service from the City of Hayward who have incurred delinquent water and/or sewer bills, as required by Sections 11-2.50 and 11-3.463 of the Municipal Code of the City of Hayward; and

WHEREAS, the hour of 7 p.m. on Tuesday, June 15, 2021, in the Council Chambers, City Hall, via remote participation, was fixed as the time and place for this Council to receive and consider the report, and a copy of the report has been posted and published in the manner required by Sections 11-2.51 and 11-3.464 of the Municipal Code; and

WHEREAS, the report was presented at the time and place fixed, and the City Council has considered the report and all comments with respect thereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, except as may be amended by Council, the report from the Director of Public Works and Director of Finance of the City of Hayward listing certain property owners that receive water and/or sewer service from the City of Hayward who have incurred delinquent water and/or sewer bills, a copy of which is attached to the staff report for this item, is hereby confirmed.

BE IT FURTHER RESOLVED that payments of delinquent charges confirmed hereby may be received by the City of Hayward Director of Finance up to the hour of 5 p.m. on August 1, 2021, and thereafter such official shall transmit the list of remaining delinquent charges to the Alameda County Auditor for collection on the property tax roll.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

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

Utility Accounts Special Assessment List 2021

ATTACHMENT III

Parcel	Owner Name	Account Number	Location	Description	Amount Due	COH Special Assessment Fee	Alameda County Fee (1.7% of amount due + COH fee)	Total to be Added to Property Tax Bill
431-0056-019-00	LOZA EXEQUIO & CIRA	2763	460 MEEK AVE	MULTIFAMILY	\$239.41	\$50.00	\$4.92	\$294.33
427-0006-039-00	CEREMELLO MICHAEL J JR	23211	22863 2ND ST	MULTIFAMILY	\$5,047.68	\$50.00	\$86.66	\$5,184.34
425-0370-068-00	GOMEZ DENISE D & VINCENT E	60124	2535 OAKES DR	SEWER ONLY	\$453.81	\$50.00	\$8.56	\$512.37
425-0330-003-00	MASHRIQUE NAJIA	60190	3244 OAKES DR	SEWER ONLY	\$417.81	\$50.00	\$7.95	\$475.76
425-0360-007-00	GAYLE STEVEN TR	60238	2443 LANCASTER CT	SEWER ONLY	\$62.69	\$50.00	\$1.92	\$114.61
425-0380-020-00	LYONS RICHARD A	60290	2517 CARISBROOK CT	SEWER ONLY	\$453.81	\$50.00	\$8.56	\$512.37
425-0410-013-00	CAINES DANA E TR	60303	2563 CARISBROOK CT	SEWER ONLY	\$453.81	\$50.00	\$8.56	\$512.37
417-0040-007-00	DORHAM RUTHELL C HEIRS OF EST	60341	22636 WILDWOOD ST	SEWER ONLY	\$459.67	\$50.00	\$8.66	\$518.33
417-0040-003-00	PABLO NOEL R	60345	22625 WILDWOOD ST	SEWER ONLY	\$316.80	\$50.00	\$6.24	\$373.04
417-0030-021-00	BRANAUGH ALICE F	60357	22781 WILDWOOD ST	SEWER ONLY	\$78.53	\$50.00	\$2.19	\$130.72
416-0170-033-00	ESPINOZA FRANCISCO G	60405	22808 UPLAND WAY	SEWER ONLY	\$78.53	\$50.00	\$2.19	\$130.72
416-0170-033-00	ESPINOZA FRANCISCO G	60406	22808 UPLAND WAY	SEWER ONLY	\$459.67	\$50.00	\$8.66	\$518.33
416-0170-056-00	HOLLAND ALLYSIA D	60415	22873 UPLAND WAY	SEWER ONLY	\$459.67	\$50.00	\$8.66	\$518.33
416-0170-066-00	SEA WEST SERVICES LLC	60423	22756 LORAND WAY	SEWER ONLY	\$459.67	\$50.00	\$8.66	\$518.33
416-0170-001-00	CAMACHO JOSE & GEMA S	60430	2233 KELLY ST	SEWER ONLY	\$359.67	\$50.00	\$6.96	\$416.63
428-0041-092-00	JIMENEZ EMANUEL & JUANY L	60476	512 SIMON ST	SEWER ONLY	\$423.67	\$50.00	\$8.05	\$481.72
428-0041-034-00	BUSO ROBERT A	60477	504 SIMON ST	SEWER ONLY	\$273.67	\$50.00	\$5.50	\$329.17
431-0016-024-00	GERARDO MAURICE & PATTY	60481	22385 PRINCETON ST	SEWER ONLY	\$423.67	\$50.00	\$8.05	\$481.72
429-0091-051-00	GRANILLO LUIS M	60490	22207 PRINCETON ST	SEWER ONLY	\$72.53	\$50.00	\$2.08	\$124.61
429-0091-019-00	CRUZ ROSA T	60499	22009 PRINCETON ST	SEWER ONLY	\$423.67	\$50.00	\$8.05	\$481.72
431-0012-015-00	NGUYEN HAN & TROY T	60507	22382 PRINCETON ST	SEWER ONLY	\$220.91	\$50.00	\$4.61	\$275.52
431-0016-043-00	DUENAS EVERARDO	60514	22380 MEEKLAND AVE	SEWER ONLY	\$423.67	\$50.00	\$8.05	\$481.72
431-0016-043-00	DUENAS EVERARDO	60515	22380 MEEKLAND AVE	SEWER ONLY	\$423.67	\$50.00	\$8.05	\$481.72
431-0016-043-00	DUENAS EVERARDO	60516	22380 MEEKLAND AVE	SEWER ONLY	\$423.67	\$50.00	\$8.05	\$481.72
431-0016-066-00	KIM MAN S & ALICE Y TRS	60531	192 A ST	SEWER ONLY	\$1,219.95	\$50.00	\$21.59	\$1,291.54
431-0016-104-00	HUMPHREY WADE	60543	257 SMALLEY AVE	SEWER ONLY	\$423.67	\$50.00	\$8.05	\$481.72
431-0016-110-00	MINDANAO SHIELA	60594	253 LAUREL AVE	SEWER ONLY	\$72.53	\$50.00	\$2.08	\$124.61
431-0012-009-02	OTTOVICH HARVEY G TR	60601	303 LAUREL AVE	SEWER ONLY	\$423.67	\$50.00	\$8.05	\$481.72
429-0091-022-02	NAIDU RAMESHWARI	60656	290 POPLAR AVE	SEWER ONLY	\$423.67	\$50.00	\$8.05	\$481.72
429-0091-022-02	NAIDU RAMESHWARI	60657	290 POPLAR AVE	SEWER ONLY	\$280.95	\$50.00	\$5.63	\$336.58

Utility Accounts Special Assessment List 2019

428-0006-074-00	BORDA JUAN C & CORTES CLAUDIA A	60669	21660 MONTGOMERY ST	SEWER ONLY	\$459.67	\$50.00	\$8.66	\$518.33
428-0001-065-00	NORIEGA JOSE M & SAINZ FERNANDO N	60705	696 SUNSET BLVD	SEWER ONLY	\$423.67	\$50.00	\$8.05	\$481.72
429-0055-017-00	CACANINDIN BOBBY E	60722	384 SUNSET BLVD	SEWER ONLY	\$423.67	\$50.00	\$8.05	\$481.72
429-0091-007-00	COCHINWALA ASAD	60733	221 SUNSET BLVD	SEWER ONLY	\$1,803.19	\$50.00	\$31.50	\$1,884.69
429-0055-004-00	HATTON RICK & JENNIFER	60748	21931 WESTERN BLVD	SEWER ONLY	\$123.67	\$50.00	\$2.95	\$176.62
431-0106-035-00	RICHARD JAMES A II & RANDI R	60762	300 OLD OAK LN #1	SEWER ONLY	\$462.07	\$50.00	\$8.71	\$520.78
431-0107-035-00	MALAVIYA AMISH & AMIT N	60785	900 OLD OAK LN #3	SEWER ONLY	\$304.95	\$50.00	\$6.03	\$360.98
431-0107-049-00	MANALO SHAUN J	60798	1058 OLD OAK LN	SEWER ONLY	\$150.23	\$50.00	\$3.40	\$203.63
431-0016-064-00	KIM MAN S & ALICE Y TRS	60867	206 A ST	SEWER ONLY	\$423.67	\$50.00	\$8.05	\$481.72
429-0059-033-00	MERCADO PONCIANO M & SANCHEZ MELCHOR P ETAL	60894	234 SUNSET BLVD	SEWER ONLY	\$2,537.07	\$50.00	\$43.98	\$2,631.05
441-0095-004-02	DEETS CONNIE	60933	23413 EDEN AVE	SEWER ONLY	\$459.67	\$50.00	\$8.66	\$518.33
431-0016-071-03	CARTER RONNIE R	61000	150 A ST	SEWER ONLY	\$822.30	\$50.00	\$14.83	\$887.13
431-0012-025-00	CRAWFORD JOANN L TR	61007	362 SMALLEY AVE #F	SEWER ONLY	\$299.66	\$50.00	\$5.94	\$355.60
431-0012-024-00	CRAWFORD JOANN L TR	61008	358 SMALLEY AVE #A	SEWER ONLY	\$198.26	\$50.00	\$4.22	\$252.48

Totals:	Parcels bring Specially Assessed	Amount Due	Special Assessment Fee	Alameda County Fee	Special Assessment
	44	\$24,646.55	\$2,200.00	\$456.39	\$27,302.94

**OFFICIAL NOTICE
HAYWARD CITY COUNCIL**

DATE: June 15, 2021
TIME: 7:00 P.M.
PLACE: Zoom Webinar. Login details to be provided on agenda. For more information on how to watch and comment, please view the Guide to Virtual Meeting Participation at <https://bit.ly/3jmaUxa>

On the above date, at approximately the hour noted, the Hayward City Council will consider for confirmation the list of certain property owners with delinquent water and/or sewer bills owed to the City of Hayward in order to enforce collection of the delinquent amounts by placement on the Alameda County property tax roll.

In addition, notice is hereby given that on June 15, 2021, the list of delinquent accounts was filed with the City Clerk.

A copy of the staff report may be reviewed at the Weekes Branch Library, 27300 Patrick Avenue, or at the Public Works & Utilities Department or City Clerk's Office at 777 B Street, Hayward, California, or on the City's website at <https://hayward.legistar.com/Calendar.aspx>. Staff reports are available the Friday before the meeting.

**FOR INFORMATION RELATED TO DELINQUENT WATER AND/OR SEWER BILLS,
CALL CITY OF HAYWARD, REVENUE OFFICE (510) 583-4624.**

ASSISTANCE will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact the City Clerk's Office 48 hours in advance of the meeting at (510) 583-4400, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on the subject of this notice, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. By Resolution the City Council has imposed the 90-day time deadline set forth in C.C.P. Section 1094.6 for filing of any lawsuit challenging final action on an item which is subject to C.C.P. Section 1094.5.

Dated: June 4, 2021
Miriam Lens, City Clerk
City of Hayward

DR #6581614; June 4, 2021



File #: CONS 21-320

DATE: June 15, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Enter into a City Partnership with East Bay Community Energy for the Energy Resilient Public Facilities Program

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to pursue deployment of solar and battery energy systems at critical municipal facilities (the Energy Resilient Public Facilities Program) in partnership with East Bay Community Energy.

SUMMARY

When East Bay Community Energy (EBCE) launched in 2018, the jurisdictions in Alameda County's primary goals were local control and oversight, to provide cleaner electricity at competitive rates, and also to drive investment in renewable energy and improve resilience of local communities. In 2019, EBCE's Local Development program began investing in customer side distributed energy resources initiatives including those that enhance community energy resilience. EBCE is now offering its Joint Power Authority (JPA) members, including the City of Hayward, the opportunity to participate in a new procurement program, the Energy Resilient Public Facilities Program, to deploy solar and battery energy storage systems at critical municipal facilities.

This procurement program includes an upfront assessment of municipal facilities by an independent engineer (hired by EBCE) to identify potential roof, structural or electrical capacity upgrades that might be required to install Solar + Storage systems. EBCE is offering to act as the counterparty to a power purchase agreement (PPA), which should bring down costs, streamline procurement, and reduce the amount of time required by City staff. Hayward would join three other member agencies (Fremont, San Leandro and Berkeley) in the first phase of EBCE's procurement, which will enable economies of scale. Participating in this opportunity would increase the potential for on-site solar generation, advance Hayward's goal of building electrification, and ensure that more of Hayward's critical facilities are prepared for PG&E Public Safety Power Shutoff events, rolling blackouts, and other potential power outages such as those caused by a major earthquake.

File #: CONS 21-320

Review by Council Sustainability Committee On May 10, 2021, the Council Sustainability Committee (CSC) considered a report about the proposed procurement partnership with EBCE, then called the Solar + Storage program. The CSC voted unanimously to recommend that Council support the City's participation in this program.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: June 15, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT Adopt a Resolution Authorizing the City Manager to Enter into a City Partnership with East Bay Community Energy for the Energy Resilient Public Facilities Program

RECOMMENDATION

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SUMMARY

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Review by Council Sustainability Committee – On May 10, 2021¹, the Council Sustainability Committee (CSC) considered a report about the proposed procurement partnership with EBCE, then called the Solar + Storage program. The CSC voted unanimously to recommend that Council support the City’s participation in this program.

BACKGROUND

EBCE formed in 2016 as a joint powers authority to provide cleaner, greener energy at lower rates to Alameda County customers. EBCE started providing electricity to commercial and municipal accounts in June 2018 and to residential customers in November 2018. Information about EBCE is available on their website². Staff has provided many reports about EBCE to the CSC and Council, all of which are available on the City’s website³. In July 2018, the EBCE Board of Directors, which includes a Hayward City Council representative, approved a Local Development Business Plan (LDBP)⁴ identifying several strategies to direct investments throughout Alameda County to build renewable energy generation, create local jobs, and help member cities reduce greenhouse gas (GHG) emissions.

City of Hayward Policies – EBCE’s Energy Resilient Public Facilities Program would support the following Council-adopted policies:

General Plan Policy NR-4.10 - Public Renewable Energy Generation - The City shall ensure that all new City-owned facilities are built with renewable energy, as appropriate to their functions, and shall install renewable energy systems at existing City facilities where feasible.

General Plan Policy Program CS-13 - Energy Assurance Plan - The City shall develop and implement an Energy Assurance Plan to ensure that critical facilities have access to power during emergencies and power outages.

Resolution 16-082, adopted by Council on May 17, 2016, requires any new or significant retrofit of a City building be constructed as zero net energy (ZNE).

Resolution 16-219, adopted by Council on December 6, 2016, establishes a goal of ZNE across the City’s portfolio of facilities by 2025.

DISCUSSION

Solar and battery energy storage systems provide clean, renewable electricity to buildings on a daily basis and can reduce time-of-use charges during peak pricing periods. In addition, the systems provide resilience benefits allowing critical facilities to continue to operate on a limited basis during a power outage using electricity stored and generated onsite.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4938515&GUID=C99D4D3A-8757-4323-A662-8EF467453E1F&Options=&Search=>

² <https://ebce.org/>

³ <https://www.hayward-ca.gov/your-government/departments/utilities-environmental-services/east-bay-community-energy>

⁴ <https://ebce.org/local-development-business-plan/index.html>

In 2019, EBCE was awarded a \$300,000 grant from the Bay Area Air Quality Management District (BAAQMD) to identify critical facilities in Alameda County and conduct preliminary assessments for back-up power from solar and battery energy storage systems at these sites. EBCE hired ARUP as a technical consultant to complete a facility screening process and staff provided a list of critical facility sites for the analysis. Each facility was scored according to four screening criteria:

1. hazard score (accounts for the range and severity of hazards faced by each site according to its location);
2. service score (ranks facilities based on number of people served in the immediate area);
3. priority zone score (additional recognition for sites located within either Disadvantaged Communities (DAC) zones, Low Income zones, or both); and
4. solar feasibility (high-level analysis of solar photovoltaic (PV) feasibility based on roof area and shading).

EBCE is collaborating with its JPA members, including the City, to identify a cost-effective portfolio of Solar + Storage projects for municipal buildings for an upcoming Request for Proposals (RFP), which will identify a PPA provider(s) and project installation teams. EBCE is piloting a new procurement model in which they would act as the counterparty for a standardized PPA contract between a PPA vendor and its JPA partner municipalities. As opposed to a traditional PPA where the City would conduct its own procurement and hold a contract directly with the PPA provider, having EBCE representing multiple jurisdictions and a large portfolio will streamline the procurement process, reduce risk, and bring down costs.

Across EBCE’s service area more than 300 critical municipal facilities were analyzed to determine the feasibility of solar and battery energy storage systems to meet critical loads in time of grid outages. City staff contributed to this initial portfolio by submitting approximately twenty potential critical municipal facilities to EBCE. From that list, eight sites in Hayward are currently being considered as part of EBCE’s Phase I procurement project portfolio (see Table 1). The City’s sites that already have solar were removed from consideration for the Phase I procurement. EBCE hopes to add battery storage to sites with solar in the next procurement phase. The following is a preliminary list and is subject to change based on additional analysis including field assessments to be conducted by an engineer contracted by EBCE.

Table 1. Hayward Facilities Under Consideration for Phase 1

Fire Station # 1	22700 Main St
Fire Station # 7	28270 Huntwood Av
Fire Station # 9	24912 Second St
Police North District Office	22701 Main St

Police Department	300 West Winton Av
Corporation Yard	24505 Soto Rd
Cinema Place Parking Structure	22695 Foothill Blvd

The above sites are those with the fewest known challenges. This Phase I project portfolio has also been evaluated by EBCE for cost effectiveness over the life of the projects. Additional municipal facilities are being evaluated for future phases and may include solar-only or battery-only installations.

EBCE will hire an independent engineer to complete a structural, roof condition and electrical capacity assessments of critical facilities currently on the Phase I procurement list. The analyses will identify sites that may need costly upgrades to sustain solar and battery energy storage systems and eliminate them from the Phase I procurement portfolio. They could however be included in future procurement rounds as budget for necessary upgrades are identified. This step will enable EBCE to identify the most technically viable and cost-effective portfolio of buildings for solar and battery energy storage systems. EBCE will cover the upfront cost of these analyses, which will be paid back as part of the agreed-upon PPA rate on utility bills.

The City facilities would be able to utilize the solar and storage both on a daily basis and in the case of a grid outage. The equipment will be owned, operated, and maintained by the third-party PPA provider under its contract with EBCE. The terms of the PPA will be agreed upon by the City and EBCE prior to EBCE issuing a RFP for a PPA provider. EBCE plans to release the RFP on behalf of its governmental partners in mid-to-late 2021. EBCE would be the counterparty on the PPA, holding the contract with the vendor and a PPA contract with each individual participating local government. The goal of deployment of the systems is late 2021 to early 2022.

Participation in this project will help make Hayward's municipal facilities resilient, safe, connected, and prepared. Specific benefits of this project will include:

- An EBCE analysis to determine the feasible capacity of solar and battery energy storage systems at critical municipal facilities.
- An independent engineering assessment and cost estimate of potential structural, roof condition and electrical capacity upgrades necessary to advance project deployment.
- A streamlined procurement process, where EBCE acts as the counterparty to the PPA on behalf of its JPA member local government, including the City. This innovative pilot procurement model is designed to lower risk and costs for industry vendors and participating cities.
- Enhanced community resilience through solar and battery energy storage systems at critical municipal facilities with no capital costs for installation.

- Operation and maintenance contracts for the solar and battery energy storage systems wrapped into the PPA.
- Daily building energy load management from solar and battery energy storage system to help balance time-of-use charges.

ECONOMIC IMPACT

The Energy Resilient Public Facilities Program is not expected to have a significant impact on the local economy; however, it is EBCE's practice to utilize local union and/or prevailing wage labor for its contracts.

FISCAL IMPACT

The City's participation in this project does not have any fiscal impacts at this time. It does however commit the City, utilizing already budgeted staff time, to continue to pursue procurement for solar and battery energy storage systems through a PPA with EBCE. With a PPA model, a PPA provider pays for the installation, operations, and maintenance of the solar and battery energy storage systems, and the City pays an agreed upon price per kilowatt-hour (kWh) for power generated. Under a PPA, the overall cost of the project is reduced as the provider can receive tax benefits not available to public agencies. While solar and battery systems cost more than solar only systems, according to EBCE's preliminary analysis, the projects under consideration are cost effective and are expected to be cost neutral to the City. Details of the PPA will be presented at a future Council meeting. If approved, the PPA would obligate the City to purchase electricity through EBCE at an agreed-upon rate for a fixed period of time.

STRATEGIC ROADMAP

This agenda item relates to the Strategic Priority of Combat Climate Change, but does not relate directly to a project identified in the Roadmap.

SUSTAINABILITY FEATURES

Increasing solar and battery energy storage system deployment supports Hayward's long term GHG reduction goals and other General Plan policies. On a day-to-day basis, the onsite solar will reduce GHG emissions and batteries will shift energy usage from peak times, thereby reducing the need for gas-fired power plants to come online to meet demand. During power outages, the solar and battery energy storage systems will increase community resilience and lessen the need for dirty diesel generators for back-up power.

PUBLIC CONTACT

No public contact has been made for this project.

NEXT STEPS

If Council approves this item, staff plans to work with EBCE and their consulting engineer to complete detailed assessments of the facilities under consideration. Staff will also work with EBCE to develop a PPA that will be presented to Council later this year.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO PURSUE DEPLOYMENT OF SOLAR AND BATTERY ENERGY SYSTEMS AT CRITICAL MUNICIPAL FACILITIES IN PARTNERSHIP WITH EBCE

WHEREAS, on December 6, 2016, the City of Hayward City Council adopted Ordinance 16-21 authorizing Hayward's participation in Alameda County's Community Choice Energy program known as East Bay Community Energy (EBCE); and

WHEREAS, on December 6, 2016, Council adopted Resolution 16-219, establishing a goal of zero net energy (ZNE) across the City's portfolio of facilities by 2025; and

WHEREAS, on January 15, 2019, the City of Hayward declared a climate emergency and requested regional collaboration on an immediate just transition and emergency mobilization effort to restore a safe climate; and

WHEREAS, on June 16, 2020, Council adopted new GHG emission targets of 30% below 2005 levels by 2025, 55% below 2005 levels by 2030 and carbon neutrality by 2045; and

WHEREAS, on March 6, 2018, Council voted to designate the Brilliant 100 (100% GHG-free) electric service plan from EBCE for all for all Hayward's municipal facilities; and

WHEREAS, on November 10, 2020, Council voted to designate Renewable 100 (100% wind and solar) electric service plan from EBCE for all Hayward's municipal facilities; and

WHEREAS, solar and battery energy storage systems provide clean, renewable electricity, can reduce time-of-use charges during peak pricing periods, and provide resilience benefits allowing critical facilities to continue to operate on a limited basis during a power outage.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes and directs the City Manager to pursue deployment of solar and battery energy systems at critical municipal facilities in partnership with the City's public power provider, EBCE, and installation of these systems through a standard Power Purchase Agreement with EBCE, should the cost effectiveness of the project portfolio result in benefits to the City's budget and service to the community.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

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 21-330

DATE: June 15, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Continue Exclusive Negotiations with Waste Management of Alameda County through December 31, 2021 to Extend the Solid Waste and Recycling Franchise Agreement

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to extend the end date of the current negotiating period to December 31, 2021 for exclusive negotiations with Waste Management of Alameda County, the City's current solid waste, recycling materials, and organics service franchisee.

SUMMARY

The City holds a franchise agreement with Waste Management of Alameda County (WMAC) to provide solid waste, recycling, and organic materials collection, and processing services. The current agreement commenced March 1, 2015 and is scheduled to expire March 1, 2022. The agreement includes the option to extend for three, 12-month periods. If the City opted to extend the contract the maximum numbers of times, the agreement would expire March 1, 2025. In June 2020, Council approved a period of exclusive negotiations with Waste Management of Alameda County through October 31, 2020. On October 27, 2020, staff requested from Council and was granted an extension of the exclusive negotiating period until June 30, 2021. While the discussions have been productive so far, scheduling challenges and the need for further research have slowed negotiations and staff is requesting to extend the negotiating period to December 31, 2021.

Review by Council Sustainability Committee On May 10, 2021, the Council Sustainability Committee (CSC) considered a report that provided an update on solid waste franchise agreement negotiations. The CSC reiterated that staff seek to include more illegal dumping collections, increase bulky service usage, and increase the number of public litter cans in Hayward as part of the new agreement. The CSC requested more information on the use of the Main Street WMAC office in Downtown Hayward. The CSC also recommended that Council approve an extension in the negotiating period to December 31, 2021.

File #: CONS 21-330

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: June 15, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Continue Exclusive Negotiations with Waste Management of Alameda County through December 31, 2021 to Extend the Solid Waste and Recycling Franchise Agreement

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¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4938510&GUID=7ECEEDC9-95FC-4A5D-AE93-1EE4582B5884&Options=&Search=>

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, 2020² 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.

At its June 23, 2020³ meeting, Council approved a period of exclusive negotiations with WMAC through October 31, 2020. At the November 10, 2020 meeting, Council extended the exclusive negotiating period until June 30, 2021.

At its November 9, 2020⁴ CSC meeting, staff presented an update on negotiations. The CSC expressed a desire for increasing the number of public liter cans, as well as increasing the number of illegal dumping collections performed by WMAC, and flexibility on the contract length.

At its March 8, 2021⁵ 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.

DISCUSSION

Staff and WMAC continue to have productive meetings and discuss potential elements for consideration in a new franchise agreement. These elements include implementation of Senate Bill 1383, which aims to reduce short-lived climate pollutants (SLCP)⁶ by increasing organics diversion, and require monitoring for contamination. Staff and WMAC have also discussed the possibility of including the Hayward Unified School District (HUSD), CSU East Bay, and Chabot College in the agreement. Discussions have also included staff's request for WMAC to assess the feasibility of adding electric waste collection trucks to the fleet serving Hayward, exploring potential methods to reduce contamination in recycling and organics,

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=4389835&GUID=EFF0E6BA-0F1F-4CA3-B275-1B18D86FF2EE&Options=&Search=>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4576643&GUID=060523BF-B23D-49D7-A78E-F40F4DB335C4&Options=&Search=>

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4686767&GUID=7FE71371-C877-447E-993D-AFA9732B3526&Options=&Search=>

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4816826&GUID=3FAFD9A3-6BEE-4BFE-B619-BB9C4A346E51&Options=&Search=>

⁶ http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1383

increasing participation in bulky collection services, reducing illegal dumping, and increasing the number of public litter cans in the City.

An overarching goal of a new agreement is to preserve and enhance the services that the community is currently receiving under the franchise agreement, while maintaining competitive and reasonable service fees. If exclusive 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.

Timeline

If the request to extend negotiations to December 31, 2021 is approved by Council, the updated estimated schedule for completing negotiations would be as follows:

Negotiated Agreement Successful:

Request Council Approval to Begin Negotiating with WMAC	September 2020
Begin Negotiating Period	October 1, 2020
Council Authorization to Continue Negotiating with WMAC	June 15, 2021
End Negotiating Period and Report to Council	December 31, 2021
Potential Council Action to Extend Current Franchise	January 2022
Complete New Franchise Agreement and Schedule Council Action By:	Early-to-mid 2022

Negotiated Agreement Unsuccessful:

Conclude Negotiating Period and Report to Council	December 31, 2021
Prepare RFP for Consultant Services for Assistance with Selecting the Franchisee	Winter 2021-2022
Council Action to Extend Current Franchise	January 2022
Prepare RFP (with consultant's help) for Council issuance	Summer/Fall 2022
Receive Proposals	Winter 2022
Select a Franchisee and Negotiate a Contract	Spring 2023
Council Approval of New Franchise Agreement	Summer 2023
New Service Provider to Order Carts, Bins, Vehicles, etc.	Summer 2023
Receive equipment and distribute new collection carts	Summer 2024
Begin New Service	January 1, 2025

ECONOMIC IMPACT

Maintaining reasonable solid waste and recycling service fees and improving service levels would have a positive impact on the community.

FISCAL IMPACT

Regardless of the path chosen, the negotiation of a new franchise agreement is likely to require significant staff time, however, such staff time will be absorbed by already

budgeted positions. in consideration of grant of exclusive franchise and to defray the impact of its operation, WMAC will continue to pay fees at appropriate levels to the City's General Fund, Recycling Fund, Stormwater Fund, and Street System Improvement Fund.

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

Upon adoption of the attached resolution, staff will continue to negotiate with WMAC and update Council prior to December 31, 2021.

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTINUE EXCLUSIVE NEGOTIATIONS WITH WASTE MANAGEMENT OF ALAMEDA COUNTY TO EXTEND THE SOLID WASTE AND RECYCLING FRANCHISE AGREEMENT

WHEREAS, the City holds a franchise agreement with Waste Management of Alameda County (WMAC) to provide solid waste, recycling, and organic materials collection and processing services; and

WHEREAS, the current agreement with WMAC commenced March 1, 2015, and is scheduled to expire March 1, 2022; and

WHEREAS, in June 2020, Council approved a period of exclusive negotiations with WMAC through October 31, 2020; and

WHEREAS, on October 27, 2020, Council granted an extension of the exclusive negotiating period until June 30, 2021; and

WHEREAS, while the discussion has been productive so far, scheduling challenges and the need for further research have slowed negotiations and staff is requesting to extend the negotiating period to December 31, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to continue exclusive negotiations with WMAC through December 31, 2021 to extend the solid waste and recycling franchise agreement.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

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



File #: LB 21-023

DATE: June 15, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

East Bay Community Energy Default Product: Adopt a Resolution Selecting a Default Electricity Product from East Bay Community Energy

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) selecting Renewable 100 as the new default product for Hayward customers served by East Bay Community Energy to take effect January 1, 2022.

SUMMARY

When East Bay Community Energy (EBCE) launched in 2018, Council chose Brilliant 100 (100% carbon free electricity) as the default product for Hayward. In 2020, when it appeared that Brilliant 100 would no longer be offered, Council provided its ranked choices for a replacement. Council's top choice was to maintain Brilliant 100 with a subsidy and Council's second choice was to make Renewable 100 the default. The EBCE Board extended Brilliant 100 for one more year, but it will not be offered as of January 1, 2022.

Review by Council Sustainability Committee On May 10, 2021, the Council Sustainability Committee (CSC) considered the following three options for a new default product from EBCE, to be effective January 1, 2022:

1. Renewable 100 as the default for all customers with the exception of residential customers that receive income or medical-related discounts. This option would maximize greenhouse gas (GHG) reductions, but would result in rate increases for most customers.
2. Renewable 100 as the default for non-discounted residential customers. All other customers would move to Bright Choice. This option would cause Hayward's GHG emissions to increase and would result in rate increases only for residential customers that do not receive income-qualified or medical-related discounts. Commercial customers would default to Bright Choice and would experience a small decrease in rates.
3. Bright Choice as the default for all customers. This option would cause the largest increase in Hayward's GHG emissions and would result in a small rate decrease for most customers.

The CSC voted unanimously to recommend that Council select Renewable 100 as the new default product for all Hayward customers with the exception of customers enrolled in income or medical-related discount programs (Option 1 above). CSC members noted that Renewable 100 is necessary to meet the goals outlined the Climate Action Plan and also made the following comments:

- Do more to promote the discount programs such as CARE and medical baseline.
- Ensure customers understand that they can opt down to Bright Choice upon request.
- Engage with the community and conduct a survey prior to Council's consideration of the item.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



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3. Bright Choice as the default for all customers. This option would cause the largest increase in Hayward's GHG emissions and would result in a small rate decrease for most customers.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4938514&GUID=4074F89E-0BAC-476A-A172-BC2444C2567E&Options=&Search=>

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- Do more to promote the discount programs such as CARE and medical baseline.
- Ensure customers understand that they can opt down to Bright Choice upon request.
- Engage with the community and conduct a survey prior to Council’s consideration of the item.

BACKGROUND

EBCE formed in 2016 as a joint powers authority to provide cleaner, greener energy at lower rates to Alameda County customers. EBCE started providing electricity to commercial and municipal accounts in June 2018 and to residential customers in November 2018. Information about EBCE is available on their website². Staff has provided many reports about EBCE to the CSC and Council, all of which are available on the City’s website³.

When EBCE launched in 2018, three electricity products were offered:

- Bright Choice – The default for most communities. At the time, the rates were 1.5% lower than PG&E rates.
- Brilliant 100 – 100% carbon free electricity (40% renewable and 60% large hydro-electric) at rates equal to PG&E.
- Renewable 100 – 100% renewable electricity for one penny per kWh more than PG&E rates.

On March 6, 2018, Council voted to designate Brilliant 100 as the default product for non-residential customers in Hayward. Non-residential accounts and municipal accounts began receiving EBCE service in June 2018. On May 22, 2018, Council adopted a resolution designating Brilliant 100 as the default electricity product for Hayward’s residential customers. Residential accounts began receiving EBCE service in November 2018. Council chose Brilliant 100 as the default because it would help Hayward meet its GHG emissions reduction goals and because Hayward customers would experience no change in the cost of their electricity.

There are approximately 48,000 residential accounts in Hayward, including approximately 17,000 (about 35%) customers enrolled in one or more discount programs including California Alternate Rates for Energy (CARE), Family Electric Rate Assistance (FERA), and medical baseline. The CARE and FERA programs offer discounts to income-qualified customers. Medical Baseline customers pay special rates due to equipment or heating/cooling needs related to medical conditions. All EBCE customers who were enrolled in CARE, FERA, or Medical Baseline have remained enrolled in these discount programs after the switch to EBCE and they have been enrolled in Bright Choice.

² <https://ebce.org/>

³ <https://www.hayward-ca.gov/your-government/departments/utilities-environmental-services/east-bay-community-energy>

On June 16, 2020⁴, Council introduced and on June 23, 2020⁵, Council adopted an ordinance amending Hayward's Climate Action Plan and General Plan to include the following goals:

- reduce emissions by 20% below 2005 levels by 2020
- reduce emissions by 30% below 2005 levels by 2025
- reduce emissions by 55% below 2005 levels by 2030
- work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045.

On July 13, 2020⁶, the CSC received a report outlining the financial challenges experienced by EBCE and the reasons why Brilliant 100 may be discontinued. On July 14, 2020⁷, Council discussed Hayward's options for a new default product.

On October 15, 2020, the CSC considered the options provided by EBCE and offered rankings for Council's consideration. On November 10, 2020, Council was provided with the following options for the default product for the Hayward community:

1. Brilliant 100 with subsidy
2. 100% carbon free product including nuclear to expire at the end of 2022
3. Brilliant 100 with rate increase
4. Bright Choice
5. Renewable 100

Council provided the following ranked preferences:

1. Brilliant 100 with subsidy
2. Renewable 100
3. Brilliant 100 with potential rate increase

On November 18, 2020, the EBCE Board voted to maintain Brilliant 100 cost at parity with PG&E rates for 2021, but close Brilliant 100 effective January 1, 2022. Keeping Brilliant 100 at cost parity with PG&E rates for 2021 required EBCE to subsidize the product. In late 2020, the subsidy was estimated to be more than \$3 million. EBCE indicated the subsidy would come from ratepayers who are enrolled in Bright Choice and that the subsidy reduces the funding available for local development projects such as the development of new local renewable energy generation.

On January 11, 2021⁸, the CSC received a report on Hayward's 2019 GHG Inventory showing that overall emissions had been reduced by 25.7% since 2005. The report noted that Hayward's goal of a 20% reduction by 2020 had been reached two years early, due in part to Hayward customers receiving Brilliant 100 electricity. Electricity emissions in 2019 were 93% below 2005 levels. While EBCE launched in 2018, 2019 was the first full year Hayward customers were enrolled in EBCE with Brilliant 100 as the default product.

DISCUSSION

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4568609&GUID=46FF5863-9294-4217-9119-9631D7A2BB6F&Options=&Search=>

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4576651&GUID=4E2F5527-D216-4472-BB79-5D9A37A41AE8&Options=&Search=>

⁶ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4590667&GUID=656BE636-73B2-4D83-AD63-79E8C5B8B5C2&Options=&Search=>

⁷ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4590672&GUID=90E5FCBF-BB73-46C6-9492-7C526C953EBB&Options=&Search=>

⁸ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4747797&GUID=2B1F0C6F-B961-4AA3-9553-240ACE74B4B1&Options=&Search=>

The Brilliant 100 product will no longer be offered after December 31, 2021. The City's choices for a new default product that will take effect in January 2022 are much more limited than they were last year. The current choices are Renewable 100 and Bright Choice. Renewable 100 is sourced from 50% solar and 50% wind from California and has rates that are 3 to 6% more than PG&E rates (a \$0.01/kWh premium). In 2021, Bright Choice has a minimum of 41% renewable energy and is priced at 1% less than PG&E rates. In comparison, in 2020, PG&E reported a renewable content of approximately 36% and an overall carbon-free content of approximately 88%.

Rates – The differences in rates are provided later in the Economic Impact section of this report. If Bright Choice is chosen as the new default product, most customers will see a small decrease in their cost of electricity. The generation rate for Bright Choice is 1% less than the generation rate for PG&E rates. The overall monthly savings would range from 0.4 to 0.6% with the average residential account saving \$0.46 on their overall monthly cost of electricity.

If Renewable 100 is chosen as the default, customers would see an increase in their cost of electricity. The generation rate for Renewable 100 is \$0.01/kWh more than the generation rate for PG&E rates. The overall monthly increase for most customers would range from 3.5% to 5.1%, with the average residential account paying an additional \$4.11 on their overall cost of electricity.

If Renewable 100 is chosen, CARE, FERA and Medical Baseline customers could remain enrolled in Bright Choice. Approximately 35% of Hayward's residential customers receive CARE, FERA or Medical Baseline discounts. There are likely many more customers that are eligible for CARE/FERA/Medical Baseline, but they may be unaware of the programs and have not subscribed. There are also many residential customers that are just above the income thresholds for CARE and FERA so they do not qualify for the discount, but they may still experience financial challenges. Even for residential and commercial customers who have managed to maintain their income during the pandemic, there may be some who will argue that the general current conditions make this the wrong time to increase rates. Customers would have the opportunity to opt down to Bright Choice, but it is possible that some customers would express their displeasure by opting out of EBCE entirely.

Power Content for Bright Choice – As shown in Figure 1, Bright Choice was 85% carbon free in 2019 (60% renewable, 25% large hydro, 13% unspecified, and 1.5% nuclear⁹). The Power Content Label for 2020 is not yet available.

Figure 1. EBCE 2019 Power Content Label

⁹ The 1.5% nuclear identified in the 2019 *Bright Choice* energy supply is due to EBCE's contracts with Asset Controlling Suppliers (ACS), the vast majority of which involve large hydroelectric resources from the Pacific Northwest. Generally, ACS resources are not traceable to a specific individual facility as they manage "fleets" of hydroelectric dams. Since there are also nuclear power plants in the area, a very small percentage (i.e., ~1%) of nuclear power was required to be included by the most recent reporting guidelines. EBCE has not contracted for any unit-specific nuclear resources.

East Bay Community Energy · 2019 Power Content Label · ebce.org/documents-and-resources				
Energy Resources	Renewable 100	Brilliant 100	Bright Choice	2019 CA Power Mix
Eligible Renewable¹	100.0%	75.0%	59.9%	31.7%
Biomass & Biowaste	0.0%	0.0%	3.6%	2.4%
Geothermal	0.0%	0.0%	12.3%	4.8%
Eligible Hydroelectric	0.0%	0.0%	4.9%	2.0%
Solar	50.0%	37.5%	3.5%	12.3%
Wind	50.0%	37.5%	35.7%	10.2%
Coal	0.0%	0.0%	0.0%	3.0%
Large Hydroelectric	0.0%	25.0%	25.3%	14.6%
Natural Gas	0.0%	0.0%	0.1%	34.2%
Nuclear	0.0%	0.0%	1.5%	9.0%
Other	0.0%	0.0%	0.2%	0.2%
Unspecified sources of power²	0.0%	0.0%	13.1%	7.3%
TOTAL	100%	100%	100%	100%
Percentage of Retail Sales Covered by Retired Unbundled RECs³	0.0%	0.0%	0.0%	0.0%

¹ The eligible renewable percentage above does not reflect RPS compliance, which is determined using a different methodology.

² Unspecified power is electricity that has been purchased through open market transactions and is not traceable to a specific generation source.

³ Renewable energy credits (RECs) are tracking instruments issued for renewable generation. Unbundled renewable energy credits (RECs) represent renewable generation that was not delivered to serve retail sales. Unbundled RECs are not reflected in the power mix or GHG emissions intensities above.

In April 2020, when considering whether or not to include nuclear in EBCE’s portfolio, the EBCE Board decided to focus on renewables rather than carbon free content. The Board decided to maintain Bright Choice with a minimum of 5% more renewables than PG&E. Because PG&E’s renewables content cannot be known in advance, the 2021 renewable content was set based on PG&E’s 2020 renewable content. PG&E reported a renewable content of 36.2% for 2020, so the power content procurement floor for Bright Choice in 2021 was set to 41.2% – almost 20% less than in 2019. Because of PG&E’s use of nuclear and hydroelectric power, their electricity is expected to have a lower carbon content compared to Bright Choice in 2021.

EBCE intends to make Bright Choice cleaner in the coming years. In December 2020, the EBCE Board voted to establish a goal of providing 100% carbon free electricity by 2030. This will be fifteen years prior to the goals established by SB 100, the state law signed in 2018 which requires an emission-free power supply by 2045. SB 100 also has an interim goal of 60% renewable electricity by 2030.

GHG Emissions – As noted above, in 2019, Hayward’s emissions were 25.7% lower than 2005, in part due to Brilliant 100. Renewable 100 would allow Hayward to continue to make progress toward reaching its long term GHG reduction goals. If Hayward’s default is Bright Choice, GHG emissions would increase. Currently, approximately 76% of Hayward customers are on Brilliant 100. The remainder are enrolled in Bright Choice (18%) or are

with PG&E (6%)¹⁰. Table 1 below shows the breakdown of total electricity use by customer category.

Table 1. Electricity Demand by Customer Category.

Customer Category	Annual kWh	Percent of Total
Residential discounted	83,652,344	11.1%
Residential non-discounted	155,354,353	20.7%
Small Commercial	307,765,011	41.0%
Large Commercial	203,874,661	27.2%
Total	750,646,369	100.0%

The exact power mix for Bright Choice in 2022 is unknown, but as noted above, in 2021, Bright Choice will have at least 41.2% renewables. Table 2 shows the GHG impacts of choosing Bright Choice as the default product and represents a hypothetical scenario assuming EBCE includes more carbon free power to achieve 56% carbon free for Bright Choice¹¹. It also shows the GHG impact of moving only non-discounted residential customers to Renewable 100. This scenario assumes that all CARE, FERA and Medical Baseline customers and all non-residential customers would remain enrolled in Bright Choice.

Table 2. If Bright Choice is 56% carbon free

	2005 Actual	2019 Actual	2019 If All are moved to Bright Choice	2019 If only Non-Discounted Resi are moved to R100
Electricity	185,890	13,093	161,456	129,998
Natural Gas	189,995	176,649	176,649	176,649
Transportation	636,581	522,897	522,897	522,897
BART	3,440	547	547	547
Off-Road	24,345	51,392	51,392	51,392
Waste	50,924	46,187	52,209	52,209
Total	1,091,174	810,765	965,150	933,692
% Reduction from 2005		25.7%	11.5%	14.4%

Table 3 shows the GHG impacts of Bright Choice versus Renewable 100 if EBCE is able to include more carbon free sources (62%) in the power mix for Bright Choice¹².

Table 3. If Bright Choice is 62% carbon free

¹⁰ Customers with PG&E either chose to opt out of EBCE or they are direct access customers with the ability to choose third party power providers.

¹¹ The calculations for this hypothetical scenario are based on the actual power mix and certified emissions factor for PG&E in 2005.

¹² The calculations for this hypothetical scenario are based on the actual power mix and certified emissions factor for EBCE's Bright Choice in 2018.

	2005 Actual	2019 Actual	2019 If All are moved to Bright Choice	2019 If only Non-Discounted Resi are moved to R100
Electricity	185,890	13,093	37,079	30,597
Natural Gas	189,995	176,649	176,649	176,649
Transportation	636,581	522,897	522,897	522,897
BART	3,440	547	547	547
Off-Road	24,345	51,392	51,392	51,392
Waste	50,924	46,187	52,209	52,209
Total	1,091,174	810,765	840,773	834,291
% Reduction from 2005		25.7%	22.9%	23.5%

Staff identified the following three options that were presented to the CSC on May 10, 2021:

1. Renewable 100 as the default for all customers with the exception of discounted residential customers. Discounted residential customers (CARE, FERA or Medical Baseline) would remain in Bright Choice. Assuming all other sectors remain unchanged, then we can expect future electricity emissions to be similar to 2019 and Hayward’s progress toward GHG reduction goals to remain on track.
 - Rates for most customers would increase 3.5 to 5.1%. The average residential account would pay an additional \$4.11 per month.
2. Renewable 100 as the default for non-discounted residential customers. All other customers would move to Bright Choice.
 - Table 2 scenario (dirtier electricity) - overall GHG reductions would slip by approximately 11.3% to 14.4%.
 - Table 3 scenario (cleaner electricity) - overall GHG reductions would slip by approximately 2.2% to 23.5%.
 - Rates for non-discounted residential customers would increase 3.7%. The average residential account would pay an additional \$4.11 per month. Rates for commercial customers would decrease 0.4 to 0.6%.
3. Bright Choice as the default for all customers.
 - Table 2 scenario (dirtier electricity) - overall GHG reductions would slip by approximately 14.1% to 11.5%.
 - Table 3 scenario (cleaner electricity) - overall GHG reductions would slip by approximately 2.8% to 22.9%.
 - Customers currently enrolled in Brilliant 100 would see a small decrease in their cost of electricity. Overall monthly savings would range from 0.4 to 0.6% and the average residential account would save \$0.46 on their monthly bill.

Other Cities – Most jurisdictions in EBCE have selected Bright Choice as their default product except as noted below. In addition to Hayward, Albany and Pleasanton will be choosing new default products this year.

- Albany – Albany chose Brilliant 100 in 2018 and will be choosing a new default product this year.

- Dublin – Dublin’s recently-adopted climate action plan identified Renewable 100 as a strategy to meet long term GHG reduction goals. Earlier this year, the Dublin City Council selected Renewable 100 as the default electricity product for all residential accounts, except for CARE, FERA, and medical baseline accounts. The change will take effect in October 2021.
- Piedmont – Piedmont chose Renewable 100 as their default in 2018.
- Pleasanton – Pleasanton joined EBCE in 2020 and began receiving EBCE service in April 2021 with Brilliant 100 as the default. Pleasanton will be choosing a new default product this year.

FISCAL IMPACT

In response to Council’s decision in November 2020, all Hayward’s municipal accounts were switched to Renewable 100 in early 2021. A new default product for the community will not affect the City’s accounts, so there will be no impact to City funds.

ECONOMIC IMPACT

Table 4 provides cost comparisons and includes the number of customers in each rate category and their current average monthly costs whether enrolled in Bright Choice or Brilliant 100 (B100). It also shows monthly costs for Renewable 100 (R100), and the percent increase the average customer would experience if switched from B100 to R100.

Table 4. Comparison of EBCE Product Costs

Rate	Rate Category	# of Customers	Monthly Bright Choice Average	Monthly Brilliant 100 Average	Monthly Renewable 100 Average	Monthly Bright Choice Discount Average	Monthly R100 Premium Average (over B100)	% Increase (R100 v. B100)
A1	Sm/Med Comm	537	\$445	\$447	\$465	\$1.87	\$17.47	3.9%
A1 TOU	Sm/Med Comm	5,300	\$354	\$356	\$369	\$1.48	\$13.57	3.8%
A10	Sm/Med Comm	19	\$2,796	\$2,810	\$2,930	\$13.65	\$119.76	4.3%
A10 TOU	Sm/Med Comm	562	\$3,690	\$3,709	\$3,871	\$18.44	\$161.75	4.4%
AGR	Agriculture	5	\$171	\$172	\$177	\$0.47	\$5.05	2.9%
E19	Large Comm	316	\$48,543	\$48,806	\$51,313	\$263.19	\$2,506.61	5.1%
E20P	Large Comm	4	\$149,099	\$149,931	\$158,701	\$832.32	\$8,770.00	5.8%
E20S	Large Comm	2	\$96,874	\$97,391	\$102,611	\$516.79	\$5,220.07	5.4%
RES	Residential	41,458	\$111	\$112	\$116	\$0.46	\$4.11	3.7%
RES TOU	Residential	5,950	\$168	\$169	\$175	\$0.63	\$5.91	3.5%

STRATEGIC ROADMAP

This agenda item relates to the Strategic Priority of Combat Climate Change. Specifically, this agenda item relates to the implementation of the following project:

Project 2: Work with EBCE to transition citywide electricity use to 100% carbon free (beginning in FY21)

The goal of transitioning all Hayward customers to 100% carbon free electricity was established with the understanding that the Brilliant 100 product would be available in the long term. Without Brilliant 100, staff is recommending that this project be postponed until EBCE can offer a carbon free product that is competitive with PG&E rates.

SUSTAINABILITY FEATURES

Community choice energy was identified in the City's Climate Action Plan as the program with the greatest potential to reduce community wide GHG emissions. As noted above, Hayward's participation in EBCE has resulted in the 2020 GHG reduction goal being met two years early.

PUBLIC CONTACT

During the May 10, 2021 CSC meeting, Committee members asked staff to survey the community to gather input on the selection of the default electricity product. On May 25, 2021, staff updated the City's website and launched a survey that was promoted as a Stack Extra email and in the Leaflet newsletter. Staff will present the results of the survey during the Council meeting.

NEXT STEPS

After the EBCE Board confirms acceptance of Hayward's default selection on July 21, 2021, staff intends to inform the community of the new default product as well as increase awareness of discount programs and customers' ability to opt down to the cheaper Bright Choice product. Staff will work with EBCE staff to send at least two letters to each customer, include inserts in water and garbage bills, and post on social media.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-___

Introduced by Council Member _____

RESOLUTION SELECTING RENEWABLE 100 AS THE NEW DEFAULT
PRODUCT FOR HAYWARD CUSTOMERS SERVED BY EAST BAY
COMMUNITY ENERGY TO TAKE EFFECT JANUARY 1, 2022

WHEREAS, on December 6, 2016, the City of Hayward City Council adopted Ordinance 16-21 authorizing Hayward's participation in Alameda County's Community Choice Energy program known as East Bay Community Energy (EBCE); and

WHEREAS, on March 6, 2018, Council voted to designate Brilliant 100 as the default product for all non-residential customers in Hayward and Brilliant 100 for all municipal facilities; and

WHEREAS, on May 22, 2018, Council voted to designate Brilliant 100 as the default product for all residential customers and that all income-qualified customers enrolled in the California Alternate Rates for Energy (CARE), Family Electric Rate Assistance (FERA), and Medical Baseline programs be enrolled in Bright Choice; and

WHEREAS, on November 18, 2020, the EBCE Board of Directors decided to continue to offer Brilliant 100 only through December 31, 2021; and

WHEREAS, the City of Hayward must choose a new default product – either Bright Choice or Renewable 100 – to be effective January 1, 2022; and

WHEREAS, the enrollment of Hayward customers in Renewable 100 electricity will enable Hayward to continue to make progress toward meeting Hayward's greenhouse gas (GHG) reduction goals; and

WHEREAS, on June 16, 2020, Council adopted new GHG emission targets of 30% below 2005 levels by 2025, 55% below 2005 levels by 2030 and carbon neutrality by 2045; and

WHEREAS, Hayward customers will continue to have the choice to change their enrollment to the lower-priced Bright Choice product and they also have the ability to opt out of EBCE completely; and

WHEREAS, on May 10, 2021, the Council Sustainability Committee voted to recommend that Council adopt a resolution selecting Renewable 100 as the default product for all customers except that all income-qualified customers enrolled in the California Alternate Rates for Energy (CARE), Family Electric Rate Assistance (FERA), and Medical Baseline programs remain enrolled in Bright Choice.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves Renewable 100 as the default product for all customers in Hayward, starting January 1, 2022, except those certain customers enrolled in income-qualified or medical-related discount programs.

BE IT FURTHER RESOLVED that all Hayward customers enrolled in the CARE, FERA, and Medical Baseline programs will remain enrolled in Bright Choice.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

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