


**CITY COUNCIL MEETING  
TUESDAY, JANUARY 19, 2016**

**DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA**

# Memo

To: Mayor and City Council  
From: David Rizk, Development Services Director   
Through: Fran David, City Manager  
Kelly McAdoo, Assistant City Manager  
Michael Lawson, City Attorney  
cc: Miriam Lens, City Clerk  
Date: January 19, 2016  
Re: Item No. 7 on Tonight's Agenda: Typo in Resolution

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There is a small typographical error in the resolution for this consent item. The resolution indicates the City had received through December of this fiscal year a total of \$85,600 in charges via invoices from four outside consultants for plan check and inspection services. In actuality, and as correctly indicated at the top of page 2 of the staff report, the City had received \$285,600 in invoices.

Attached is a revised resolution with that correction highlighted. I apologize for that error.

Attachment

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member \_\_\_\_\_

ADOPTION OF A RESOLUTION APPROPRIATING ADDITIONAL FUNDS TO INCREASE THE CONTRACT/CONSULTING SERVICES BUDGET FOR OUTSIDE BUILDING PLAN CHECK AND INSPECTION SERVICES FOR THE CURRENT FISCAL YEAR

WHEREAS, on July 30, 2013, Council approved Resolution 13-133 authorizing the negotiation and execution of contracts for plan check services through June 30, 2016, and subject to annual appropriation through the budget process, and

WHEREAS, Council approved an original allocation of \$340,000 for outside plan check and building inspection services for fiscal year 2016; and

WHEREAS, the City of Hayward currently has agreements with four (4) consulting firms to provide plan check services in order to support customer demand that exceeds the availability or capacity of City staff; and

WHEREAS, the four firms currently under contract are: West Coast Consultants (WC<sub>3</sub>); Kutzmann & Associates, Inc.; ASI Consulting Engineers; and CSG, Consultants; and

WHEREAS, on October 27, 2015, Council approved Resolution 15-199 authorizing the amendment to an agreement with a fifth firm, 4Leaf Inc., for additional building inspection services in an amount not to exceed \$120,000; and

WHEREAS, invoices associated with the four firms through the end of December 2015, total \$285,600, and

WHEREAS, the cost of contracting for consultant plan check, and inspection services is offset by the fees paid for by the permit applicant at the time plans are submitted.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that additional funds in the amount of \$400,000 be appropriated to increase the Contract/Consulting Services in the Building Division budget for outside building plan check and inspection services for the current fiscal year.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

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

From: Sherman Lewis [<mailto:>] On Behalf Of Sherman Lewis  
Sent: Tuesday, January 19, 2016 2:52 PM  
To: List-Mayor-Council  
Cc: Mimi Bauer; Minane Jameson  
Subject: typo fixed Agreement with Lyon Homes for South Hayward

Sorry for late comment, just found out recently.

HAPA, and I would guess Mimi Bauer and other South Hayward people, would like to be consulted early in the process.

My experience is that, once the "design, density, and mix of uses within the Project" has been decided, it is game over for any meaningful public input.

You call this a "negotiating task," which typically means closed doors.

We outsiders understand we can't be negotiators, but we do think we need to participate ahead of time to shape the design etc., or the community outreach is meaningless.

You could solve problems by perhaps calling them "Phase One Tasks" and adding one between 3 and 4 "Consult the community" or some such. Your laudable commitment to "substantial community outreach" is hopeful but too vague. Already some kind of planning exercise has occurred excluding the public, and if Attachment III is any indication of where you are going, it raise questions about loss of TOD potential, duplication of park areas more than needed, and no attention to the Conley-Caraballo/Bidwell/Treeview triple play.

These Dixon Mission properties lend themselves to the concepts of Walking Oriented Development, in this case surface parking in phase 1 on the south side to test market absorption of a sustainable product on the north side. You are going to need some kind of a grocery store on the walk to BART. The property seems big enough to finance rapid bus.

This looks all market-oriented but the city's inclusionary zoning brings in some affordability, with a potential link to funding from the AHSC of the SGC, whose NOFA is about to come out. A project structured with a shuttle entity and a developer can get extra points and if real sustainability ideas can be market tested with a final safe break out if it does not absorb, the proposal would score well. The award announcement is scheduled for June, which should be soon enough. HAPA has the capacity for floor plans, site plans, and pro formas to allow an informed discussion with Lyon, if the City is willing to give us a chance.

In haste, Sherman

--

Sherman Lewis  
Academic Senator for Emeriti  
Professor Emeritus, Political Science  
Cal State East Bay Hayward  
President, Hayward Area Planning Association  
2787 Hillcrest Ave., Hayward CA 94542

## Walking-oriented development has:

### General Location

Walking-oriented development is near high-quality transit with access to a job center and within 15 minutes total travel time of a good grocery store.

### Affordable and Sustainable Site Development

The residential building for a walking-oriented development is affordable and sustainable, which is accomplished by:

- Mid density: about 80 to 100 persons per neighborhood acre
- Four square construction
- Three-story building height
- Net zero on the grid (roof-top PV and thermal solar energy)
- A resident association must have procedures to foster community and maintain value.

### Alternative Transportation

Walking-oriented development uses alternative transportation:

- Unbundled parking, at least \$150/month.
- Parking management on public streets to prevent spillover parking from new development.
- No structured parking; it cannot pay its own way.
- The projects support a circulator at least every 10 minutes from Hayward BART to Lincoln Landing using Maple Court and A/B Streets, which requires loop reform. [Rapid bus system: dual mode motor; elevated sidewalk stops with no step entry; guided docking for fast roll-on, no fare collection, “proof of purchase” fare enforcement, signal preemption, right lane bypass. Land-based financial contribution, capital and operating. Management by RFP and contract operator.]
- Eco-pass: all residents ride circulator for free.
- Easy, safe, attractive walk to downtown and BART, which requires loop reform.
- Bike share and supporting facilities for easy one-way bike trips in downtown Hayward.
- Carshare/rental easily available for those trips where transit, bike and walk do not work.
- Taxi/e-hail service for fast, affordable service like Uber and Lyft.
- Guaranteed ride home voucher for residents from BART for taxi/e-hail service when the circulator is not running.
- A limited number of taxi/e-hail vouchers for healthcare when other modes are inefficient.
- Special carts for carrying groceries home.

### Financial Feasibility through Staging

- Project has financial incentives for residents to not park their car on site (deparking incentives).
- Project has education of residents and services to help them improve their mobility without parking a car on site.
- As residents transition away from parking a personal car on site, new stages are built following the same concepts.
- This kind of housing costs about 15% less than automobile-based housing, making it very competitive in the marketplace.
- As surface parking is freed up, it is used for the next stage.

Walking-oriented development can revitalize downtown and make Hayward a leader in the state.

## Definitions

Densities:

Can be by units or persons.

Can be by various kinds of area:

Lot only

Lot plus street

Lot plus street plus integral neighborhood serving land uses (neighborhood density)

Neighborhood plus non-neighborhood land uses over a large area (urban density)

Low density: 50 persons or fewer per neighborhood acre

Mid density: 50 to 100 persons per neighborhood acre

High density: 100 persons per neighborhood acre

Low-rise: 1 to 2 stories

Mid-rise: 3 to 7 stories

High-rise: 8 stories on up

## Related issues

### Funding

MTC Climate Initiatives Grants promote innovative ways to reduce greenhouse gas emissions in the Bay Area; and taps federal funding for a competitive grant program, Innovative Grants of \$1 million and up to support high-impact projects that can be replicated around the region.

<http://mtc.ca.gov/our-work/invest-protect/investment-strategies-commitments/protect-our-climate/climate-initiatives>, Sep 17, 2015.

The California Strategic Growth Council (SGC) has \$320 million to award to housing and non-auto transit access projects in 2016 in the Affordable Housing and Sustainable Communities (AHSC) program. The Notice of Funding Availability (NOFA) comes out in a few days (by end of Jan 2016). Projects following the principals of Walking Oriented Development will score well. (Related issues: quantification by CARB GGRF staff; TCAC.)

### Regulation

Current Hayward zoning requirements mandate building large amounts of free parking, thus subsidizing more cars and more traffic at the expense of affordable housing and less car dependency. Zoning should go the other way, for example, by allowing no more than one parking space per ten units and requiring market-rate unbundling.

Current Hayward parking regulations allow free use of expensive public parking paid for by tax payers. Parking is so over-supplied that much of it goes unused where there could be productive development, and some of it is in high demand with no turnover for efficient use. In some areas, the city has neighborhood parking permit requirements and time limits that help to some extent, but are inefficient. Parking management can prevent parking spillover into existing neighborhoods and can generate funds for downtown improvements. (See Parking Fee Pilot Project and Parking Management in Ideas for Downtown Hayward.)

### Economics

Planners, elected officials, neighbors, and people in general tend to be unrealistic about mixed use, imagining that development can have more retail and other businesses than is realistically possible. Commercial development requires a large residential population to be viable, a fact well understood by investors. Advocating too much mixed use may be good politics, but may require subsidy by the developer, raising housing costs, when it may be better to increase housing and strengthen existing businesses.

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## Hayward Small Business Workshops



Government Contracting

### Getting Certified and Doing Business with the Government

Wednesday, January 20, 2016  
8:30am - 11:30am

Hayward City Hall Conference Room 2A

Are you thinking of expanding your business to the government sector? The federal government purchases almost \$100 billion annually from small businesses, the State of California almost \$10 billion. However, selling to the government is very different than selling to the private sector. This free seminar will review the certification programs that enable small and/or minority businesses need to know to sell to federal, state and local agencies. You will be shown how to successfully locate and navigate the certification processes, and how to research and bid for contract opportunities.

Register at <http://acsbdc.org/node/21103>



### Accessing Capital for Your Small Business

Wednesday, February 24, 2016  
6:00 p.m. - 8:30 p.m.

Hayward City Hall Conference Room 2A

This seminar is essential for any business owner interested to raise debt or equity financing. You will learn how a wide range of banks and other lending organizations evaluate your loan application, and the types of funding they can provide. We will also discuss newer sources of capital, including crowdfunding and peer to peer lending alternatives. You will also learn the differences between financing a company with debt and equity. We will also have a panel discussion of financiers and financing experts as part of the presentation.

Register at <http://acsbdc.org/node/21074>



### Starting a Home-Based Business

Thursday, March 10, 2016  
9:00 a.m. - 12:00 p.m. Eden Church Jensen Room  
21455 Birch Court, Hayward CA 94541

This free seminar discusses several elements necessary for starting a successful home-based business. These elements include: business planning, licenses, permits, marketing and work/life balance. Understanding these issues is critical to becoming a successful home-based entrepreneur. This seminar is a must for anyone interested in starting a home-based business and is designed to work in concert with other Alameda County SBDC seminars.

This seminar is sponsored by a generous contribution by the Alameda County Community Development Agency.

Register at <http://acsbdc.org/node/20911>



### eMarketing to Create New Customers

Wednesday, March 16, 2016  
8:30 a.m. - 11:30 a.m. Hayward City Hall  
Conference Room 2A

Come out and learn about the many ways you or your business can enhance revenue using various marketing tools that enable businesses to capture more clients, while also providing better services for existing clients.

You will discover the proper way to network and generate leads from events and how to better schedule leads and manage your relationships with your clients via vCita. You will also be able to properly manage your contacts and create successful email newsletters with Constant Contact. vCita provides lead generation, online scheduling, and invoicing for small businesses in their, all in one, easy to use platform.

Register at <http://acsbdc.org/node/21075>

The Hayward Small Business Development Center is a 501(c)(3) non-profit organization that provides free and low-cost business counseling and training services to small businesses in the Hayward area. The Hayward Small Business Development Center is a member of the National Small Business Development Centers Association. For more information, please visit our website at [www.acsbdc.org](http://www.acsbdc.org). We are all about you and your business.

**REGISTER HERE: <http://acsbdc.org>**



Reach more than 1,200 e-mail addresses of Hayward chamber members through our e-advertising program. Find out how by contacting the chamber at 510-537-2424 or visit us at 22561 Main St. in beautiful downtown Hayward.

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Follow us on twitter

[Forward this email](#)

# Great Grant Opportunities Discussed at Nonprofit Alliance Meeting Jan. 21

## Hayward Nonprofit Alliance Members

Greater Hayward Area Recreation & Park Foundation  
Alameda County Community Food Bank  
All Saints Catholic Church  
Alameda Health System  
Alzheimers Services of the East Bay  
Bay Area Community Services (BACS)  
Community Child Care Coordinating Council(4-Cs)  
Community Resources for Independent Living (CRL)  
Davis Street Family Resource Center  
East Bay Agency for Children  
Eden Council for Hope and Opportunity (ECHO)  
Eden Information & Referral  
Ruby's Place  
Family Emergency Shelter Coalition / FESCO  
Family Violence Law Center  
Friends of Hayward Public Library  
Hayward Arts Council  
Hayward Day Labor Center  
Hayward Education Foundation  
Hope 4 the Heart  
Horizon Services, Inc  
International Institute of the Bay Area  
Kidango  
La Familia Counseling Service  
Lighthouse Community Center  
Literacy Plus Program  
Love Never Fails  
Made in Hayward Foundation  
Magnolia Women's Recovery Programs, Inc  
NOMADS  
Pacific Chamber Symphony  
Services Opportunities for Seniors (SOS)  
Souciety  
South Hayward Parish / Food Pantry  
Spectrum Community Services  
Sun Gallery  
Tiburcio Vasquez Health Center  
Women on the Way  
Youth Orchestra of Southern Alameda County  
Abode Services  
National Hispanic Org. of Real Estate Agents

Partial list

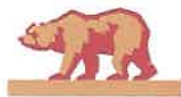
Dear Kim,

Representatives from two organizations noted for generous support of nonprofits will be the featured speakers at the Jan. 21 meeting of the Hayward Nonprofit Alliance. The meeting will be held at 10 a.m. at the Hayward Area Historical Society, 22380 Foothill Blvd.

Speakers from Bank of the West and StopWaste will discuss features of their programs, answer questions, and relate where to get additional information.

### Bank of the West Charitable Investments

Melissa Stoller, regional vice president of community affairs for Bank of the West, will discuss the



**BANK OF THE WEST**

the bank by supporting nonprofit organizations dedicated to improving quality of life, particularly for low- and moderate-income individuals and communities.

Stoller will explain the bank's charitable giving criteria for nonprofits and where to obtain additional information.

### StopWaste Grants for NonProfits

Tommy Fenster, outreach coordinator for StopWaste, will discuss grants available for nonprofits that range from \$25,000 to \$65,000. Application deadline is March 4 for grants to nonprofits that reduce waste or increase recycling.



StopWaste is a public agency responsible for reducing the waste stream in Alameda County. It helps local governments, businesses, schools and residents reduce waste through:

- Source reduction and recycling
- Market development
- Technical assistance
- Public education

### Your Invitation

Monthly meetings of the alliance - composed of more than 100 Hayward nonprofit organizations - are open to all chamber members and their guests. The organization is a partnership of the City of Hayward, the Hayward Chamber of Commerce, and the Hayward Area Historical Society.



Hayward Public Library



## Hayward Nonprofit Alliance Members

Agricultural Institute of Marin  
Alameda County Fair  
American Cancer Society  
American Red Cross  
American Institute of Management  
Arc of Alameda County  
Ayusa International  
Badjao Bridge  
Bay Area Industry Education Council  
BAYC  
Bi-Bett Alameda Drinking Driver Program  
Calvary Baptist Church  
CASA of Alameda County Court  
Center for Elders' Independence  
Child, Family & Community Services  
Community of Grace  
East Bay Zoological Society  
Eden Area YMCA  
Eden Housing  
Eden Youth & Family Center  
Fairway Park Baptist Church  
Funabashi Hayward Sister City  
Hayward Adult School  
Transition to Work  
Hayward Area Historical Society  
Hayward Neighborhood Alert  
Hayward Police Officer's Association  
Hayward Rotary Club  
Hayward/Castro Valley Hill & Valley Club  
Kiwanis Club  
Kids' Breakfast Club  
LifeHouse Recovery Homes Inc.  
Moreau Catholic High School  
Pentecostals of Hayward  
Peter Sategna Educational Foundation  
Rowell Ranch Rodeo  
Safe Alternatives to Violent Environments  
Salvation Army  
Soroptimist International of the East Bay  
St. Rose Hospital Foundation  
Stop Waste Partnership  
Tri-CED Community Recycling  
Volunteer Hayward  
HARD  
Workforce Collaborative  
Eden Area ROP

Partial list

## All Chamber Members Are Welcome to Attend The Latino Business Roundtable



**Latino Business Roundtable**  
**Jan. 22, 8:30 a.m.**  
St. Rose Hospital, Balch Pavilion  
27200 Calaroga Ave., Hayward



### 'Market Overview of Hispanic Adults and Media Habits'

Christian De la Cruz of KRZZ 93.3 La Raza radio will be the featured speaker at the Hayward Chamber of Commerce Latino Business Roundtable meeting at 8:30 a.m. on Friday, Jan. 22 in the Balch Pavilion of St. Rose Hospital, 27200 Calaroga Ave.

He will speak on "A Market Overview of Hispanic Adults and Media Habits in the Bay Area" and address population changes that are essential for businesses and organizations to know in 21st Century California.

The presentation will include a demographic analysis of Hispanics in the Bay Area, including languages preferences, income, education and media preferences.

De La Cruz began working in the media in 1997 and has been a producer, director of marketing, account executive and sales manager in both radio and TV.

La Raza radio has been a co-sponsor of the Hayward Mariachi Festival, produced by the City of Hayward and the chamber of commerce.

Meetings of the Latino Business Roundtable are open to all chamber members and their guests



*Christian de la Cruz*

### And if you are with a nonprofit organization join us Thursday

Representatives from two organizations noted for generous support of nonprofits will be the featured speakers at the Jan. 21 meeting of the Hayward Nonprofit Alliance. The meeting will be held at 10 a.m. at the Hayward Area Historical Society, 22380 Foothill Blvd.

Speakers from Bank of the West and StopWaste will discuss features of their programs, answer questions, and relate where to get additional information.

Melissa Stoller, regional vice president of community affairs for Bank of the West, will discuss the bank's Charitable Investments Program.



*Melissa Stoller*



Tommy Fenster, outreach coordinator for StopWaste, will discuss grants available for nonprofits that range from \$25,000 to \$65,000.

Your Invitation



## **Clean Air Performance Professionals**

**January 16, 2016**

Department of Consumer Affairs  
DCA Director  
Awet Kidane  
1625 N. Market Blvd.  
Sacramento, CA 95834  
Awet.kidane@dca.ca.gov  
(916) 574-8200 / fax: 8613  
Lerae Quintana Director's Assistant  
michelle.milke@dca.ca.gov

**RE: Health and Safety Article 6, Public information program 44070**

Dear Michelle Milke,

DCA/BAR engineering is considering an interesting addition of car label information for Smog Check that can improve consumer, BAR-ARB, data.

Also add a flag that will notify of a previous fail at another location in the last 60 days

Thank you for your interest in the public information program.

Clean Air Performance Professionals, an award winning coalition of motorists

Charlie Peters  
(510) 537-1796 / fax: 9675  
[cappcharlie@earthlink.net](mailto:cappcharlie@earthlink.net)  
cc: interested parties

**CAPP contact: Charlie Peters**

# g shops have vested interest in clean air

After reading the three-part series "Consumer Nightmare?" by Steven Church (March 17-19), I find it amazing that more Californians are not aware of what is really happening with the state's Smog Check program.

For the past five years, a poor economy has plagued California. The money-starved California government and regulatory agencies have found their pot of gold at the end of the rainbow via the Smog Check program.

Financial relief for the poor economy will be generated by contracts such as the smog-testing contract signed with the Parsons Co. (via Engineering Science) and Envirotest.

The Environmental Protection Agency's demands for clean air (through the 1990 Clean Air Act amendments) will generate the largest tax increase in history. Behind the effort is Dr. Don Stedman, patent-holder of the remote sensing technology to detect "gross polluters," the state's worst-polluting vehicles. Stedman works out of the University of Denver.

A long list of international government and big-business interests, led by the federal EPA, have provided funding for Stedman's work.

Pollution credit trading is at the core of this money tree.

Numerous buy-back programs project that 50,000 cars a day will be scrapped to meet the state's clean-air standards, generating approximately \$1,000 a car. This moves money from small businesses and the public to government and big business.

Parsons (Engineering Science) is also the referee for Smog Check II, the latest rendition of

Smog Check, and Envirotest is the quality auditing service that takes all the information from the smog-testing equipment in California. These two international companies are providing govern-

ment and big business the opportunity for increased revenue.

## Charlie Peters



### POINT OF VIEW

Remote sensing studies by California and Arizona are reported to "false-fail" more than 50 percent of identified cars. State test stations in Colorado are reported by some to have false-failures in excess of 50 percent.

So, the question is: Are clean-air mandates about clean air — or money?

If the goal of scrapping 50,000 vehicles per day is met, the incentives to provide privatized rapid transit may be next. An additional party to this tax increase strategy, some say, will be privatizing roads and charging for parking. This will help with incentives to make privatized rapid transit economically feasible.

Is the American love affair

At the heart of these efforts are monopoly contracts to inspect vehicles on the road and in "state" test stations.

The question is: Are clean-air mandates about clean air — or money? If the goal of scrapping 50,000 vehicles per day is met, the incentives to provide privatized rapid transit may be next. Is the American love affair with the automobile at risk?

with the automobile at risk because of funding demands of government and big business's desire for profits (and thus, its partnership with government)?

These policies are being questioned by an expanding group, including academics from state universities and many groups across the country.

Money and power generated from command and control policies that have possibilities of changing the face of America are a raging debate in many quarters. One voice is demanding that responsible government "manage what it mandates."

Promotion of responsible government to promote competitive market inspection and quality maintenance is getting consideration as an option to the money-trading strategy. The Clean Air Performance Professionals has requested a pilot study to change management techniques to improve mechanics' Smog Check performance. CAPP maintains that the study will demonstrate a

reduction in mobile emissions in excess of 1 million tons per year. Such a result promotes continuation of America's love affair with the automobile.

The strategy of the proposed pilot study is that government and the private sector can work together toward common goals to provide the public with services that are superior to those provided by government monopoly efforts.

America is making big decisions that affect the very air we breathe. But only private citizens can decide the final direction and results by lobbying for improved performance.

Peters of Loma Linda is president of Clean Air Performance Professionals. Point of View is an occasional column of commentary by local citizens. Send material to Point of View, The Sun, 399 N. D St., San Bernardino, Calif. 92401. Or fax it to (909) 885-8741.

This supplemental page of opinion appears on Sundays, Mondays, and Thursdays.



# The Sun

SAN BERNARDINO COUNTY

The Sun  
Page A6  
Monday  
April 8, 1996

Presents...

286 E. Hamilton Ave.  
Suite A  
Campbell, CA 95008  
(408) 374-2001

Tuesday, February 08, 1994

To: Governor Pete Wilson  
To: All California Legislators

There has been much discussion about the future of smog check in California. Tremendous effort has been put forth by members of the California Legislature in an attempt to satisfy questionable demands set by the Federal EPA.

The Clean Air Act of 1990 states in pretty clear terms how states can comply with the intentions of the U.S. Congress, however "Rules" provided by the EPA have certainly clouded the issue.

A lot of effort has been expended attempting to negotiate with the Federal EPA. The EPA has a well published bias toward centralized contractor testing which would seem to have no scientific basis. Until EPA is told by someone to stop the bias and allow realistic alternative plans as described in the Clean Air Act of 1990 it would seem that meaningful negotiations would be impossible.

It would be very sad if California was somehow forced to compromise the quality of our air and the ability to better future improvements by attempting to appease the whims of some at EPA.

When I was about three years old I was in a department store with my mother and I was enticed by an escalator. I jumped on and rode down a floor which was a lot of fun - and then proceeded to exhaust myself trying to run back up the downside. Finally a stranger pointed out that if I walked around the corner and got on the one going up that the going would be a lot easier. I include this story because fifty years later it occurs to me that instead of trying to overcome the EPA's escalator we should be walking around to the route that takes us where we need to go.

My definition of where we need to go is based on the maybe naive notion that the goal is to detect vehicles that fail emission standards, get them repaired, and thereby clean up the air we breathe.

Factories have made many emission related improvements. Vehicle manufactures, prompted by government, produce cars that are almost environmentally neutral that are totally superior to vehicles made just twenty years ago. It is generally agreed

that the area that can provide additional improvement for reasonable cost is reduction of emissions from on road vehicles by causing them to be properly maintained.

How do we get closer to the clean air goal than we are today?

Most of the solutions won't appeal to those who advocate high-tech answers for simple problems. Most of the solution is derived from a monotonous statement heard hundreds of times from my Smog Check friend Charlie Peters - "People do what people gotta do."

Sort of like Aloha - same answer coming or going.

With six words are we now proposing to solve a multi-billion dollar problem?

Yep.

I will continue to advocate that California's smog check program is the best in the world, but since the start of this debate we have searched for ways to make it better. The customer does not always get a good smog check, a good repair, and the result is that the air is not as clean as it could be.

**Let's go to the street to see what actually happens and maybe you will come to agree that the fix is as simple as, "people do what people gotta do."**

A customer ventures into his local smog check station and the vehicle properly fails. Instead of getting the vehicle repaired he goes to another smog station and now gets a pass - gets a certificate on a vehicle that should be failed. Generally that customer, sometimes violently, returns to the shop that correctly failed his vehicle demanding that his failing smog check fee be refunded. Those customers who feel really offended might file a complaint against the person that failed their vehicle and that shop would often receive criticism for some minor procedure totally isolated from the reason that the vehicle was correctly failed in the first place. The guy that passed the car is the problem, but he escapes because no one complained about him.

**What just happened?**

In the practical application of a well intentioned plan the guys with the white hats and the ones with the black hats got reversed. The hard working, conscientious technician gets yelled at and criticized while the fellow that produced the certificate tends to become the local underground hero for consumers who would like to skirt responsibility for maintenance of their vehicle:

## How do you create demand for smog check and subsequent needed repairs to be done the right way?

Create a system that demands a proper smog check and then support those who do it properly. Two separate, inexpensive systems will accomplish support of those who do it right and aid in identification of those who intend to do it wrong.

1.) The BAR has experimented with a proactive undercover car system with vehicles rigged to fail. Shops are allowed to diagnose problems and suggest repairs. For the first time techs were being tested to see if they knew how to fix the car. The program was appropriately named Partners In Clean Air which was shortened to P.I.C.A. Some critics did not like the concept, because a successful technician was patted on the back and given a hat or other small award. What was really happening was it started to put shops and technicians on notice that somebody cared if they did proper tests and repairs. No one had ever asked anyone to repair a vehicle.

### Would that actually work?

For a long time the BAR ran fully documented - court ready - undercover cars with a "missing component". Over time the hit rate for failure to detect the missing part went from 73% wrong to 82% correct. It is fun to imagine the clean air results that could be had in P.I.C.A. test and repair efficiency, as history has shown was possible in the "find the missing part program". Another advantage with P.I.C.A. is that "documented" undercover cars are not needed so the expense is vastly reduced, which affords a lot more runs for the "buck".

"People do what people gotta do".

2.) Flag system: The D.M.V. and BAR published a paper in October 1992 "Electronic Transmission Project" stating they had concluded a study, with positive results, and were confident that they could implement a system for electronic transmission of data. (Spelled out in the Clean Air Act of 1990 as one of the possible enhancements for decentralized programs). Add to that a flag that would notify a tech that the same vehicle had failed a smog check at another location within the last 60 days. The flag would appear after the tech no longer had control over any test entries. By itself the flag would prove nothing. The vehicle could have been improperly failed at another shop, been repaired in the meantime or improperly passed. But the tech would want to know. He would want to know and he would also be aware that the BAR was now watching the same flag. A shop with lots of flags would probably interest regulators. And the tech would be the first to know.



The system would create for the first time a self policing program that would in effect turn every car tested into a possible undercover car. Properly supported it would become a constant reminder that the job is to do it right. The cost for such a flag system has been estimated at around a million dollars. Cost for regulator support - that's their job - just help them do it. An added enhancement could be direction of a percentage of flagged vehicles to a BAR referee for verification before a certificate was issued. The flag technology would be very similar to the quick approval you get when you use your Master Card at a store.

The public deserves a proper smog check and proper repairs that provide value and help clean air. The regulators deserve the tools that will enable them to do an effective job. The thousands of honest participants that have helped give California the best existing emission reduction program in the world deserve the help to stay the best.

Until the President instructs the EPA to quit soliciting business for the centralized contractors there can be no meaningful negotiations between any state and EPA. California can either fight the wrong way on the escalator, give up, or take the other escalator and adapt our program to something that really works.

**"People do what people gotta do"**

Sincerely,

Larry Armstrong  
President  
Side B Corp.  
d.b.a Quality Tune-Up Shops

P.S. Senator Presley's SB1197 created the most comprehensive vehicle emission program in use anywhere today. Senator Russell has demanded that changes be based on good science, be sensible and effective in cleaning the air.

It is possible that the time is at hand for the creation of a Presley/Russell bill that could incorporate Total Quality Management concepts that would leave EPA with no possible reasonable objections.



## **Clean Air Performance Professionals**

### **HEALTH AND SAFETY CODE ARTICLE 6**

#### **Public Information**

#### **Section**

**44070. Public information program**

**44070.5. Public information program inclusions**

**44071. Funding**

#### **§ 44070. Public information program**

(a) The department shall develop within the bureau, with the advice and technical assistance of the state board, a public information program for the purpose of providing information designed to increase public awareness of the smog check program throughout the state and emissions warranty information to motor vehicle owners subject to an inspection and maintenance program required pursuant to this chapter. The department shall provide, upon request, either orally or in writing, information regarding emissions related warranties and available warranty dispute resolution procedures.

(b) The telephone number and business hours, and the address if appropriate, of the emissions warranty information program shall be noticed on the vehicle inspection report provided by the test analyzer system for any vehicle which fails the analyzer test.

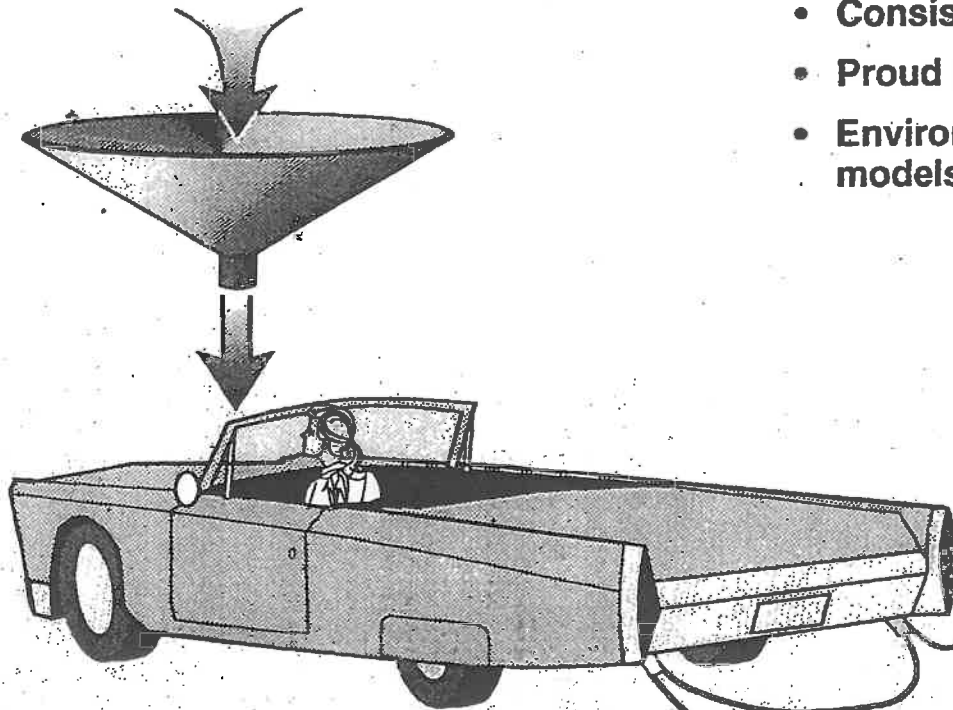
Added Stats 1984 ch 1591 § 3. Amended Stats 1988 ch 1544 § 57; Stats 1995 ch 91 § 93 (SB 975).

**CAPP contact: Charlie Peters**



# CAPP TQM/enhanced PICA Program

## Responsible Quality Management



## Outcome

Responsible State Government Management will result in:

- Effective government
- Consistent and effective consumer service
- Proud professional repair industry
- Environmental impact superior to the models





# The Age of Water

**CSUEB Professor Jean Moran  
Digs into the Mystery of  
California's Precious Groundwater Stores**

**BY KRISTA DOSSETTI  
PHOTOGRAPHY GARVIN TSO**

*"As long as the sun shines and the waters flow,  
this land will be here to give life to men and animals."*


**Chief Crowfoot,  
Siksika Tribe (circa 1825-1890)**

**C**AL STATE EAST BAY ASSOCIATE PROFESSOR AND DEPARTMENT OF EARTH & ENVIRONMENTAL SCIENCES CHAIR JEAN MORAN TAKES OFF ONE HIKING BOOT AND MAKES HER WAY BETWEEN TWO STONE WALLS EMBEDDED IN THE SIDE OF A MOUNTAIN SLOPE. The walls form a half-circle at their deepest point in the hill, where they shelter a shallow pool in the belly of an enclosure. In the water, a handful of tiny cyclones slowly twist beneath the surface. Their movement is so subtle, the fine sand bottom is barely disturbed — only by focusing on one small flurry does another come into view at its periphery, and then another, and then another.

According to the Winnemem Wintu ("Middle Water People") tribe, these tiny flurries — groundwater discharge points — are the genesis of life, and their location, Mount Shasta's Panther Meadows (elev. 7,500 ft.), is sacred ground. There was a time when the silent whirls were loud and vigorous twisters, an underground faucet turned on full blast.

In 2007, just a year after the walls were built to protect the spring, the water ran dry for the first time in the history of the indigenous tribe. ▶

# HOW IT WORKS

The ability to age groundwater and determine its origins is made possible through a complete view of the hydrological cycle — from how radioactive elements develop in the atmosphere, to where water sinks into the ground, to how far it travels, and finally, to where it surfaces for human use. In Shasta, for example, “it’s a mixed story,” Moran reports of the preliminary findings. “The wells, most of them produced older water. But some of the springs are not resilient. And this year, the discharge (groundwater surfacing) at some springs was historically low.” Although this means the wells residents rely on are healthy and deep, there is evidence that the springs are slowing and/or disappearing — and these are the sources, however hidden, that sustain the animals, businesses, people, and life on top. Begin at far left to discover how it works.  CHRIS GALL

“We’ve gotten interested in **high-elevation groundwater** and one of the main reasons for that is the hydrologic regime is changing because of climate change — it’s warming up,” Moran says. “Less of the precipitation comes as snow, more as rain, and that changes when and where water gets into the ground.”

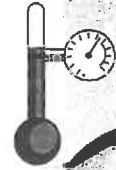
In August, imagery released by NASA showed drops up to two inches per month in California basins due to “**voracious groundwater pumping**,” according to KQED Science. The California Department of Water reports 46 percent or more of the annual water supply can come from groundwater in dry years.

The benefits of **storing water underground**, Moran explains, include not having to transport it via aqueducts, canals, trucks, etc., avoiding the harm to fish and wildlife associated with new construction, and finally, because there is ample room there for storage.

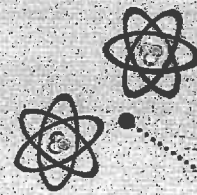
“There’s a knee-jerk reaction that we’re right next to the ocean, so **desalination** is the answer. But on the scale that we need water and the agriculture that uses most of the water so far inland, desal isn’t going to solve that problem at all,” Moran says.

**Artificial recharge and Indirect Potable Reuse (IPR)** programs are good options for replenishing and recycling groundwater to meet the needs of the masses, according to Moran. However, finding just the right spot to do that is the challenge. Factors like surface exposure and agricultural chemicals can contaminate storage areas.

Moran's team calculates the age and origin of groundwater sources by two means. The first piece of the research is the **recharge temperature**. "The amount of gas that dissolves in a water sample is controlled by the pressure and temperature at the time of recharge," Moran says. "Just like your soda can, when it warms up it loses its fizz, colder water dissolves more gas and holds more dissolved gas. By knowing the concentration of the dissolved gases, we can calculate at what temperature that water entered the saturated zone."



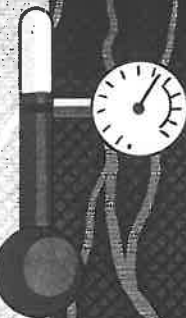
"Shasta is a high **evapo-transportation** area because the air is dry," Moran says. In times of drought, this exacerbates strained water resources and snowpack, a portion of which simply evaporates into thin air.



The second piece of measuring **radioact** or unstable forms of are produced in the cosmic rays and snow water through preci. Because radioactive decay over time (each a particular half-life) used to tell the age

"In a basin or a watershed where there is a lot of topography like Mount Shasta, there is a big temperature gradient with **altitude**," Moran explains. "The higher you go, the colder it gets. By getting this recharge temperature, we can estimate at what elevation that water got into the groundwater system."

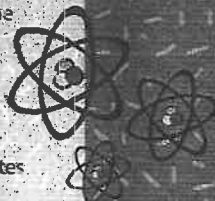
Water that originates at a high altitude could be more desirable, depending on where it surfaces — Moran says, long flow paths correspond to older water that is more resilient and less vulnerable to contamination.



The **isotope tritium** is a mainstay of Moran's research project in Shasta, which has a half-life of 12.5 years and can be used to age water up to 60 years. For comparison, Carbon 14 is another type of isotope that is extremely slow to decay and has been used to date archaeological artifacts up to millions of years old.

"There are a number of isotopes that can be examined once they infiltrate and move into the saturated system and become groundwater, to examine how long that water has been out of contact with the atmosphere," Moran explains. "So the clock starts ticking once those isotopes enter the saturated zone and are no longer exchanging with the atmosphere."

In a time of drought, youth is the most dangerous issue, as young groundwater indicates water that is sinking into the aquifer and then resurfacing for human use quickly, providing little to no time buffer in years of low rain and snowfall



"When water flows through a porous medium like sand and silt, it takes a very circuitous route — it gets mixed up as it flows, so when you pump that out at a well, you're not pumping a single age of water, you're pumping a distribution of ages that has been mixed," Moran explains of how the team will finalize its results in Shasta County. "So we make as many observations as we can, but we also do **mathematical modeling** to unravel the mixed age — to say X percent of this water is older than 100 years, and another fraction is between 60 and 100 years, and so on."

