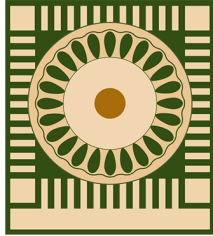


# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Tuesday, May 19, 2020**

**7:00 PM**

**Remote Participation**

**City Council**

**SPECIAL CITY COUNCIL MEETING**

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, regarding the COVID-19 pandemic.

*How to observe the Meeting:*

1. Comcast Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>

*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. eComments received after 3:00 p.m. through the adjournment of the meeting will be included as a part of the meeting record and published the following day.
2. Send an email to [List-Mayor-Council@hayward-ca.gov](mailto: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.

*How to provide spoken Public Comment during the City Council Meeting:*

*Call the City Clerk at (510) 583-4400 prior to the close of public comment on an item as indicated by the Mayor.*

**CALL TO ORDER**

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**May 11, 2020**

**May 18, 2020**

**May 19, 2020**

**PUBLIC COMMENTS**

Public comments are limited only to items on the Agenda as items are called.

**ACTION ITEMS**

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

**CONSENT**

1.     [MIN 20-047](#)     Approve City Council Minutes of the Special City Council Meeting on April 7, 2020  
  
      **Attachments:**   [Attachment I Draft City Council Minutes of 4/7/2020](#)
  
2.     [MIN 20-048](#)     Approve City Council Minutes of the Special City Council Meeting on April 14, 2020  
  
      **Attachments:**   [Attachment I Draft City Council Minutes of 4/14/2020](#)
  
3.     [MIN 20-051](#)     Approve City Council Minutes of the Special City Council Meeting on April 28, 2020  
  
      **Attachments:**   [Attachment I Draft City Council Minutes of 4/28/2020](#)
  
4.     [CONS 20-232](#)     Adopt a Resolution Accepting the Resignations of Mr. Christopher Lopez and Mr. Kenny Wong Many from the Keep Hayward Clean and Green Task Force, Effective Immediately  
  
      **Attachments:**   [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Resignation Letter](#)
  
5.     [CONS 20-213](#)     Adopt a Resolution Extending the Appointment of Bruce Roberts as the Hayward Poet Laureate Through June 30, 2021  
  
      **Attachments:**   [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)

6. [CONS 20-227](#) Adopt a Resolution Awarding a Contract to DeSilva Gates Construction LP for the FY20 Pavement Improvement Project, Project No. 05222, 05224, 05226, 05232, 05289, in an Amount of \$9,406,497, and authorizing the Public Works Director to spend up to \$11,000,000 for Total Construction Costs

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III List of Streets](#)  
[Attachment IV Map](#)

7. [CONS 20-237](#) Adopt a Resolution Approving Addendum No. 1 and Awarding a Contract to Westland Contractors, Inc. for the Sewer Line Replacement Project, Project No. 07694, in an Amount Not-to-Exceed \$1,874,500.

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

8. [CONS 20-233](#) Adopt a Resolution Rejecting All Bids, Approving Revised Specifications, and Calling for Bids for the Sidewalk Rehabilitation FY 20 Project, Project No. 05285

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III Districts Map](#)  
[Attachment IV Project Location Map](#)

9. [CONS 20-228](#) Adopt a Resolution Authorizing the City Manager to Submit an Application to the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) Article 3 Funds in Fiscal Year (FY) 2021 and Execute a Funding Agreement

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment II-a Resolution Abstract](#)  
[Attachment III Bicycle Facility Map](#)  
[Attachment IV Pedestrian Priority Map](#)



10.     [CONS 20-221](#)     Adopt a Resolution Approving an Agreement Between the Alameda County Health Care Services Agency and the Police Department Youth and Family Services Bureau for Medical Administrative Activities and Authorize the City Manager to Execute the Agreement
- Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)
11.     [CONS 20-240](#)     Authorize the City Manager to Submit a Local Early Action Planning (LEAP) Grant Application to Fund Preparation of a Housing Element Update to Implement the Sixth Cycle of the Regional Housing Needs Allocation
- Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Policies to Incentivize Housing Production](#)
12.     [CONS 20-243](#)     Adopt a Resolution Approving an Amendment to the Professional Services Agreement with Langan Engineering and Environmental Services for the La Vista Park Project, Project No. 06914
- Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)
13.     [CONS 20-248](#)     Adopt a Resolution Approving the Side Letter of Agreement Amending the Current Memoranda of Understanding between the City of Hayward and Both the International Association of Firefighters, Local 1909 and the Hayward Fire Officers Association and Authorizing Staff to Execute the Agreement
- Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Draft 1909 Side Letter](#)

## WORK SESSION

*Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.*

14. [WS 20-019](#) Community Agency Funding: Fiscal Year 2021 Community Agency Funding Recommendations for Social Services; Arts & Music; and Infrastructure, Economic Development, and Public Services; and Overview of the FY 2021-2025 Consolidated Plan and FY 2021 Annual Action Plan (Report from Deputy City Manager Ott)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Funding Recommendations](#)

#### PUBLIC HEARING

15. [PH 20-032](#) Master Fee Schedule: Adopt a Resolution Amending the FY 2021 Master Fee Schedule (Report from Finance Director Claussen)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III Police Tow Operations Fee](#)  
[Attachment IV Resolution 19-008](#)  
[Attachment V Resolution 19-152](#)  
[Attachment VI Proposed FY 2021 Master Fee Schedule](#)

#### LEGISLATIVE BUSINESS

16. [LB 20-022](#) Adopt Resolutions Amending the Employment Agreement Between the City Manager and the City of Hayward to Eliminate the City Manager's July 2020 Scheduled 2% Cost of Living Adjustment and Authorizing the Mayor to Execute the Agreement and Reducing the Mayor and City Council's Salary by 2% and the Mayor and Council's Travel and Miscellaneous Budget by 50% for Fiscal Year 2021 (Report from Assistant City Manager/Interim Human Resources Director Hurtado)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II City Manager Resolution](#)  
[Attachment III Council Resolution](#)

#### INFORMATION ITEM

*Information items are presented as general information for Council and the public, and are not presented for discussion. Should Council wish to discuss or take action on any of the "information" items, they will direct the City Manager to bring them back at the next Council agenda as an Action Item.*

17. [RPT 20-052](#) Receive Informational Report Addressing Extended Timeframes to Reestablish Nonconforming Uses Due to COVID-19 Crisis

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II PS Business Parks Letter](#)  
[Attachment III Resolution No. 20-036 Local Emergency](#)

### **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, May 26, 2020, 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](http://www.Hayward-CA.gov)

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**File #:** MIN 20-047

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Approve City Council Minutes of the Special City Council Meeting on April 7, 2020

**RECOMMENDATION**

That the City Council approves the Special City Council minutes of April 7, 2020.

**SUMMARY**

The City Council held a special meeting on April 7, 2020.

**ATTACHMENTS**

Attachment I Draft City Council Minutes of 4/7/2020



**SPECIAL MEETING OF THE CITY COUNCIL**  
**Remote Participation**  
**Tuesday, April 7, 2020, 7:00 p.m.**

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The special City Council meeting was called to order by Mayor Halliday at 7:00 p.m. and was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No 29-20 dated March 17, 2020, and the Alameda County Health Officer Order No. 20-04 dated March 31, 2020 regarding the COVID-19 pandemic.

**ROLL CALL**

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

**PUBLIC COMMENTS**

Public comment was limited to items on the agenda.

**CONSENT**

Consent Item No. 3 was removed from the Consent Calendar for discussion and separate vote.

1. Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2020 **CONS 20-187**

Staff report submitted by Assistant City Manager/Interim Director of Human Resources Hurtado, dated April 7, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried with the following roll call vote, to approve the resolution:

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

Resolution 20-040, "Resolution Approving the Amended Fiscal Year 2020 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 19-246 and All Amendments Thereof"

2. Adopt a Resolution Authorizing the City Manager to Amend the Contract with Delta Engineering Sales, LLC, to an Amount Not-to-Exceed \$10,748,182 to Purchase and Install Additional Water Meter Materials for the Advanced Metering Infrastructure Project No 07025 **CONS 20-192**

Staff report submitted by Director of Public Work Ameri, dated April 7, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried with the following roll call vote, to approve the following:

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

Resolution 20-041, “Resolution Authorizing the City Manager to Amend the Contract with Delta Engineering Sales, LLC, to Increase the Contract Amount by \$290,000 to a not to Exceed Amount of \$10,748,182, for Purchase and Installation of Additional Water Meter Materials, and to Appropriate these Funds for Use in the Project”

3. Adopt a Resolution Approving Plans and Specifications and Call for Bids for the Sulphur Creek Mitigation Project at Hayward Executive Airport **CONS 20-196**

Staff report submitted by Director of Public Works Ameri, dated April 7, 2020, was filed.

Discussion ensued among Council members and City staff regarding finding a mitigation site for the Sulphur Creek project; sending a letter to the Alameda County Flood Control and Water Conservation District and Alameda County Board of Supervisors regarding Council’s suggestion to have mitigation measures performed in Hayward; and working with State Water Board and California Department of Fish and Wildlife agencies.

Mayor Halliday opened the public hearing at 7:14 p.m.

Public speakers participated by calling the City Clerk’s office at (510) 583-4400.

Ms. Marlina Selva, Friends of San Lorenzo Creek representative, thanked Council’s support for having the mitigation project performed in Hayward and emphasized the importance of prioritizing the health of the San Lorenzo Creek.



**SPECIAL MEETING OF THE CITY COUNCIL  
Remote Participation  
Tuesday, April 7, 2020, 7:00 p.m.**

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Mr. Bruce King, Friends of San Lorenzo Creek representative, stressed the importance of performing mitigation measures within Hayward to lessen negative impacts to local creeks.

Mayor Halliday closed the public hearing at 7:24 p.m.

Council Member Mendall made a motion to approve staff's recommendation including direction to staff to try to find a site in Hayward to perform mitigation measures.

Council Member Zermeño seconded the motion.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried with the following roll call vote, to approve the resolution with direction to staff to find a mitigation site for the Sulphur Creek project and send a letter to the Alameda County Flood Control and Water Conservation District and Alameda County Board of Supervisors on behalf of the City Council asking for consideration to have the mitigation performed in Hayward.

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

Resolution 20-042, "Resolution Authorizing the City Manager to Amend the Contract with Delta Engineering Sales, LLC, to Increase the Contract Amount by \$290,000 to a not to Exceed Amount of \$10,748,182, for Purchase and Installation of Additional Water Meter Materials, and to Appropriate these Funds for Use in the Project

**LEGISLATIVE BUSINESS**

4. Repeal and Replacement of Temporary Moratorium on Evictions: Repeal of Existing Moratorium and Adoption of Emergency Ordinance Establishing a Temporary Moratorium on Residential and Commercial Evictions in the City of Hayward for Non-Payment of Rent or Mortgage Payments Caused by the Coronavirus (COVID-19) Pandemic to Include Prohibitions on Commercial Evictions, Lender Evictions of Homeowners, and Retaliation Against Tenants **LB 20-016**

Staff report submitted by Deputy City Manager Ott and Housing Manager Morales, dated April 7, 2020, was filed.



Deputy City Manager Ott provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 7:39 p.m.

Public speakers participated by calling the City Clerk's office at (510) 583-4400.

Ms. Angela Andrews, Planning Commission member, supported a moratorium for all evictions and the ordinance applied to commercial businesses, and recommended creation of a comprehensive pandemic response plan and an economic development task force.

Ms. Monzella Curtis, Hayward Collective member, requested a freeze on rent increases.

Ms. Audrey Boissonou, California Association of Mortgage Professionals president, requested the Council promote government programs such the Coronavirus Aid Relief and Economic Security (CARES) Act, as stated in her letter.

Ms. Jackie Zaneri, Centro Legal de La Raza attorney, asked the ordinance include language to invalidate all eviction notices served before the State of Emergency was declared or that expire during the State of Emergency, as stated in her letter.

Mr. David Stark, Bay East Association of Realtors, Public Affairs Director, requested that the homeowners' protection provision be removed and replaced with a stipulation that homeowners must attempt to work with their lenders to modify terms in their mortgage.

Ms. Elisha Crader requested the ordinance be expanded to include all causes of tenant evictions.

Ms. Lacei Amodei urged the Council to consider a freeze on rent and mortgage payments.

Ms. Alicia Lawrence, Hayward Collective member, urged to halt all eviction notices and to invalidate evictions served prior to the emergency declaration.

Ms. Araceli Orozco, South Hayward's parents advocate, agreed with Hayward Collective's recommendations in supporting the most affected residents.

Mayor Halliday closed the public comments at 8:01 p.m.

City Attorney Lawson noted staff was proposing to add clarifying language to Section 7 of the ordinance, relating to criminal penalties for violation, and add language as follows, "A violation of this ordinance is a misdemeanor and is punishable by a fine not to exceed \$1,000 or imprisonment not to exceed six (6) months, or both."

Council Member Lamnin made a motion per staff's recommendation and noted the advocates' concerns had been addressed.



**SPECIAL MEETING OF THE CITY COUNCIL  
Remote Participation  
Tuesday, April 7, 2020, 7:00 p.m.**

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Council Member Mendall seconded the motion.

Council Member Márquez offered a friendly amendment to the motion that would include all eviction notices that were previously served and that may be expiring during the Shelter-in-Place order.

Council Member Lamnin did not accept the friendly amendment noting the ordinance had enough protections in place and was concerned that expanding beyond the nexus of the COVID-19 pandemic could open the door for abuses.

Discussion ensued among Council members and City staff regarding protections for tenants who might have been served with unlawful detainer actions, mediation services through the Housing Division, information regarding moratorium on evictions, assistance through the City Attorney's office, provision for homeowner protections, types of no-fault and just cause evictions, and court enforcement.

Council Member Mendall clarified that his second to the motion included the amendment to Section 7 of the ordinance. Council Member Lamnin agreed the motion included the amendment.

Council Member Salinas supported the motion including the amendment to Section 7; and asked that communication be clear and simple with graphics that articulate the policy.

Council Member Wahab offered a friendly amendment for the ordinance to include all evictions.

Council Member Lamnin did not accept the friendly amendment noting the ordinance was crafted to address the current crisis.

Council Member Wahab recommended the City draft a letter calling on state and federal legislators for measures to prevent foreclosures, implement mortgage assistance and ask financial institutions to suspend payments and late fees.

Mayor Halliday was amenable to work with City staff and Council Member Wahab on drafting a letter if Council members did not express any concerns.

Council Member Mendall was agreeable if City staff, Mayor Halliday and Council Member Wahab consented to language for such letter.

Council Member Wahab requested staff work on broader communication to include residents with no internet access and those whose English is not their primary language; and suggested distributing information through various faith groups.

Council Member Zermeño supported the motion noting the ordinance had appropriate mediation and enforcement provisions.

Mayor Halliday supported the motion and thanked Council members and City staff for their participation.

It was moved by Council Member Lamnin, seconded by Council Member Mendall, and carried with the following roll call vote, to approve the ordinance with an amendment to Section 7 of the ordinance, relating to criminal penalties for violation, and add language as follows, “A violation of this ordinance is a misdemeanor and is punishable by a fine not to exceed \$1,000 or imprisonment not to exceed six (6) months, or both.”:

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

Ordinance 20-07, “An Emergency Ordinance of the City Council of the City of Hayward Repealing Ordinance No. 20-06 and Adopting a Temporary Moratorium on Residential and Commercial Evictions in the City of Hayward for Non-Payment of Rent or Mortgage Payments Caused by the Coronavirus (COVID-19) Pandemic, or for a No-Fault Reason Unless the Eviction is Necessary for the Imminent Health and Safety of the Tenant or Landlord”

5. Minimum Wage Ordinance: Introduce an Ordinance to Amend Chapter 6 “Minimum Wage Ordinance” of the City of Hayward Municipal Code Delaying the Implementation Date and Modifying the Yearly Adjustment Date for Increases in Response to Significant Impacts to Businesses Caused by the COVID-19 Pandemic **LB 20-015**

Staff report submitted by City Manager McAdoo, dated April 7, 2020, was filed.

Economic Development Specialist Ralston provided a synopsis of the staff report.

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

Public speakers participated by calling the City Clerk’s office at (510) 583-4400.



**SPECIAL MEETING OF THE CITY COUNCIL**  
**Remote Participation**  
**Tuesday, April 7, 2020, 7:00 p.m.**

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The following individuals did not favor delaying implementation of the minimum wage ordinance due to concerns with impact to most vulnerable populations, small businesses, and hourly groups; and concerns that would result in an unstable workforce.

Mr. Randy Wright, Hayward business owner, also provided a letter for the record.

Mr. Edgardo Solorio

Mr. Matthew Lewis, East Bay Young Democrats representative

Ms. Hilda Garcia, via an English-Spanish interpreter

Ms. Lacei Amodei, Hayward residents

Ms. Elisha Crader, Hayward resident

Ms. Alondra Flores

Ms. Jasmine Gee

Mr. Johan Ocegueda, Hayward small business owner

Ms. Marisol Gonzales

Ms. Araceli Orozco, South Hayward's parents advocate

Ms. Sara Prada, local business owner, suggested staff conduct a survey of Hayward small businesses and how many are employed, find out who needs the most help and how to get available funds from state and federal governments.

City staff spoke about the Small Business Resiliency Grant Program and application process which included a survey of small businesses.

Mr. Kim Huggett, Hayward Chamber of Commerce president, urged the Council to approve delaying the minimum wage increase until January and shared how some businesses have been struggling to stay open.

Mayor Halliday closed the public comments at 9:20 p.m.

Discussion ensued among Council members and City staff regarding: unemployment benefits for displaced workers; Hayward Community Relief Fund for workers who do not qualify for government benefits; survey results from businesses; stimulus funds; rent subsidies from Community Development Block Grant funds; Small Business Administration's Economic Injury Disaster Loan Program; Small Business Administration's Paycheck Protection Program; "employees out of the City" provision; two notifications and associated costs to the City and to businesses; and City of Hayward business and employee demographic data.

Council Member Mendall noted it was difficult to delay implementation of the minimum wage ordinance, especially since he had supported the ordinance when the economy was thriving, but mentioned it did not make sense to impose an increase when businesses were closed.

Council Member Mendall offered a motion per staff's recommendation and to delay implementation of the ordinance to January 1, 2021.

Council Member Salinas seconded the motion.

Council Member Salinas noted that he had supported increasing the minimum wage when the economy was doing well, but due to the financial impact of COVID-19, he was concerned that small businesses would not be able to stay open.

Council Member Wahab did not support delaying implementation of the minimum wage increase noting the state or other municipalities were not delaying minimum wage increases, it was unjust to hurt the lowest paid employees during a pandemic, and noted workers should receive hazard pay and be provided with personal protective equipment.

Council Member Zermeño offered a friendly amendment to the motion so the delay would only apply to small businesses with 25 or fewer employees.

Council Member Lamnin offered a friendly amendment to increase the minimum wage to \$13 per hour for small businesses and \$14 per hour for large businesses as of July 1, 2020, and to increase to \$14 and \$15 respectively, as of January 1, 2021.

Council Member Mendall did not accept the amendment due to the cost associated with double noticing and having to change the payroll twice.

Council Member Salinas offered a friendly amendment to have the cutoff at 299 or fewer businesses and leave it in place for 300 and above.

Council Member Mendall noted the three friendly amendments were not bad ideas but did not want to complicate staff's recommendation and he did not accept the friendly amendments.

Council Member Márquez expressed support for Council Member Zermeño's friendly amendment; and noted the vote to accelerate the minimum wage was unanimous, but the financial situation had changed, and it was the Council's responsibility to address the crisis and to preserve jobs.

Mayor Halliday noted the friendly amendments were not accepted.

Mayor Halliday expressed she would be supporting the motion and noted the concern was for individuals who would lose their jobs due to the financial impact imposed on businesses.

It was moved by Council Member Mendall, seconded by Council Member Salinas, and carried with the following roll call vote, to approve the following:



**SPECIAL MEETING OF THE CITY COUNCIL**  
**Remote Participation**  
**Tuesday, April 7, 2020, 7:00 p.m.**

---

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

Intro Ord 20-\_, “An Ordinance of the City of Hayward,  
Amending Article 15 of Chapter 6 of the Hayward Municipal  
Code Relating to Payment of Minimum Wages by Employers”

**CITY MANAGER’S COMMENTS**

City Manager McAdoo provided updates on Hayward’s COVID-19 Testing Center, the Small Business Resiliency Grant Program, and the Hayward Community Relief Fund.

**COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Salinas encouraged the public donate to the Hayward Community Relief Fund and local non-profit agencies.

Council Member Wahab acknowledged Fire Chief Contreras for Hayward’s COVID-19 Testing Center; and spoke about efforts through AT&T grants to improve Wi-Fi access, obtain laptops for students and funding for small businesses.

Council Member Zermeño encouraged all to donate to food banks and patronize Hayward’s small businesses.

Council Member Lamnin spoke about her participation at the League of California Cities’ Policy Committee meeting regarding legislation around workers’ compensation and ACA 5 to repeal California’s ban on Affirmative Action; and reminded residents to complete the 2020 Census questionnaire.

Council Member Márquez acknowledged the City’s level of response related to the COVID-19 pandemic and noted South Hayward Parish was providing food distribution and looking for volunteers.

Mayor Halliday announced that state and county agencies were holding virtual meetings and encouraged the public to contact staff with any questions; encouraged residents to complete the 2020 Census; and reminded everyone to collaborate with one another and practice acts of kindness during COVID-19.

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 10:48 p.m.

**APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** MIN 20-048

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Approve City Council Minutes of the Special City Council Meeting on April 14, 2020

**RECOMMENDATION**

That the City Council approves the Special City Council minutes of April 14, 2020.

**SUMMARY**

The City Council held a special meeting on April 14, 2020.

**ATTACHMENTS**

Attachment I Draft City Council Minutes of 4/14/2020





**SPECIAL MEETING OF THE CITY COUNCIL**  
**Remote Participation**  
**Tuesday, April 14, 2020, 5:30 p.m.**

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The City Council meeting was called to order by Mayor Halliday at 5:30 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, and the Alameda County Health Officer Order No. 20-04 dated March 31, 2020 regarding the COVID-19 pandemic.

**ROLL CALL**

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

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson reported the City Council convened in closed session on April 13, 2020 at 5:00 p.m., regarding a conference with labor negotiators pursuant to Government Code 54957.6; and noted the Council discussed but took no reportable action.

City Manager McAdoo acknowledged the tragic deaths at the Gateway Care and Rehabilitation Center in Hayward, offered condolences to the affected families, and shared data points for nursing homes in Hayward related to COVID-19.

**PUBLIC COMMENTS**

Public comment was limited to items on the agenda.

**CONSENT**

1. Adopt a Resolution Approving the FY 2021 Measure B/BB Annual Paratransit Program Plan and Authorizing the City Manager to Execute FY 2021 Service Agreements for the Continued Provision of Measure B/BB Funded Paratransit Services **CONS 20-183**

Staff report submitted by Deputy City Manager Ott, dated April 14, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the resolution with the following roll call vote:

AYES: COUNCIL MEMBERS Lamnin, Márquez, Mendall, Salinas, Wahab  
Zermeño  
MAYOR Halliday  
NOES: NONE

ABSENT: NONE  
ABSTAIN: NONE

Resolution 20-043, "Resolution Authorizing the City Manager to Implement an Annual Paratransit Plan and Negotiate and Execute all Documents Related to and in Support of Paratransit Activities Including the Administration of the Hayward Operated Paratransit (HOP) Program"

Mayor Halliday recommended that Legislative Item 3 move prior to Work Session Item 2 to take care of administrative tasks. There were no objections voiced by Council members.

## **WORK SESSION**

### **2. General Fund COVID-19 Pandemic Update WS 20-015**

Oral report presented by City Manager McAdoo, dated April 14, 2020.

City Manager McAdoo provided information on the City's General Fund cash flow projection for the remainder of Fiscal Year 2020 and early estimates for Fiscal Year 2021.

Mayor Halliday opened the public comment at 6:09 p.m.

Ms. Darrelle Demps asked whether the City was considering furloughing non-essential employees as a possible reduction in expenditures.

City Manager McAdoo noted the cost savings of furloughing non-essential employees would be between one and two million dollars in May and June and staff wanted to consider other cost saving options.

Mayor Halliday closed the public comment at 6:11 p.m.

Discussion ensued among Council members and City staff regarding: CalPERS; finances in 2008-2010 when the City was recovering from the recession; Caltrans 238 properties' sales and tax projections; temporary staffing reduction; report on state and federal funds Hayward is eligible for and has secured; FEMA reimbursement; projected savings from hiring freeze; deferring Other Post Employment Benefit (OPEB) ARC contributions; reduction in General Fund Capital contributions; and Measure C funds.

Council Member Márquez recommended: preserve as many jobs as possible, use reserves, consider splitting the (OPEB) ARC contribution into two payments, provide options on how the City Council can participate in cost savings, provide budget reports from the prior two years including revenues and expenditures, and include Measure C funds in budget reports.



**SPECIAL MEETING OF THE CITY COUNCIL**  
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Council Member Zermeño recommended: defer the OPEB contribution for one year, have the City Council participate in cost savings, and protect City employees.

Council Member Mendall recommended: delay the OPEB payment by six months to preserve cash balance, halt taking drastic measures, and review the budget monthly.

Council Member Salinas recommended: plan for a worst case scenario, preserve City of Hayward employee jobs and negotiate with labor groups, use reserves responsibly, explore options to keep making OPEB payments, support local businesses, and focus on providing essential services.

Council Member Lamnin recommended: plan for a worst-case scenario, delay the OPEB payment until January and evaluate paying the proposed amount at that time, consider City Council contributions, preserve employees, and collaborate to bring CalPERS costs down.

Council Member Wahab recommended: exhaust all options prior to considering layoffs; engage in transparent conversations with labor groups; provide regular budget updates; provide an itemized report on state and federal funds Hayward is eligible for; extend the proposed hiring freeze to one year; do not defer payments; prepare a list of General Fund Capital projects proposed to be reduced; reduce supplies and services by 20 percent; evaluate debt that can be refinanced; consider using funds from Measure C, Route 238 properties and cannabis tax for obligations such as paying unfunded liabilities; prepare and analyze an itemized list of contracts, projects, supplies and services that can be consolidated, delayed, or eliminated; evaluate ways to reduce the Council's budget; craft policy to reduce or prorate contract services during a downturn in the economy; halt usage of reserves; consider cuts across the board; focus on funds the City can pursue on its own as well as through partnerships with other cities; consider strategies for rotating employees and laying off for a week, as long as they are eligible for benefits and unemployment; and find alternative funding source for the Navigation Center.

Mayor Halliday noted there was consensus among Council members to participate in cost savings, noted that current policies on the use of one-time funds call for paying liabilities or building the reserve fund, and noted she would continue to work with Alameda County mayors to make sure federal funds come to the county. Mayor Halliday indicated more budget information would be presented to Council in the upcoming weeks.

**LEGISLATIVE BUSINESS**

3. **Minimum Wage Ordinance: Adopt an Ordinance Amending Article 15 of Chapter 6 of the Hayward Municipal Code Relating to Payment of Minimum Wages by Employers LB 20-017**

Staff report submitted by City Clerk Lens, dated April 14, 2020, was filed.

The report was placed under Legislative Business because the vote was not unanimous.

There being no public comments, Mayor Halliday opened and closed the public hearing at 5:43 p.m.

It was moved by Council Member Mendall, seconded by Council Member Salinas, with the following roll call vote, to approve the ordinance:

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

Ordinance 20-08 “An Ordinance of the City of Hayward, Amending Article 15 of Chapter 6 of the Hayward Municipal Code Relating to Payment of Minimum Wages by Employers”

#### **CITY MANAGER’S COMMENTS**

City Manager McAdoo reiterated comments related to the Gateway Care and Rehabilitation Center, nursing homes and Hayward’s COVID-19 Testing Center in coordination with the Alameda County Health Department; noted the COVID-19 Testing Center had relocated to California State University East Bay; reported on tenant mediation services funding for repayment plans related to COVID-19 crisis; and announced the launching of Rental Housing Relief Program.

#### **COUNCIL REPORTS AND ANNOUNCEMENTS**

Mayor Halliday announced the Hayward-Ghazni Sister City was organizing a fundraising event on April 17, 2020, via Zoom to help build a school and community well.

Council Member Márquez announced the free food distribution and shelter at South Hayward Parish and First Presbyterian Church; extended her condolences to Union City Councilman Jaime Patino for the loss of his grandmother and individuals impacted by COVID-19; noted available resources through the Community Resources for Independent Living and Life Elder Care; and asked folks to contribute to the Hayward Community Relief Fund.

Council Member Lamnin announced there were challenge grants through the Hayward Rotary Club to support food pantries at the South Hayward Parish and the Eden United Church of Christ and for personal protective equipment for grocery workers and other essential workers; and reminded everyone that wipes are not flushable.

Council Member Wahab stressed frontline essential workers needed personal protective



**SPECIAL MEETING OF THE CITY COUNCIL  
Remote Participation  
Tuesday, April 14, 2020, 5:30 p.m.**

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equipment and urged people with access to extra products and equipment to donate and suggested creating a community-wide inventory to inform future emergency planning.

Council Member Salinas shared the Eden Information & Referral-211 publishes a blue book which lists non-profit agencies in Alameda County and suggested it could be a good starting point for a county-wide inventory.

Council Member Wahab thanked Assembly Member Quirk, the Hayward-Ghazni Sister City Committee and Council members for organizing the April 17, 2020, fundraising event.

Council members commended essential City workers, Fire and Police personnel for their efforts during the coronavirus pandemic.

**ADJOURNMENT**

Mayor Halliday adjourned the special meeting at 7:43 p.m., in memory of Dr. Marshall Mitzman and individuals affected by the coronavirus pandemic.

Dr. Marshall Mitzman was an active member of the community, served on the Chabot-Las Positas College District Board of Trustees, was a longtime volunteer of the Alameda County Salvation Army, and was a committee member of St. Rose Hospital's Annual Volunteer Recognition and Awards Dinner. Mayor Halliday asked staff to work with the Mitzman family to plant a tree in his memory.

**APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** MIN 20-051

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Approve City Council Minutes of the Special City Council Meeting on April 28, 2020

**RECOMMENDATION**

That the City Council approves the Special City Council minutes of April 28, 2020.

**SUMMARY**

The City Council held a special meeting on April 28, 2020.

**ATTACHMENTS**

Attachment I Draft City Council Minutes of 4/28/2020



**SPECIAL MEETING OF THE CITY COUNCIL  
Remote Participation  
Tuesday, April 28, 2020, 7:00 p.m.**

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The City Council meeting was called to order by Mayor Halliday at 7:03 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, and the Alameda County Health Officer Order No. 20-04 dated March 31, 2020 regarding the COVID-19 pandemic.

**ROLL CALL**

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

**CLOSED SESSION ANNOUNCEMENT**

The City Council convened in closed session at 5:30 p.m., regarding two items: 1) conference with legal counsel pursuant to Government Code 54956.9 regarding AGG, et al. v. City of Hayward, et al., U.S. District Court, ND CA, No. #4: 4:19-civ-00697-DMR; and 2) conference with legal counsel pursuant to Government Code 54956.9(d)(4) and 54956.9(c)(1) regarding anticipated litigation. City Attorney Lawson reported there was no reportable action.

**PRESENTATION**

Mayor Halliday read a Proclamation recognizing the week of April 19 to 25, 2020, as National Volunteer Week. Library staff shared a video to recognize Library volunteers. Mayor Halliday praised all volunteers and highlighted the overwhelming response of volunteers to assist with the COVID-19 pandemic. City Manager McAdoo accepted the Proclamation on behalf of City employees.

**PUBLIC COMMENT**

Public comment was limited to items on the agenda.

**CONSENT**

1. Adopt a Resolution Authorizing the City Manager to Amend the Construction Contract with Con-Quest Contractors, Inc., for Additional Administrative Change Order Authority in the Amount of \$150,000 for a Contract Not-to-Exceed \$1,976,600, for the Recycled Water Customer Onsite Conversions Project, Project No. 07507 **CONS 20-197**

Staff report submitted by Director of Public Works Ameri, dated April 28, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried with the following roll call vote, to approve the resolution:

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

Resolution 20-044, "Resolution Authorizing the City Manager to Amend the Construction Contract with Con-Quest Contractors, Inc., to Increase the Contract Amount by \$150,000 to a Not-to-Exceed Amount of \$1,976,600 for the Recycled Water Customer Onsite Conversions Project, Project No. 07507"

2. Adopt a Resolution Approving Plans and Specifications and Call for Bids for the Water Pollution Control Facility (WPCF) Headworks Bar Screens Project, Project No. 07567  
**CONS 20-204**

Staff report submitted by Director of Public Works Ameri, dated April 28, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried with the following roll call vote, to approve the resolution:

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

Resolution 20-045, "Resolution Approving Plans and Specifications for the Water Pollution Control Facility (WPCF) Headworks Rehabilitation Project, Project No. 07567 and Call for Bids"

## **PUBLIC HEARING**

3. Community Development Block Grant (CDBG) COVID-19 Emergency-Related Funding: Adopt a Resolution Authorizing the City Manager to Implement a Contingency Plan for Allocation and Expenditure of Up to \$1.47 Million in Available CDBG Funds for COVID-19 Emergency Expenditures; and Approving a Substantial Amendment to the CDBG FY 2020 Annual Action Plan **PH 20-021**





**SPECIAL MEETING OF THE CITY COUNCIL  
Remote Participation  
Tuesday, April 28, 2020, 7:00 p.m.**

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Staff report submitted by Deputy City Manager Ott, dated April 28, 2020, was filed.

Community Services Manager Davis provided a synopsis of the staff report.

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

One public speaker participated by calling the City Clerk's office at (510) 583-4400.

Ms. Angela Andrews, Planning Commission member, expressed support for the item and asked the Downtown Streets Team be considered for the additional funds for its homeless advocacy. Community Services Manager Davis noted the agency already received funds and was not envisioned for additional funding.

Mayor Halliday closed the public hearing at 7:41 p.m.

Discussion ensued among Council members and City staff regarding Community Development Block Grant (CDBG) COVID-19 emergency-related funding for shelter services (\$475,000), referrals and information services (\$25,000), local food banks for low-income and senior Hayward residents (\$180,000), the Economic Development project category for micro-enterprises to promote economic recovery from COVID-19 (\$50,000), legal assistance for vulnerable residents (\$25,000), and childcare services for essential employees (\$40,000); \$5,000 for the Small Business Resiliency Grant Program and communications sent to 1,600 business applicants; and rent relief grants.

Members of the Council provided the following recommendations: be mindful allocating funds to services the City is already providing to the public such as referrals and information services; consider personal protective equipment and education on social distancing for day laborers; explore options for funding programs aimed for low-income and senior Hayward residents through economic development projects such as restaurants to keep businesses open, retain employees and provide needed service, similar to how the Deputy Sheriff's Activity League receives funding from Stupski Foundation to fund local restaurants; balance being innovative and deploying funds where needed; exercise flexibility in terms of who can access additional CDBG funding; provide clear information about available funds and any impact to existing benefits to make sure the public is not misinformed by overbearing individuals; and continue to be inclusive and apply equity when providing assistance across demographic groups. Mayor Halliday was thankful for the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding.

Members of the Council agreed to allocate the majority of additional funds to the broad categories of food, shelter, assistance for renters and homeowners.

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

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

Resolution 20-046, "Resolution Authorizing the City Manager to Amend the Fiscal Year 2020 Annual Action Plan to Allocate \$1.47 Million in Unexpended Community Development Block Grant (CDBG) Funds"

## **LEGISLATIVE BUSINESS**

### **4. Hayward Community Relief Fund: Approval of the Hayward Community Relief Fund Distribution Process LB 20-020**

City Attorney Lawson disclosed Mayor Halliday and Council Members Lamnin, Salinas, and Zermeño were members of Hayward Rotary Club and had no conflict of interest by participating and voting on Item 4 as it related to grants received by Hayward Rotary. As the upcoming Hayward Rotary Club president and Hayward Rotary Foundation voting member, Council Member Lamnin chose to recuse herself from participating and voting on Item 4 related to Hayward Rotary.

Staff report submitted by City Manager McAdoo, dated April 28, 2020, was filed.

City Manager McAdoo provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:42 p.m.

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

City Manager McAdoo clarified the motion included approving \$350,000 for relief grants for vulnerable populations and \$10,000 for testing center supplies through the Firefighters Charitable Organization.

Council Member Márquez acknowledged the clarification.

Council Member Mendall seconded the motion and concurred with the clarification.



**SPECIAL MEETING OF THE CITY COUNCIL  
Remote Participation  
Tuesday, April 28, 2020, 7:00 p.m.**

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Council Member Márquez asked staff to ensure that applicants live in Hayward, encouraged contributors to continue to give, recommended creating a waitlist of households not selected during the first round, and acknowledged Council Member Mendall for being instrumental in securing funding from East Bay Clean Energy (EBCE).

Council Member Mendall acknowledged the pledge from the Stupski Foundation, noted EBCE had also donated to the Alameda County Food Bank, Spectrum, and South Hayward Parish Food Bank, and thanked other agencies for donating.

Council Member Wahab sought clarification about the \$10,000 for testing center supplies and recommended a robust outreach to include diverse community groups that might not be familiar with La Familia Counseling.

Council Member Zermeño praised City staff for the work done and the partnership with La Familia, Hayward Rotary, and Firefighters Charitable Organizations; and favored approaching others to contribute.

Council Member Lamnin echoed comments made by Council Member Márquez, encouraged contributors to keep donating. Council Member Lamnin emphasized she did not have any financial benefit through her affiliation with Hayward Rotary and her recusal from the next item was purely voluntary.

Mayor Halliday restated the motion on the floor.

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried by the following roll call vote, to approve \$350,000 for relief grants to vulnerable populations and \$10,000 for testing center supplies in partnership with Firefighters Charitable Organizations.

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

Council Member Lamnin exited the Teams meeting.

Council Member Zermeño made a motion to approve \$40,000 to support Hayward small businesses in partnership with Hayward Rotary.

Council Member Márquez seconded the motion.

Council Member Wahab recommended that businesses that have received funding from the City not be eligible for a second round to ensure funds reach as many as possible; and asked for a report on how funds are distributed.

Council Member Márquez recommended the communications team emphasize how deeply rooted La Familia Counseling is in the community; thanked the Stupski Foundation, Hayward Rotary and Firefighters Charitable Organizations; and continue to work through the 1,600 applications from small businesses as additional donations are received.

Council Member Salinas acknowledged all for the collaboration and support.

Mayor Halliday expressed she would be supporting the motion; noted her Rotary Foundation membership, along with Council Members Lamnin, Salinas and Zermeño, did not constitute an economic conflict of interest; and thanked all donors for their contributions.

It was moved by Council Member Zermeño, seconded by Council Member Márquez, and carried by the following roll call vote, to approve \$40,000 to support Hayward small businesses in partnership with Hayward Rotary:

AYES:	COUNCIL MEMBERS Márquez, Mendall, Salinas, Wahab, Zermeño. MAYOR Halliday
NOES:	NONE
ABSENT:	NONE
RECUSED:	COUNCIL MEMBER Lamnin

Council Member Lamnin rejoined the virtual meeting.

### **CITY MANAGER'S COMMENTS**

City Manager McAdoo announced she would be participating in a virtual townhall meeting with Hayward Unified School District Superintendent Wayne on May 4, 2020; encouraged everyone to fill out the 2020 Census; provided an update on call center calls and 4,497 tested at Hayward COVID-19 Testing Center; and noted the Public Health Officers of the Counties of Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara as well as the City of Berkeley had issued revised shelter-in-place orders that largely kept current restrictions in place and extended them through May.

### **COUNCIL REPORTS AND ANNOUNCEMENTS**

Members of the City Council praised Fire Chief Contreras for the Hayward COVID-19 Testing Center and City staff for the leadership, creativity and dedicated work related to the COVID-19 pandemic.



**SPECIAL MEETING OF THE CITY COUNCIL  
Remote Participation  
Tuesday, April 28, 2020, 7:00 p.m.**

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Council Member Lamnin thanked staff for adding a translate button at the top right-hand corner of the City's website.

Council Member Márquez reminded the public that the Alameda County Mosquito Abatement District was operational and encouraged public members to avail of its services; and invited her colleagues and any community members interested in partnering with her to make masks for Hayward day laborers.

Council Member Wahab noted that along with volunteers she had donated face shields and masks to St. Rose Hospital, healthcare and frontline workers in need of personal protective equipment; thanked AT&T for initial conversations regarding accessible Wi-Fi to residents and small businesses and asked City staff to reengage in conversations. Council Member Wahab asked City staff for a report on the \$30,000 AT&T grant the City was able to secure for the purchase of chromebooks and Wi-Fi hotspots for Hayward families to facilitate distance learning.

Mayor Halliday reminded everyone to fill out the 2020 Census and advised all to follow the guidelines of the Alameda County Health Officer and Governor Newsom.

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 9:45 p.m., in memory of Ms. Kathy Super

Ms. Kathy Super was a founding member of the Keep Hayward Clean and Green Task Force serving from June 2007 until September 2016; was a resident of the Burbank neighborhood; and founded the Chabot Green Team when the college become a greener campus using natural fertilizers. Mayor Halliday asked City staff to work with the Super family and the Task Force to coordinate planting a tree and having a beautification project in her memory. Mayor Halliday also adjourned the meeting with sadness for lives lost due to COVID-19.

**APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward



# CITY OF HAYWARD

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

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**File #:** CONS 20-232

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adopt a Resolution Accepting the Resignations of Mr. Christopher Lopez and Mr. Kenny Wong Many from the Keep Hayward Clean and Green Task Force, Effective Immediately

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) accepting the resignation of Mr. Christopher Lopez and Mr. Kenny Wong Many from the Keep Hayward Clean and Green Task Force, effective immediately.

**SUMMARY AND DISCUSSION**

Mr. Christopher Lopez and Mr. Kenny Wong Many were appointed to the Keep Hayward Clean and Green Task Force on September 10, 2019. Mr. Lopez communicated to the City Clerk his decision to resign due to a conflict with personal priorities; therefore, his resignation becomes effective immediately. Mr. Wong Many's resignation also becomes effective immediately per his resignation letter (Attachment III).

Mr. Lopez and Mr. Wong Many's vacated position can be filled as part of the annual appointment process for the City's appointed officials to Commissions and the Keep Hayward Clean and Green Task Force.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Resignation Letter



**DATE:** May 19, 2020  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adopt a Resolution Accepting the Resignations of Mr. Christopher Lopez and Mr. Kenny Wong Many from the Keep Hayward Clean and Green Task Force, Effective Immediately

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) accepting the resignation of Mr. Christopher Lopez and Mr. Kenny Wong Many from the Keep Hayward Clean and Green Task Force, effective immediately.

**SUMMARY AND DISCUSSION**

Mr. Christopher Lopez and Mr. Kenny Wong Many were appointed to the Keep Hayward Clean and Green Task Force on September 10, 2019. Mr. Lopez communicated to the City Clerk his decision to resign due to a conflict with personal priorities; therefore, his resignation becomes effective immediately. Mr. Wong Many's resignation also becomes effective immediately per his resignation letter (Attachment III).

Mr. Lopez and Mr. Wong Many's vacated position can be filled as part of the annual appointment process for the City's appointed officials to Commissions and the Keep Hayward Clean and Green Task Force.

**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 six priorities outlined in the Council's Strategic Roadmap.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:

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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION No. 20-

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

RESOLUTION ACCEPTING THE RESIGNATION OF MR. CHRISTOPHER LOPEZ  
AND MR. KENNY WONG MANY FROM THE KEEP HAYWARD CLEAN AND  
GREEN TASK FORCE

WHEREAS, Mr. Christopher Lopez and Mr. Kenny Wong Many were appointed to the Keep Hayward Clean and Green Task Force on September 10, 2019; and

WHEREAS, Mr. Kenny Wong Many submitted a resignation letter on March 6, 2020;  
and

WHEREAS, Mr. Christopher Lopez communicated to the City Clerk his decision to resign on March 6, 2020 due to a conflict with personal priorities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignation of Mr. Christopher Lopez and Mr. Kenny Wong Many from the Keep Hayward Clean and Green Task Force; and commends them for their civic service to the City.



IN COUNCIL, HAYWARD, CALIFORNIA, May 19, 2020.

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

**From:** Kenny Wong-Many  
**Sent:** Friday, March 6, 2020 4:04 PM  
**To:** Miriam Lens <[Miriam.Lens@hayward-ca.gov](mailto:Miriam.Lens@hayward-ca.gov)>; Kenny Wong-Many  
**Subject:** Re: Keep Hayward Clean and Green Task Force

Thank you Miriam.

I am so sorry that I will no longer available to help with the city of Hayward as we are in the process of moving.

Kenny.



# CITY OF HAYWARD

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

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**File #:** CONS 20-213

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Director of Library Services

**SUBJECT**

Adopt a Resolution Extending the Appointment of Bruce Roberts as the Hayward Poet Laureate Through June 30, 2021

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) extending the appointment of Bruce Roberts as the Hayward Poet Laureate through June 30, 2021.

**SUMMARY**

The City Council established a pilot Hayward Poet Laureate Program in 2015 to raise awareness of the power of poetry and other forms of literature. The Council appointed Mr. Bruce Roberts as the City's first official Poet Laureate and, having performed his duties in an exemplary manner at a variety of public events, the City Council approved his re-appointment in FY2017, FY2018, and FY2019.

With the opening of the new library in October 2019, Library staff were unable to give the process of vetting and selecting a new poet laureate for the City the attention it deserves. Mr. Roberts has continued to serve as Poet Laureate, even after his latest term ended on June 30, 2019. Staff recommends that Mr. Bruce Roberts' appointment as Hayward's Poet Laureate continue for another 2-year term, from July 1, 2019, through June 30, 2021. Library staff recommends that Mr. Roberts receive the \$500 Poet Laureate stipend in recognition of his continued work through the June 30, 2020 period. Library staff recommends discontinuation of the Poet Laureate stipend from July 1, 2020 until further notice. Mr. Roberts has agreed to continue his duties as Poet Laureate through June 30, 2021, without the stipend if the Council agrees to continue his appointment.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Director of Library Services

**SUBJECT:** Adopt a Resolution Extending the Appointment of Bruce Roberts as the Hayward Poet Laureate Through June 30, 2021

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) extending the appointment of Bruce Roberts as the Hayward Poet Laureate through June 30, 2021.

### **SUMMARY**

The City Council established a pilot Hayward Poet Laureate Program in 2015 to raise awareness of the power of poetry and other forms of literature. The Council appointed Mr. Bruce Roberts as the City's first official Poet Laureate and, having performed his duties in an exemplary manner at a variety of public events, the City Council approved his re-appointment in FY2017, FY2018, and FY 2019.

With the opening of the new library in October 2019, Library staff were unable to give the process of vetting and selecting a new poet laureate for the City the attention it deserves. Mr. Roberts has continued to serve as Poet Laureate, even after his latest term ended on June 30, 2019. Staff recommends that Mr. Bruce Roberts' appointment as Hayward's Poet Laureate continue for another 2-year term, from July 1, 2019, through June 30, 2021. Library staff recommends that Mr. Roberts receive the \$500 Poet Laureate stipend in recognition of his continued work through the June 30, 2020 period. Library staff recommends discontinuation of the Poet Laureate stipend from July 1, 2020 until further notice. Mr. Roberts has agreed to continue his duties as Poet Laureate through June 30, 2021, without the stipend if the Council agrees to continue his appointment.

### **BACKGROUND**

A Poet Laureate is a poet officially appointed by a government or conferring institution who is expected to represent their institution and community through the art of poetry. The Hayward Poet Laureate's general responsibility and duties are to develop poetry that is dedicated to the Hayward community, to read poetry works at official occasions and special public events, and to raise the public's awareness of the power of poetry and other forms of literature to uplift and inspire people.

On June 2, 2015, the City Council established a pilot Hayward Poet Laureate Program, and appointed Mr. Bruce Roberts as the first official Poet Laureate for the City of Hayward, to help promote creativity and appreciation of the literary arts. On June 28, 2016, the City Council approved Resolution No. 16-124 establishing a permanent Poet Laureate Program for Hayward, reappointing Bruce Roberts as the Poet Laureate for FY 2017, and approving the introduction of a program stipend of \$500 to support the work of the Poet Laureate for that year. On November 27, 2017, the City Council approved Resolution 17-174, officially extending Mr. Roberts' appointment through FY 2018. On September 18, 2018, the City Council again extended the appointment through June 30, 2019 (CONS 18-599). At that time City Council established an annual stipend of \$500 for the Poet Laureate program and directed Library staff to oversee and implement the competitive process by which future Poet Laureate recommendations would be made for the City Council's approval.

With the focus on the opening of the new 21<sup>st</sup> Century Library over the last year, it has been difficult for Library Staff to give the process of vetting and selecting a new Poet Laureate for the City the attention it deserves. However, Mr. Roberts has continued to function in this role, including writing a poem for the opening of the new library in September of 2019. Under the circumstances, the Library Services department recommends that the City Council extend Mr. Bruce Roberts' appointment as Hayward's Poet Laureate for another 2-year term, from July 1, 2019 through June 30, 2021.

## **DISCUSSION**

As the City of Hayward's Poet Laureate, Mr. Bruce Roberts has prepared and read his poetry at several public meetings and City events. In addition, Mr. Roberts has been an active supporter of the Literacy Plus program, through his participation in the Literacy Plus Council and his poetry contributions for the Literacy Plus Program and the Library as a whole. He has shown strong commitment to the Literacy Plus program through his advocacy in the community, his active participation in the monthly Literacy Plus Council meetings, and his willingness to volunteer in several different capacities.

Mr. Roberts' poetry submissions have been of great value to the Library and Literacy Programs, and he has poems prominently displayed both in the Education Services Office and on the first floor of the Library. Additionally, his poetry has been a highlight of the annual Literacy Plus Volunteer Reception, where it has been read aloud as part of the program and printed on mementos for attendees of the event. The work Mr. Roberts contributes skillfully expresses the importance and relevance of literacy and value of poetry in the Hayward community, inspiring tutors and learners alike. He has also supported poetry events conducted by local art and cultural organizations and encouraged the community's appreciation, creation, and performance of poetry.

In doing this important work, Mr. Roberts successfully demonstrated and raised the awareness of the power of poetry, along with other forms of literature, to uplift and inspire others.

## **ECONOMIC IMPACT**

The Poet Laureate Program is designed to encourage student and adult community members to develop lifelong enrichment, and even careers, in the literary and performing arts field. Creating a love of reading and the arts in children is known to have a positive impact on the academic performance of students. The Poet Laureate Program is designed to elevate Hayward's profile as a literary and performing arts destination that will help draw the interest of celebrated writers and poets in supporting literary arts in Hayward. If successful, residents from the broader San Francisco Bay Area will want to travel to Hayward to participate in local literary arts programs and events, which in turn increases the opportunity to visit and buy from local businesses, boosting the local economy. The study *Arts & Economic Prosperity IV*, published by Americans for the Arts, gives detailed data on revenue that investment in the arts can bring to a community.

## **FISCAL IMPACT**

Per the recommendations in CONS 18-599, the \$500 Poet Laureate annual stipend is appropriated as part of the Mayor and Council adopted FY 2020 budget.

## **STRATEGIC ROADMAP**

This item is not specifically related to a project identified in the Strategic Roadmap.

## **PUBLIC CONTACT**

The agenda for this item was posted in compliance with the California Brown Act.

## **NEXT STEPS**

Upon approval of the attached Resolution, Bruce Roberts' tenure as Poet Laureate will be extended by 2 years, from July 1, 2019 through June 30, 2021 and payment for the FY2020 stipend will be processed.

*Prepared by:* Brad Olson, Management Analyst, Library Services  
Sally Thomas, Supervising Librarian

*Recommended by:* Jayanti Addleman, Library Director

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-

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

RESOLUTION TO EXTEND THE APPOINTMENT OF BRUCE ROBERTS AS THE HAYWARD POET LAUREATE THROUGH JUNE 30, 2021.

WHEREAS, the Hayward City Council established the Hayward Poet Laureate Program to raise awareness of the power of poetry and other forms of literature; and

WHEREAS, the Hayward City Council approved that an annual stipend in the amount of \$500 per year would be provided to appointed Poet Laureates to partly defray the cost of the Poet Laureate's travel and materials, and to recognize the significant contribution of time and service that the Poet Laureate makes to the Hayward community; and

WHEREAS, the opening of the new Downtown Library made it difficult to give the process of vetting and selecting a new poet laureate for the City the attention it deserves; and

WHEREAS, Mr. Bruce Roberts has continued to serve as the City's Poet Laureate after his last term ended in June 2019; and

WHEREAS, Mr. Bruce Roberts has agreed to continue to serve as the City's Poet Laureate through to June 30, 2021, and without a stipend after July 2020.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby extends the appointment of Poet Bruce Roberts to serve as the Hayward Poet Laureate through June 30, 2021.

IN COUNCIL, HAYWARD, CALIFORNIA May 19, 2020.

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

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**File #:** CONS 20-227

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Awarding a Contract to DeSilva Gates Construction LP for the FY20 Pavement Improvement Project, Project No. 05222, 05224, 05226, 05232, 05289, in an Amount of \$9,406,497, and authorizing the Public Works Director to spend up to \$11,000,000 for Total Construction Costs

**RECOMMENDATION**

That Council approves Addendums No. 1, 2, & 3 consisting of revisions to the plans and specification for the FY20 Pavement Improvement Project, and adopts a resolution (Attachment II) awarding the contract for the project to DeSilva Gates Construction LP, in an amount not-to-exceed \$11,000,000.

**SUMMARY**

The FY20 Pavement Improvement Project calls for the rehabilitation of fifty-nine street sections and preventive maintenance of fifty-two street sections for a total of 111 street sections (Attachment III). This project will pave forty-two lane-miles of streets. Overall, the City is responsible for the maintenance of 657 lane-miles of roadway. The proposed improvements will repair failed pavement sections and improve street surfaces.

On April 14, 2020, the project received seven bids. All but one bid was over the engineer's estimate. At \$9,406,497, the low bid received is \$650,503 or 6.5% below the engineer's estimate and provides an opportunity to add other street sections to take advantage of the available budget and reasonable unit prices. Staff will use the cost savings to include additional streets to the project.

Staff recommends award of contract to the responsible low bidder, DeSilva Gates Construction LP, in the amount of \$11,000,000, including potential administrative change order.

The project budget of \$12,045,000 is funded via the Gas Tax, Measure B, Measure BB, Vehicle Registration Fees, and anticipated Road Repair and Accountability Act (RRAA) (SB1) funds.

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**File #:** CONS 20-227

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At the January 22, 2020 Council Infrastructure Committee (CIC) meeting, staff presented the FY20 Pavement Improvement Project, including street selection criteria, treatment types, and budget allocations. The Committee inquired whether Panjon Street and El Portal Street were included in the project, which they are. The Committee did not have other suggested additions.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	List of Streets
Attachment IV	Map



**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Director of Public Works

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## **BACKGROUND**

On April 23, 2019, staff recommended Council approve a project list for the SB1 FY20 Pavement Improvement Funding. A resolution was required to submit the application to the California Transportation Commission (CTC), to receive \$2,758,000 in funding for pavement improvement.

On July 9, 2019, staff recommended Council adopt a resolution authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement (PSA) with Pavement Engineering, Inc., (PEI) for engineering services associated with the FY20 Pavement Improvement Project. The scope of work for PEI includes engineering review, pavement evaluation, measurement of field quantities, curb ramp design, and construction support.

At the January 22, 2020, Council Infrastructure Committee (CIC) meeting, staff presented the FY20 Pavement Improvement Project, including street selection criteria, treatment types, and budget allocations.

On February 25, 2020, Council approved the plans and specifications for the FY20 Pavement Improvement Project and called for bids to be received on March 24, 2020.

The annual pavement improvement project consists of up to four types of treatments:

### **Pavement Rehabilitation:**

- 1) Standard overlay of the existing street pavement with new Hot Mix Asphalt surfacing
- 2) Cold-In-Place Recycling (CIR), which involves removing the top layer of asphalt, mixing the removed aggregates with a recycling agent and other additives on-site, replacing this pavement material onto the same roadway, then applying a Hot Mix Asphalt overlay.
- 3) Full Depth Reclamation (FDR), which consists of pulverizing and mixing distressed asphalt and underlying pavement materials with or without the addition of stabilizing agents, using the resulting material as a base for the renewed pavement structure and adding a new Hot Mix Asphalt cap.

### **Preventive Maintenance:**

4) Varying combinations of crack sealing, 6" spot repair, and micro-surfacing.

Street selection for the annual pavement improvement projects are based on staff's analysis using several criteria described below:

- **Technology** – The Pavement Management Program (PMP)<sup>1</sup> evaluates current and predicts future roadway conditions. It provides logical and efficient methods of identifying street rehabilitation needs. It also determines the most cost-effective allocation of funds to the street segments needing preventive maintenance, rehabilitation or reconstruction. Staff utilized the PMP to compile an initial list of recommended streets. This list is then revised to consider other criteria and project budget allocation parameters.
- **Internal Reports** - Reports from the City's Maintenance Services staff on streets needing repair were considered.
- **Council Members Input** – Councilmember requests for selecting streets were considered.
- **Public Input** - Public requests for selecting streets were considered.
- **Geographic Location** – Selecting streets in close vicinity to help lower construction bids was considered.
- **Funding Availability** – Available funding and potential for obtaining outside grant funding was evaluated.

The Pavement Condition Index (PCI) is an overall rating of road conditions. The PCI of each arterial and collector street segment is evaluated by an independent third-party every other year, and each residential street segment is evaluated every five years.

<u>PCI Rating</u>	<u>Description</u>
100	This rating is given to newly constructed or rehabilitated roadways.
85 - 99	Highly functional roadway. No action required.
70 - 85	Roadway can be maintained ("preventive maintenance") with crack sealing, slurry seals, micro-surfacing, and some minor, localized pothole repairs. As the roadway pavement ages, preventive maintenance may not be effective after a few maintenance cycles.

<sup>1</sup> The PMP is a Metropolitan Transportation Commission (MTC) recommended software program.

40 - 70	Extensive "dig-outs," grinding, fabric, or asphalt overlays may be required to maintain (or "rehabilitate") roadway.
0 - 40	Roadway requires complete reconstruction using full depth reconstruction, cold in place recycling, or hot in-place recycling methods. If a street deteriorates beyond certain points, it becomes progressively more expensive to bring that street back to the desired standard.

As part of the 2018 Capital Improvement Program (CIP) agenda item at the November 29, 2017 CIC meeting, the committee reviewed and agreed to the following budget allocations for annual pavement improvement projects:

- Minimum 20% for preventive maintenance (streets with PCI of 70-85).
- Minimum 15% for streets located in Industrial Hayward as recommended by the Economic Development Strategic Plan in 2014.
- Minimum 10% for deteriorated streets (streets with PCI of 0-30).

## DISCUSSION

Based on prices from the lowest bidder using the criteria described above, the project parameters are as follows:

Project Budget Allocation	Goal	Current Performance	Difference
Preventive Maintenance Treatment	20% minimum	28%	+ 8%
Streets Located in Industrial Hayward	15% minimum	25%	+ 10%
Streets with PCI Less than 30	10% minimum	18%	+ 8%

This selection requires both judgement and experience. Staff has engaged an experienced consultant, Pavement Engineering, Inc., to confirm the selection of streets sections, the approximate level of treatment for each and to provide engineering support services.

Bike lane striping will be installed for the following locations:

Class II Bike Lanes:

- Huntwood Way, from Whipple Road to Schafer Road (2.8 miles).
- Clawiter Road, from Eden Landing Road to Industrial Boulevard (1.1 miles).

On March 17, 2020, Staff published Addendum No. 1 which changed the bid opening date to April 14, 2020.

On March 24, 2020, Staff published Addendum No. 2 which included minor revisions to the specifications and provided clarification to questions by contractor.

On April 3, 2020, Staff published Addendum No. 3 which includes minor revisions to the plans, specifications and provided clarification to questions by contractor.

On April 14, 2020, seven (7) bids were received for the FY20 Pavement Improvement Project (Attachment IV). DeSilva Gates Construction LP, of Dublin, submitted the lowest bid in the amount of \$9,406,497 which is 6.5% lower than the Engineer's Estimate of \$10,057,000. O'Grady Paving, Inc., of Mountain View, submitted the second lowest bid in the amount of \$10,151,576, which is 0.9% over the Engineer's Estimate.

The low bid received provides an opportunity to increase the project scope. Staff will use the cost savings to include additional streets to the project. All bid documents and licenses for the apparent low bidder, DeSilva Gates Construction LP, are in order. Staff recommends award of the contract to the responsible low bidder DeSilva Gates Construction LP, in the amount of \$9,406,497 and authorizing the Public Works Director to spend up to \$11,000,000 in total construction costs, including potential administrative change order.

Paving on Huntwood Avenue will consist of 2.2 miles of preventive maintenance & 0.6 miles of rehabilitation. On January 22, 2020, during the CIC meeting, the Committee inquired about installing fiber optic on 2.8 miles of Huntwood Avenue. Based on staff's engineering cost estimate, installing fiber optic on Huntwood Avenue would add over \$1,000,000 to the project. The funding sources for the paving project (Gas Tax, Measure B, Measure BB, Vehicle Registration Fees, and RRAA) are not eligible to be used for fiber optic installation. For these reasons, installation of a fiber optic line in this section of Huntwood Avenue was not included in the project.

Striping on Huntwood Avenue, between Tennyson Road and Whipple Road, will consist of matching existing conditions of 4 lanes and Class II bike lanes. However, Transportation Division Staff is reviewing the possibility of reducing Huntwood Avenue from 4 lanes to 2 lanes and installing Class IV bike lanes. Data collected on four-lane Huntwood Avenue, between Tennyson Road and Whipple Road, revealed an average daily traffic (ADT) volume of approximately 12,000 vehicles. Road diets of four-lane roadways to two-lane roadways are recommended without a feasibility study for volumes less than 20,000 vehicles. Because Hayward's Bicycle and Pedestrian Master Plan recommends a Class IV Separated Bicycle Facility for this segment, it is the intent of the Transportation Division Staff to present this as a work session item to Council, conduct public outreach with the Huntwood Avenue neighborhood to gain consensus for the support of a road diet and implementation of a Class IV bicycle facility, and return to Council for approval of any road diet implementation. The idea of a road diet was presented to and supported by the South Hayward Neighborhood Collaborative (SHNC) in February 2020. The consensus from SHNC was a support for allocation of reclaimed space for other transportation modes, shorter pedestrian crossing, and traffic calming measures – all of which are results of the implementation of a road diet.

Paving on Clawiter Road, between Eden Landing Road and Industrial Boulevard consists of two railroad crossings. Staff is working with Union Pacific Railroad (UPRR) & California

Public Utilities commission to obtain an encroachment permit. This process may take up to 12 months, after the project is complete. If so, the portion of work within UPRR right of way will be paved in a future project.

This project is categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

### **ECONOMIC IMPACT**

The project is funded by City's Capital Improvement Program and State RRAA (SB1) funds.

### **FISCAL IMPACT**

The construction contract breakdown is as follows:

DeSilva Gates Construction LP's bid	\$9,406,496.80
Bid cost savings (lowest bid – engineer's estimate)	\$650,503.20
Administrative Change Order Budget	<u>\$932,000.00</u>
<b>Total Construction Cost:</b>	<b>\$11,000,000</b>

The project funding sources are as follows:

• 210 - Gas Tax	\$1,474,000
• 212 - Measure BB – Local Transportation	\$3,852,000
• 215 - Measure B – Local Transportation	\$3,655,000
• 218 – Vehicle Registration Fee	\$606,000
• 211 – RRAA (SB1)	\$2,758,000
• Earmarked Funds for Alameda County Public Works for the Hesperian Boulevard Corridor Improvement Project*	<u>-\$300,000</u>

*Total:* \$12,045,000

\*The Hesperian Boulevard Corridor Improvement Project is led by Alameda County Public Works. A small portion of the work is within City right of way along southbound Hesperian Boulevard near A Street.

In view of the fact that this project is truly shovel ready, and the expectations that some level of federal stimulus funds may be made available during the COVID-19 health and economic emergency, staff will remain diligent to pursue any such funding for this project. However, this project currently has a good bid and staff recommends awarding the project using the current funding to avoid losing this bid should the economic stimulus funding is delayed.



## **STRATEGIC ROADMAP**

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

Project 5, Part 5.a: Maintain Pavement Condition Index (PCI) at 70.

## **SUSTAINABILITY FEATURES**

The project requires the contractor to recycle all construction and demolition debris as a result of the project.

This project is consistent with City's Complete Streets Policy and improves travel for all users including:

- Improved pavement for motorists
- Additional bike lanes and sharrows for bicyclists
- More visible pavement markings for pedestrians, including near school zones
- New or upgraded curb ramps to meet the recently revised Caltrans standards for pedestrians

The project satisfies the following General Plan policies:

- PFS-7.10 Recycled Products or Processes for Capital Projects
- HQL-2.5 Safe Routes to School
- HQL-2.6 Education on Sharing the Road
- M-1.7 Eliminate Gaps (in pedestrian networks)
- M-3.1 Serving All Users
- M-5.1 Pedestrian Needs
- M-5.6 Safe Pedestrian Crossings
- M-6.2 Encourage Bicycle Use

## **PUBLIC CONTACT**

Immediately after the construction contract is awarded, a preliminary notice explaining the project will be posted and distributed to all residents and businesses along the affected streets. After the construction work has been scheduled, signs on barricades will be posted seventy-two hours prior to commencement of work indicating the date and time of work for each street. Residents will be advised to park their vehicles on side streets outside of the work area during the period when the streets are being treated.

## **NEXT STEPS**

June 2020  
October 2020

Start of Construction  
End of Construction

*Prepared by:* Kathy Garcia, Deputy Director of Public Works

*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. 20-\_\_\_\_\_

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

RESOLUTION APPROVING AWARD OF CONTRACT FOR THE FY20 PAVEMENT IMPROVEMENT PROJECT, PROJECT NOS. 05222, 05224, 05226, 05232, AND 05289 TO DESILVA GATES CONSTRUCTION LP

WHEREAS, by resolution on February 25, 2020, the City Council approved the plans and specifications for the FY20 Pavement Improvement Project, Project Nos. 05222, 05224, 05226, 05232, & 05289, and called for bids to be received on March 24, 2020; and

WHEREAS, on March 17, Addendum No. 1 was provided to revise the bid opening date; and

WHEREAS, on March 24, Addendum No. 2 was provided to revise the specifications; and

WHEREAS, on April 3, Addendum No. 3 was provided to revise the plans and specifications; and

WHEREAS, on April 14, 2020, seven bids were received, ranging from \$9,406,496.80 to \$11,748,705.62; DeSilva Gates Construction LP, of Dublin, California submitted the low bid in the amount of \$9,406,496.80, which is 6.5% below the engineer's estimate of \$10,057,000; and

WHEREAS, the Administrative Change Order (ACO) or contingency budget of \$943,000 was not disclosed; and

WHEREAS, the amount of low bid provides an opportunity to increase the project budget scope to include additional work, valued at \$650,503.20.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that DeSilva Gates Construction LP is hereby awarded the contract for the FY20 Pavement Improvement Project, Project Nos. 05222, 05224, 05226, 05232, & 05289, in the amount of \$9,406,496.80 in accordance with the plans and specifications adopted therefore and on file in the office of the City Clerk of the City of Hayward at and for the price named and stated in the bid of the herein above specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the contract with DeSilva Gates Construction LP, in the name of and for and on behalf of the City of Hayward, in a form to be approved by the City Attorney.

BE IT FURTHER RESOLVED that the Public Works Director is authorized to spend up to \$11,000,000 for total construction costs, including potential administrative change orders.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020

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

## FY20 PAVEMENT IMPROVEMENT PROJECTLIST OF STREETS

PREVENTIVE MAINTENANCE LIST			
#	Street Name	Begin Location	End Location
1	BERRY AVE	SOTO RD	WHITMAN ST
2	BOBOLINK CT	HESSE DR	CUL DE SAC
3	BROWNING CT	THACKERAY AVE	CUL DE SAC
4	BUNTING ST	ELDER WAY	TULIP AVE
5	CATALPA WAY - 1	HESPERIAN BLVD	CALAROGA AVE
6	CATALPA WAY - 3	MIAMI AVE	HESSE DR
7	CATALPA WAY - 4	HESSE DR	END
8	CLAWITER RD - 4	SPRR TRACKS (NORTH)	INDUSTRIAL PKWAY
9	CULP AVE	MUIR ST	WHITMAN ST
10	DOVE CT	HESSE DR	CUL DE SAC
11	EGRET CT	HESSE DR	CUL DE SAC
12	EGRET LN	DOVE WAY	HESSE DR
13	EVELYN LN	MUIR ST	JOYCE ST
14	FIGTREE CT	SOTO RD	CUL DE SAC
15	FINCH CT	HESSE DR	CUL DE SAC
16	FLORIDA ST	DOLPHIN LN	MIAMI AVE
17	FRANKLIN AV	HARDER RD RD	CULP AVE AV
18	GADING RD - 1	ROOSEVELT AVE	GOMER ST
19	GADING RD -2	GOMER ST	PATRICK AVE
20	GASSETT CT	HARVERY AVE	END
21	HARVERY AVE	TENNYSON RD	FOLSOM AVE
22	HAT CREEK WAY	HARVERY AVE	BOULDER CREEK DR
23	HAVANA AVE - 1	MANTILLA AVE	SUMATRA ST
24	HAVANA AVE - 2	SUMATRA ST	END
25	HENDERSON LN	ELDRIDGE AVE	UNDERWOOD AVE
26	HESSE DR - 1	DOVE AVE	EGRET LN
27	HESSE DR - 2	EGRET LN	OSAGE AVE
28	HUNTWOOD AVE - 1	WHIPPLE RD	SAN LUIS OBISPO AVE
29	HUNTWOOD AVE - 2	SAN LUIS OBISPO AVE	ZEPHYR AVE
30	HUNTWOOD AVE - 3	ZEPHYR AVE	SAN ANTONIO ST
31	HUNTWOOD AVE - 7	FOLSOM AVE	TENNYSON RD
32	HUNTWOOD AVE -8	TENNYSON RD	HARRIS RD
33	HUNTWOOD AVE -9	HARRIS RD	SCHAFFER RD
34	JOLEEN CT	HARVERY AVE	END
35	KARN DR	FABIAN WAY	END
36	LAKEWOOD WAY	WESTWOOD ST	GADING RD
37	LANAI CT	HAVANA AVE	HAVANA AVE
38	LANCE WAY	ROCHELLE AVE	PACIFIC ST
39	LEIGHTON ST	SILVA AVE	ALVES ST
40	LOVELOCK WAY	END	MONTJOY CT
41	LUCIEN WAY	ORCHARD AVE	CUL DE SAC
42	MCBRIDE WAY	ELDRIDGE AVE	UNDERWOOD AVE
43	MIAMI AVE	CATALPA WAY	FLORIDA ST
44	MOCKINGBIRD LN	CASCADE ST	STANWOOD RD
45	MONTJOY CT	CUL DE SAC	CUL DE SAC

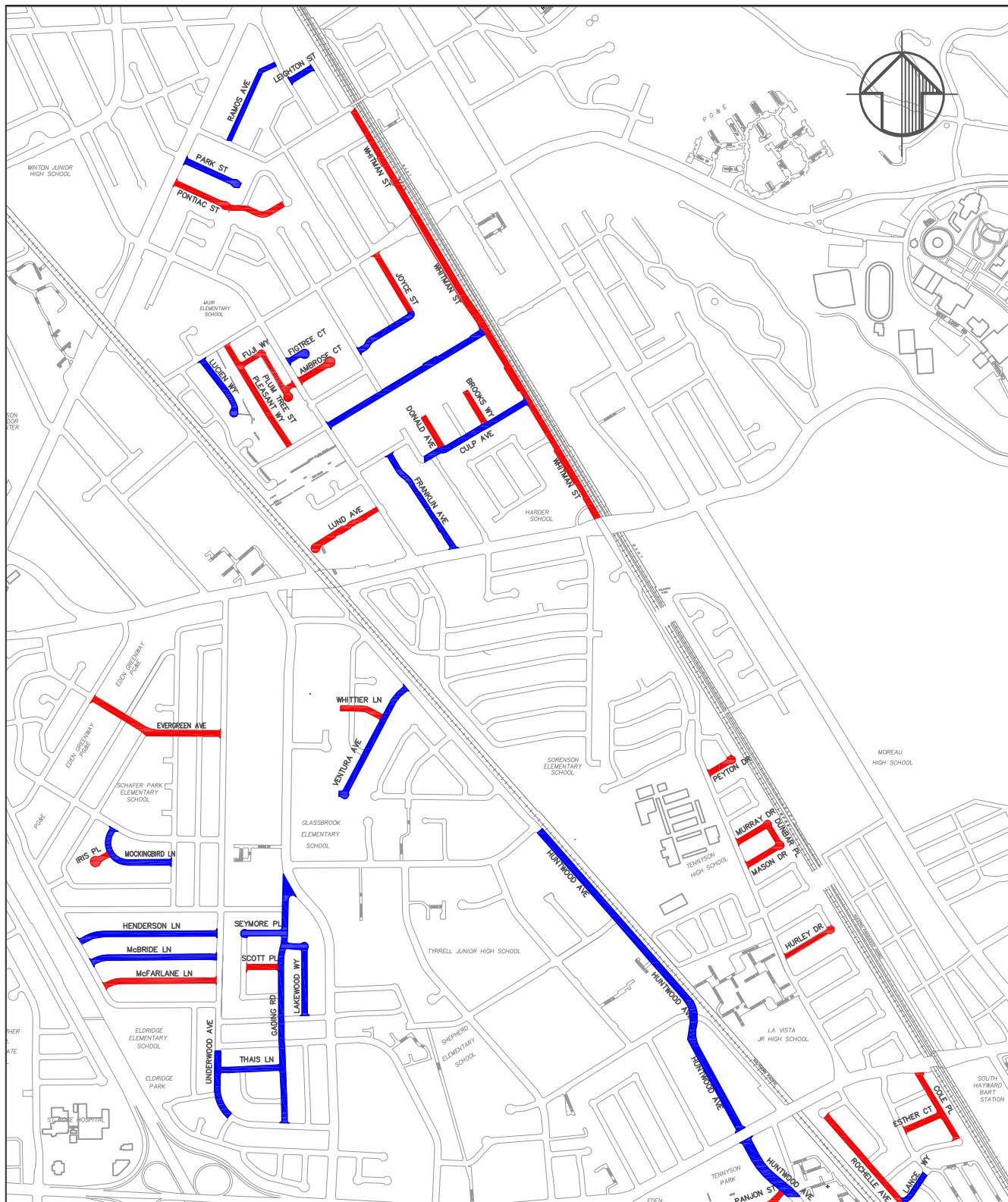
## FY20 PAVEMENT IMPROVEMENT PROJECTLIST OF STREETS

PREVENTIVE MAINTENANCE LIST			
#	Street Name	Begin Location	End Location
46	ORMOND AV	FOLSOM AVE	CORTEZ ST
47	PARK ST	JACKSON ST	END
48	PETRINA CT	ELDER WAY	CUL DE SAC
49	POMPANO AVE	FOLSOM AVE	CORTEZ ST
50	RAMOS AVE	SYCAMORE AVE	SILVA AVE
51	SAN LUIS OBISPO AVE	GENSTAR RD	HUNTWOOD AVE
52	SEMINOLE WAY	SUMATRA ST	MANTILLA AVE
53	SEYMORE PL	GAITHER WAY	GADING RD
54	SHELLEY LN	DICKENS AVE	THACKERAY AVE
55	SPARROW RD	CATALPA WAY	END
56	TAMPA AVE	SUMATRA ST	CITY LIMITS
57	THAIS LN	UNDERWOOD AVE	GADING RD
58	UNDERWOOD AVE	GOMER ST	BRICK WAY
59	VENTURA AVE	HARRIS RD	SCHAFFER RD

REHABILITATION LIST			
#	Street Name	Begin Location	End Location
60	ALEXANDER CT	WINTON AV	CUL DE SAC
61	AMBROSE CT	SOTO RD	CUL DE SAC
62	BROOKS WAY	CULP AVE	END
63	CARDINAL ST	OSAGE AVE	LILAC AVE
64	CATALPA WAY - 2	CALAROGA AVE	MIAMI AVE
65	CLAWITER RD - 1	EDEN LANDING RD	BREAKWATER CT
66	CLAWITER RD - 2	BREAKWATER CT	SPRR TRACKS (SOUTH)
67	CLAWITER RD - 3	SPRR TRACKS (SOUTH)	SPRR TRACKS (NORTH)
68	COLE PL	MAY CT	CUL DE SAC
69	DONALD AVE	CULP AVE	END
70	DUNBAR PL	MASON DR	MURRAY DR
71	EL PORTAL DR	SKYLINE DR	LA MESA DR
72	ELDER CT	MIAMI AVE	CUL DE SAC
73	ELDER WAY	BUNTING ST	MIAMI AVE
74	ESTHER CT	PACIFIC ST	COLE PL
75	EVERGREEN ST - 1	REGAL AVE	STANWOOD RD
76	EVERGREEN ST - 2	STANWOOD RD	UNDERWOOD AVE
77	FABIAN WAY	KARN DR	HARVERY AVE
78	FUJI WAY	PLEASANT	PLUM TREE
79	HORTON CT	HARVERY AVE	CUL DE SAC
80	HUNTWOOD AVE - 4	SAN ANTONIO ST	INDUSTRIAL PKWAY
81	HUNTWOOD AVE - 5	INDUSTRIAL PKWAY	NEW ENGLAND VILLAGE DR
82	HUNTWOOD AVE - 6	NEW ENGLAND VILLAGE DR	FOLSOM AVE
83	HURLEY DR	WHITMAN ST	ANDERSON PL
84	IRIS PL	MOCKINGBIRD	END
85	JOYCE ST	EVELYN LN	ORCHARD AVE
86	KEATS LN	DICKENS AVE	THACKERAY AVE
87	LUND AVE	SOTO RD	DEAD END
88	MANDARIN AVE	HAVANA AVE	MANTILLA AVE

## FY20 PAVEMENT IMPROVEMENT PROJECTLIST OF STREETS

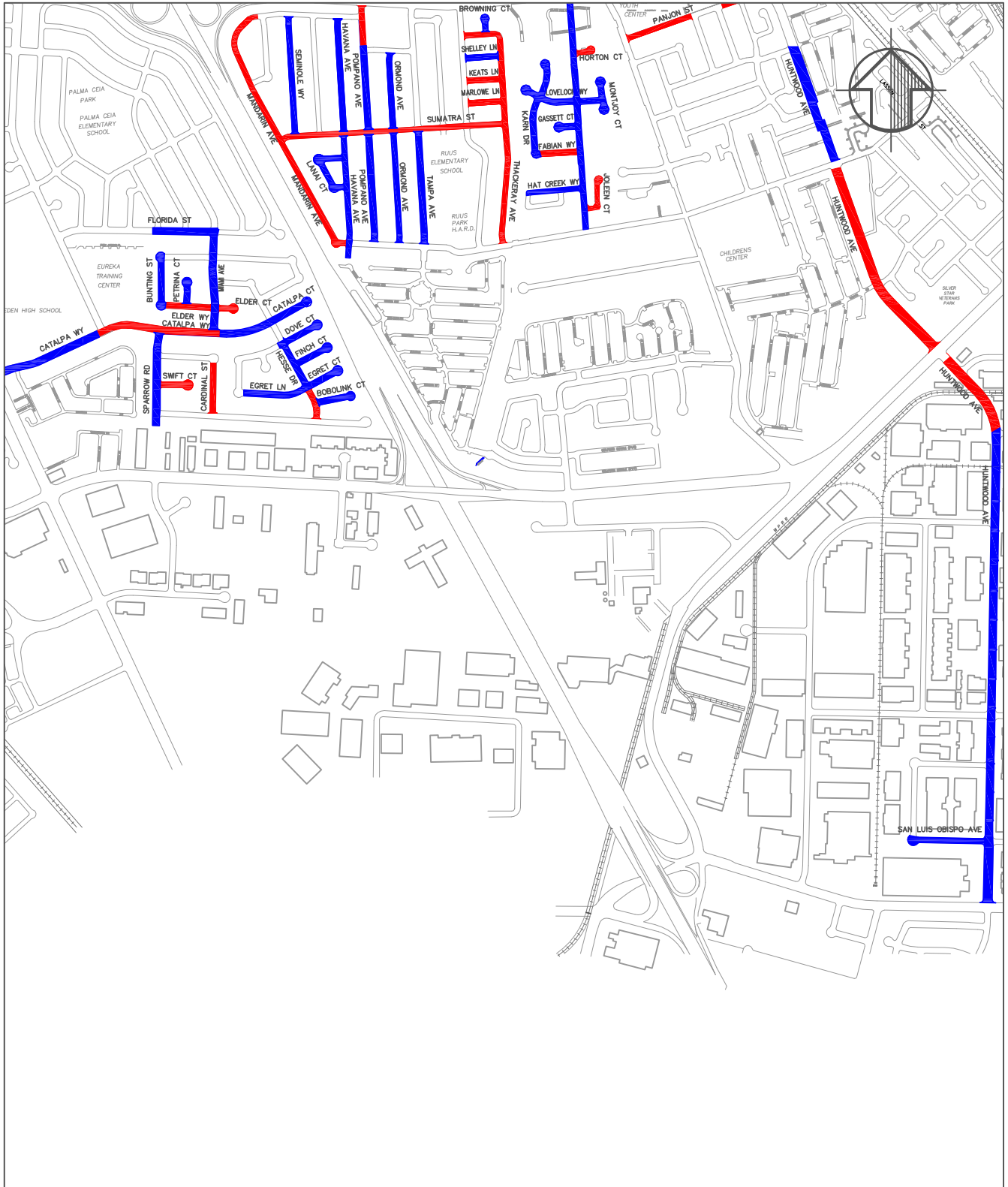
REHABILITATION LIST			
#	Street Name	Begin Location	End Location
89	MARLOWE LN	DICKENS AVE	THACKERAY AVE
90	MASON DR	WHITMAN ST	DUNBAR PL
91	MCFARLANE LN	ELDRIDGE AVE	UNDERWOOD AVE
92	MURRAY DR	WHITMAN ST	DUNBAR PL
93	PANJON ST	HUNTWOOD AVE	CHANGE OF PAVEMENT
94	PEYTON ST	WHITMAN ST	FREITAS DR
95	PLEASANT WAY	BERRY AVE	ORCHARD AVE
96	PLUM TREE - 1	PLUM TREE	FUJI WAY
97	PLUMTREE - 2	SOTO RD	PLUM TREE
98	POMPANO AVE	CORTEZ ST	TENNYSON RD
99	PONTIAC ST	DALE ST	JACKSON ST
100	QUANTAS LN	KAY AVE	RESOTA ST
101	RADCLIFF LN	CALAROGA AVE	LINDENWOOD WAY
102	ROCHELLE AV	LANCE WAY	BEATRON WAY
103	SCOTT PL	GAITHER WAY	GADING RD
104	SENTINAL CT	HIGH COUNTRY DR	CUL DE SAC
105	SUMATRA ST	MANDARIN AVE	THACKERAY AVE
106	SWIFT CT	SPARROW RD	CUL DE SAC
107	THACKERAY AVE	FOLSOM AVE	DICKENS AVE
108	WHITMAN ST - 1	HARDER RD	BERRY AVE
109	WHITMAN ST - 2	BERRY AVE	ORCHARD AVE
110	WHITMAN ST - 3	ORCHARD AVE	SYCAMORE AV
111	WHITTIER LN	VENTURA AVE	END



**FY20 PAVEMENT IMPROVEMENT PROJECT**  
**PROJECT NOS. 05222, 05224, 05226, 05232, 05289**

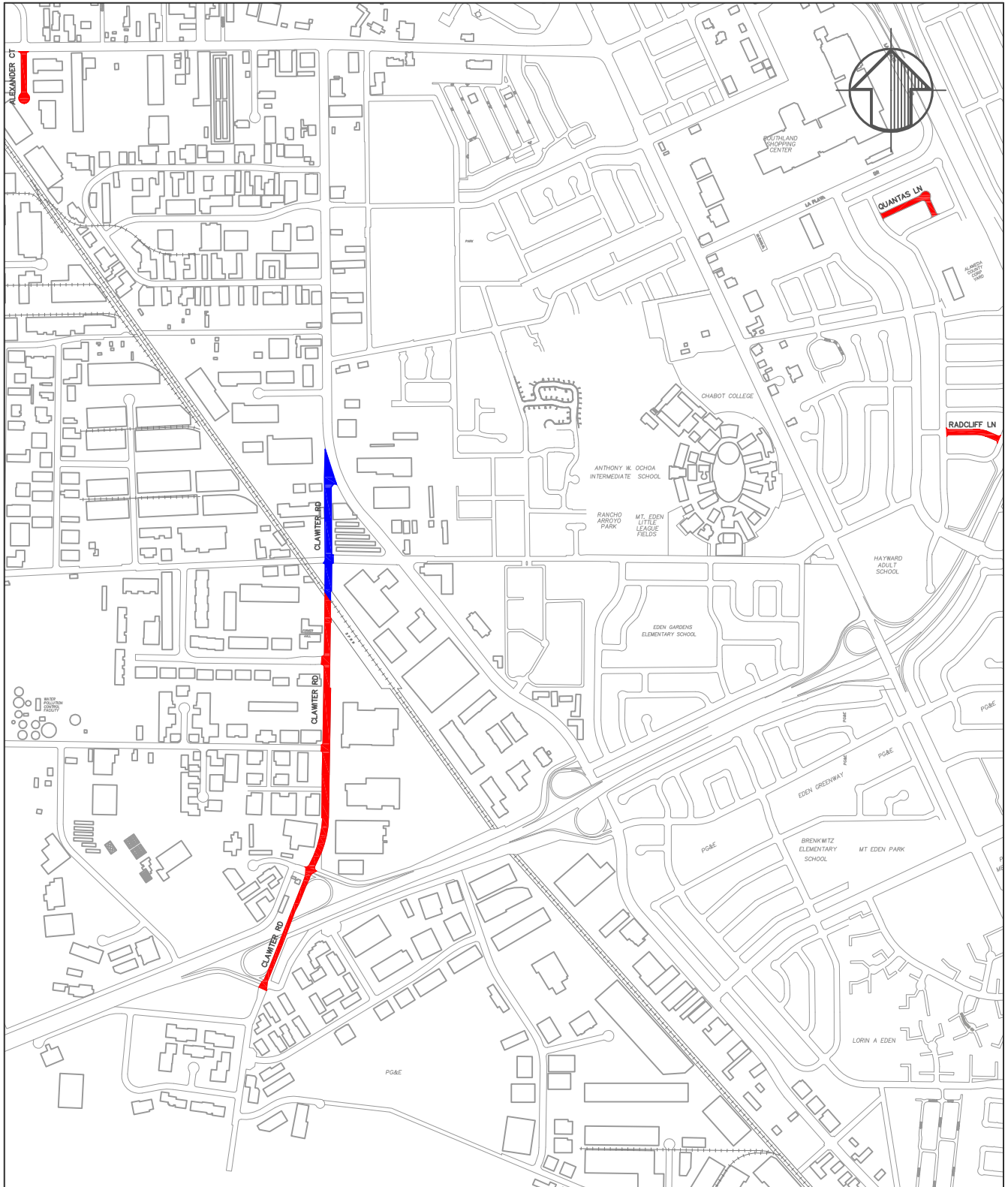
**PAVEMENT REHABILITATION** [Red line]  
**PREVENTIVE MAINTENANCE** [Blue line]





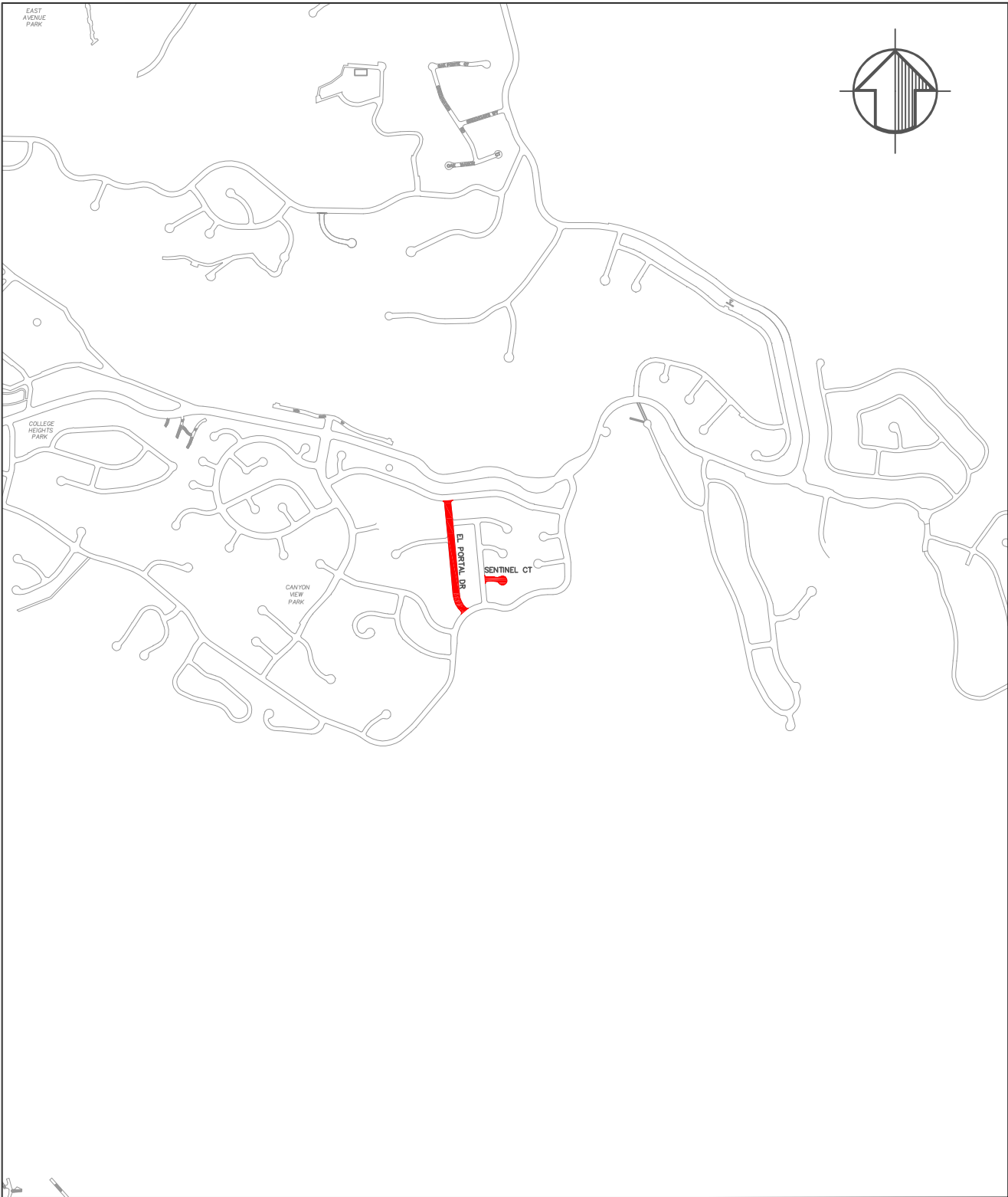
**FY20 PAVEMENT IMPROVEMENT PROJECT**  
**PROJECT NOS. 05222, 05224, 05226, 05232, 05289**

PAVEMENT REHABILITATION   
PREVENTIVE MAINTENANCE 



**FY20 PAVEMENT IMPROVEMENT PROJECT**  
**PROJECT NOS. 05222, 05224, 05226, 05232, 05289**

PAVEMENT REHABILITATION   
PREVENTIVE MAINTENANCE 



**FY20 PAVEMENT IMPROVEMENT PROJECT**  
**PROJECT NOS. 05222, 05224, 05226, 05232, 05289**

PAVEMENT REHABILITATION   
PREVENTIVE MAINTENANCE 



# CITY OF HAYWARD

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

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**File #:** CONS 20-237

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Approving Addendum No. 1 and Awarding a Contract to Westland Contractors, Inc. for the Sewer Line Replacement Project, Project No. 07694, in an Amount Not-to-Exceed \$1,874,500

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) approving Addendum No. 1 and awarding a contract to Westland Contractors, Inc. for the Sewer Line Replacement Project, Project No. 07694, in an Amount Not-to-Exceed \$1,874,500.

**SUMMARY**

The Utilities Division of the Department of Public Works replaces the City's undersized or structurally damaged sewer mains through annual Capital Improvement Projects (CIP). This project will replace approximately 4,300 linear feet of 6-inch to 10-inch vitrified clay pipe (VCP) with 8-inch and 10-inch polyvinyl chloride (PVC) by the traditional open-cut method. In addition, approximately 660 linear feet of 12-inch asbestos cement pipe (ACP) will be rehabilitated by a cured-in-place pipeline technology. On May 5, 2020, ten (10) bids were received. The low bid was \$1,630,000, which is \$522,000 below the Engineer's estimate of \$2,152,000. Staff is requesting Council's approval of Addendum No. 1, which provided minor visual, revisions to clarify the plans, and awarding the contract to the lowest bidder, Westland Contractors, Inc., in the amount not-to-exceed \$1,874,500, including Administrative Change Orders.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Director of Public Works

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### **BACKGROUND**

The City's current CIP includes funding to replace the City's undersized and/or structurally damaged sewer mains through annual sewer line replacement projects. The City's sanitary sewer collection system was mostly constructed after World War II. Among its 325 miles of sewer pipelines, approximately 9% of the sewer mains are four or six inches in diameter. As the City grew over subsequent decades, sewer flows have increased and as a result, a majority of these small size sewer mains are now undersized. Industry experience has shown that these small diameter pipes are more likely to cause overflows and blockages in the system than 8-inch pipes. Therefore, the City has adopted a standard minimum sanitary sewer main size of eight inches.

Staff performs regular sewer main cleaning and has an ongoing program to monitor and inspect the condition of the City's sanitary sewer collection system using closed circuit television (CCTV) technology. The inspection is performed by placing a camera, mounted on tracks inside a sewer pipe and remotely guiding it through the length of the pipe. As the camera moves forward, it sends back video to a TV monitor which enables the staff to inspect the condition of the pipe. These inspections are used to identify structurally damaged sewer mains for repair or replacement. The sewer mains selected for this project were identified as having structural defects or being undersized.

Approximately 4,300 linear feet of existing pipe will be replaced with 8-inch and 10-inch polyvinyl chloride (PVC) pipe by the traditional open-cut method. Traditional open-cut sewer repair involves excavating a trench of approximately two to four feet in width and to the depth of the damaged or undersized pipe. Once the sewer main is exposed, the damaged or undersized section is removed and replaced with new PVC pipe. At the same time, a portion of the existing sewer laterals that connect to the sewer are replaced and services are restored. When the repair is complete, the opened trench is backfilled, compacted, and paved to match the original pavement section. The locations of open-cut replacement are on E Street, 1st Street, Armstrong Street, Main Street, Vallejo Street, Sunset Boulevard, and Fletcher Lane.

The remaining 660 linear feet will be rehabilitated by a trenchless pipe replacement technique known as cured-in-place pipe (CIPP). CIPP involves inserting a resin-impregnated flexible tube into the pipe, inflating, and curing with hot water or steam forming a structurally sound, water-tight new pipe within a pipe that has all the structural properties of a stand-alone pipe.

This project also includes installation of new manholes in areas where there is a distance greater than 350 feet between manholes to facilitate future maintenance, as Hydro cleaning and CCTV equipment operate best within a range of 350 feet.

## **DISCUSSION**

On July 16, 2019, Council approved the plans and specifications for the project and called for bids to be received on August 20, 2019. Shortly after approval to advertise for bids, staff discovered that a portion of one of the pipelines originally included in the project was in private property. In addition, another pipeline was identified by CCTV video to have a severely eroded base with a portion of the pipeline potentially at risk for imminent collapse. Staff dropped the pipeline in the private easement and added the severely eroded pipeline to the project resulting in a delay in advertising and opening bids. Subsequently, staff decided to delay the project to advertise and bid in early 2020 to allow the City to take advantage of a traditionally more competitive bidding climate and spring/summer construction period. This also provided the opportunity to allow construction to proceed on E Street in front of Bret Harte Middle School during summer break, resulting in less disruption to the school caused by construction activities. Subsequently, the bid date was postponed to March 3, 2020.

On March 3, 2020, the City received four (4) bids for the project, ranging from \$1,747,520 to \$2,038,000. Andes Construction, Inc., submitted the low bid in the amount of \$1,747,520, which is approximately 19% below the Engineer's estimate of \$2,152,000.

On March 6, 2020, the City was informed by the second to lowest bidder that the low bidder did not list the Department of Industrial Relations (DIR) registration numbers for the listed subcontractors on the bid form. Upon review of Public Contract Code 4104, the City must require that bidders include public works contractor registration numbers with the bid. Because the City's bidding instructions did not explicitly require that DIR registration numbers be listed on the bid form, two of the four contractors did not include the registration numbers for their subcontractors, including the low bidder.

On March 17, 2020, Council approved staff's request to reject all bids, approved the updated plans and specifications incorporating revised bidding requirements and items from the Addendum issued in the previous bidding period, and authorized calling for bids to be received on April 7, 2020. The bid opening was then rescheduled to May 5, 2020 due to the unprecedented COVID-19 pandemic.

The City received ten (10) bids for the project, ranging from \$1,630,000 to \$2,291,213. Westland Contractors, Inc. submitted the low bid in the amount of \$1,630,000, which is approximately 24% below the Engineer's estimate of \$2,152,000. An additional \$244,500 (or 15% of the contract amount) is included for administrative change orders in the event additional funds are needed for unforeseen conditions and changes during construction. Several of the pipe segments are in challenging areas, including arterial roadways and in close proximity to other utilities. Given the complexity and unforeseen nature of underground sewer improvements, the administrative change order budget will also cover contingencies to address uncertain field conditions and add more pipe segments to the project scope, as necessary. Therefore, the contract limit requested is \$1,874,500 including administrative change orders.

## **ECONOMIC IMPACT**

Construction of this project would be subject to the requirements of the Community Workforce Agreement, which provides potential local economic benefits, such as the hiring of Hayward residents.

## **FISCAL IMPACT**

The estimated costs for the Sewer Line Replacement Project are as follows:

Construction Contract	\$1,630,000
Administrative Construction Contingency (ACO)	\$244,500
CIPP Specialty Consultant	\$11,000
Construction Administration	\$20,000
Permit Fees, Inspection & Testing	<u>\$50,000</u>
Total	\$1,955,500

The adopted FY2020 CIP includes \$2,620,000 for the Sewer Line Replacement Project, Project No. 07694.

## **STRATEGIC ROADMAP**

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

Project 15: Upgrade sewer collection system by replacing 3-4 miles of sewer lines annually.

## **SUSTAINABILITY FEATURES**

The repair and replacement of deteriorating sewer lines reduces the risk of sewer overflows, which can cause untreated wastewater to flow into public waterways.

The use of CIPP method of sewer main rehabilitation reduces the disturbance to the ground, does not require demolition and repair of existing asphalt concrete surfaces, and does not require removal and replacement of soils in the pipe trench resulting in reduced air emissions and less waste that must be hauled to a landfill. In addition, the CIPP process allows an existing asbestos cement pipeline to stay in place thereby not generating potentially hazardous waste that must be disposed of at a Class 2 landfill.

## **PUBLIC CONTACT**

This project is statutorily exempt from environmental review under the California Environmental Quality Act (CEQA) Section 15282(k), which allows for the repair and restoration of an existing subsurface pipeline, provided the project does not exceed one mile in length.

During construction, notices will be provided to affected residents, property, and business owners to inform them of the nature and purpose of the work, potential impacts, work schedule, and City contact for additional information.

## **NEXT STEPS**

The following schedule has been developed for this project:

Award of Construction Contract	May 19, 2020
Notice to Proceed	June 12, 2020
Construction Completion	December 2020

While this a “shovel ready” project and can potentially benefit from any federal or state stimulate funding, it is important for the project to remain on schedule so that the work can be substantially completed during the dry season.



*Prepared by:* Mariza Sibal, Assistant Civil Engineer  
Suzan England, Senior Utilities Engineer

*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.

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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-\_\_\_\_\_

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

RESOLUTION APPROVING ADDENDUM NO.1 AND AWARDING A CONTRACT TO WESTLAND CONTRACTORS, INC. FOR THE SEWER LINE REPLACEMENT PROJECT, PROJECT NO. 07694, IN AN AMOUNT NOT-TO-EXCEED \$1,874,500.

WHEREAS, on July 16, 2019, the City Council approved the plans and specifications for the Sewer Line Replacement Project, Project No. 07694, and called for bids to be received on August 20, 2019; and

WHEREAS, the bid date was extended to March 3, 2020; and

WHEREAS, Addendum No. 1 was issued to make minor revisions to the specifications; and

WHEREAS, on March 3, 2020, four (4) bids were received ranging from \$1,747,520 to \$2,038,000. The low bid, submitted by Andes Construction Inc., was approximately 19% below the engineer's estimate of \$2,152,000; and

WHEREAS, on March 6, 2020, the City was informed that the low bidder did not list the Department of Industrial (DIR) registration numbers for the listed subcontractors on the bid form. The City's bidding instructions did not explicitly require the DIR registration numbers for their subcontractors, as required by the Public Contract Code 4104; and

WHEREAS, on March 17, 2020, Council approved the rejection of all bids, updated plans and specifications incorporating revised bidding requirements and Addendum No.1, and authorization for calling for bids to be received on April 7, 2020; and

WHEREAS, the bid date was rescheduled to May 5, 2020, due to the unprecedented COVID-19 pandemic; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Addendum No. 1 is hereby approved and adopted as part of the plans and specifications for the project.





# CITY OF HAYWARD

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

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**File #:** CONS 20-233

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Rejecting All Bids, Approving Revised Specifications, and Calling for Bids for the Sidewalk Rehabilitation FY 20 Project, Project No. 05285

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) rejecting all bids for the Sidewalk Rehabilitation Project, Project No. 05285, approving the revised specifications incorporating revised bidding requirements and Addendum No. 1, and calling for construction bids to be received on June 16, 2020.

**SUMMARY**

On April 14, 2020, the City received eleven (11) bids for the project, ranging from \$404,920 to \$872,075. Villalobos & Associates submitted the low bid in the amount of \$404,920, which is 1.6% above the Engineer's estimate of \$398,500.

On April 15, 2020, the second lowest bidder informed the City that the low bidder included an arborist as a sub-contractor that was not from the list of approved arborists provided by the City Landscape Department. Upon review of the specifications for the project, it has been determined that the specification relating to the sub-contractor listing did not comply with Public Contract Code requirements. Therefore, staff is recommending all bids be rejected and the project be re-bid to clarify this requirement. The specifications have been updated to reflect the requirements in the Public Contract Code.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Project Location Map
Attachment IV	Sidewalk District Map



**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Rejecting All Bids, Approving Revised Specifications, and Calling for Bids for the Sidewalk Rehabilitation FY 20 Project, Project No. 05285

### **RECOMMENDATION**

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### **SUMMARY**

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### **BACKGROUND**

This agenda item is related to the continuation of the City's Annual Sidewalk Repair Program that began in 2001. The Sidewalk Rehabilitation Program for the repair of damaged concrete sidewalks consists of two components. The first one is the removal of tripping hazards from sidewalk displacements or offsets up to 1¾ inches. These hazards are removed by saw cutting or grinding the uplifted sidewalk panel across the width of the sidewalk to produce a smooth and uniform surface that meets Americans with Disabilities Act (ADA) slope requirements. This trip hazard removal is performed under a separate contract. Under that contract, the contractor submits a report to the City identifying the locations of sidewalk offsets that cannot be repaired by saw cutting or grinding because they are greater than 1¾ inches. This list is utilized in determining which locations will be included as part of the second component of the program. The second component of the

Sidewalk Rehabilitation Program, which is the subject of this report, removes and replaces, with new concrete, all sidewalk displacements exceeding 1¾ inches.

To facilitate the selection of sidewalk areas for repairs each year, the City is divided into 10 districts (Attachment III). Typically, two districts per year are covered under this program. Districts 7 (Calaroga Area) and 10 (Santa Clara Area) are the focus of this year's program to address continuous repair improvement needs. Portions of Districts 4 (Schafer Park) and 5 (Fairway Park Rancho Verde Area), which were not completed as part of last year's program, will also be included in this project. Attachment III depicts the districts covered in this year's project.

## **DISCUSSION**

On February 25, 2020, Council approved the plans and specifications for the project and called for bids to be received on April 14, 2020.

On April 14, 2020, the City received eleven (11) bids for the project, ranging from \$404,920 to \$872,075. Villalobos & Associates submitted the low bid in the amount of \$404,920, which is 1.6% above the Engineer's estimate of \$398,500. The project budget is \$600,000 from the FY20 Capital Improvement Program (CIP). The project includes 200 locations for sidewalk repair. The proposed improvements will repair damaged sections of sidewalks.

During review of the bids, staff determined that the specifications for the project that were advertised as part of the bid solicitation did not comply with requirements of the Public Contract Code relating to listing of sub-contractors. Public Contract Code Section 4101 requires bid specifications to include a requirement that bids include California Department of Industrial Regulation registration numbers for subcontractors listed on the bid form. The specifications did not include this requirement and the bidders did not supply the necessary information in the bids. Staff also identified an inconsistency in the bid instructions requiring listing of a Certified Consulting Arborist which requires correction.

Therefore, staff is requesting Council approval to reject all bids, approve the revised specifications incorporating revised bidding requirements and Addendum No. 1, and authorization to call for construction bids to be received by June 16, 2020.

## **ECONOMIC IMPACT**

Property owners with damaged sidewalk are given the choice of completing the work themselves or having the repairs undertaken by the City's contractor for a nominal fee of \$550 per property. Reimbursement from property owners for the sidewalk rehabilitation is estimated to be approximately \$124,000.

## **FISCAL IMPACT**

The estimated project costs are as follows:

Contract Construction	\$ 398,500
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Trip Hazard Removal (under a separate contract)	\$50,788
Design and Administration	\$80,081
Construction Survey, Inspection, and Testing	\$120,000
<b>TOTAL</b>	<b>\$ 649,369</b>

The Adopted FY20 CIP includes \$600,000 for the Sidewalk Rehabilitation Project in the Street System Improvements Fund, and \$49,369 rolled over from the previous year's sidewalk repair budget fund for this project. The total appropriation is \$649,369, so there will be no additional impact to the City's General Fund anticipated with this action.

**STRATEGIC ROADMAP**

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

**SUSTAINABILITY FEATURES**

This project requires that all material generated during construction and demolition be sent to designated facilities for recycling. Recycled Portland Cement Concrete will be required for use as aggregate base for the concrete curb, gutter, and sidewalk. The improvements made to the sidewalks will encourage the public to walk more as opposed to driving their vehicles. This reduces both carbon emissions and carbon footprints, which is beneficial for the environment.

**PUBLIC CONTACT**

Owners of the affected properties will receive certified letters regarding the program along with a response form to return to the City indicating their choice to complete the repairs themselves, or pay the \$550 fee for a single family home or actual repair cost for the commercial and investment properties to have the City complete the work. Property owners have the option of paying the fee in one lump sum or in twelve monthly payments. The response form also includes a list of trees that an owner can choose from for a replacement tree. Before construction commences, a second notice will be sent to all property owners who did not respond to the first notice to assure they are aware of the program.

**NEXT STEPS:**

The estimated schedule for this project is as follows:

Receive Bids	June 16, 2020
Award Contract	July 14, 2020
Begin Construction	August 17, 2020
Complete Construction	November 4, 2020

*Prepared by:* Kathy Garcia, Deputy Director of Public Works

*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.

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Kelly McAdoo, City Manager



HAYWARD CITY COUNCIL

RESOLUTION NO. 20-

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

RESOLUTION REJECTING ALL BIDS FOR THE SIDEWALK REHABILITATION PROJECT, PROJECT NO. 05285, APPROVAL OF REVISED SPECIFICATIONS, AND CALL FOR BIDS.

WHEREAS, by Resolution No. 20-174 on February 25, 2020, the City Council approved the plans and specifications for the Sidewalk Rehabilitation FY 20 Project, Project No. 05285, and called for bids to be received on April 14, 2020; and

WHEREAS, on April 14, 2020, eleven (11) bids were received ranging from \$404,920 to \$872,075. The low bid, submitted by Villalobos & Associates, is approximately 1.6% above the engineer's estimate of \$398,500; and

WHEREAS, the bids all came in above the engineer's estimate, and specification relating to sub-contractor listing did not comply with Public-Contract Code requirements; and

WHEREAS, Addendum No. 1 was issued to make minor revisions to the specifications to comply with the Public Contract Code; and

WHEREAS, the bid date was extended to June 16, 2020.

NOW, THEREFORE, BE IT RESOLVED that the above listed bids, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to return the bids and bid bonds submitted by all bidders.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that Addendum No. 1, revised instructions to bidders, and bid form is hereby approved and adopted as part of the plans and specifications for the project.

BE IT FURTHER RESOLVED, that those certain plans and specifications for the Sidewalk Rehabilitation FY20 Project, Project No. 05285, on file in the Office of the City Clerk, are hereby adopted as the plans and specifications for the Project.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law.

BE IT FURTHER RESOLVED, that sealed bids will therefore be received by the City Clerk's office at City Hall, 777 B Street, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, June 16, 2020, and immediately thereafter publicly opened and declared by the City Clerk in Conference Room 2A, City Hall, Hayward, California.

IN COUNCIL, HAYWARD, CALIFORNIA May 19, 2020

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

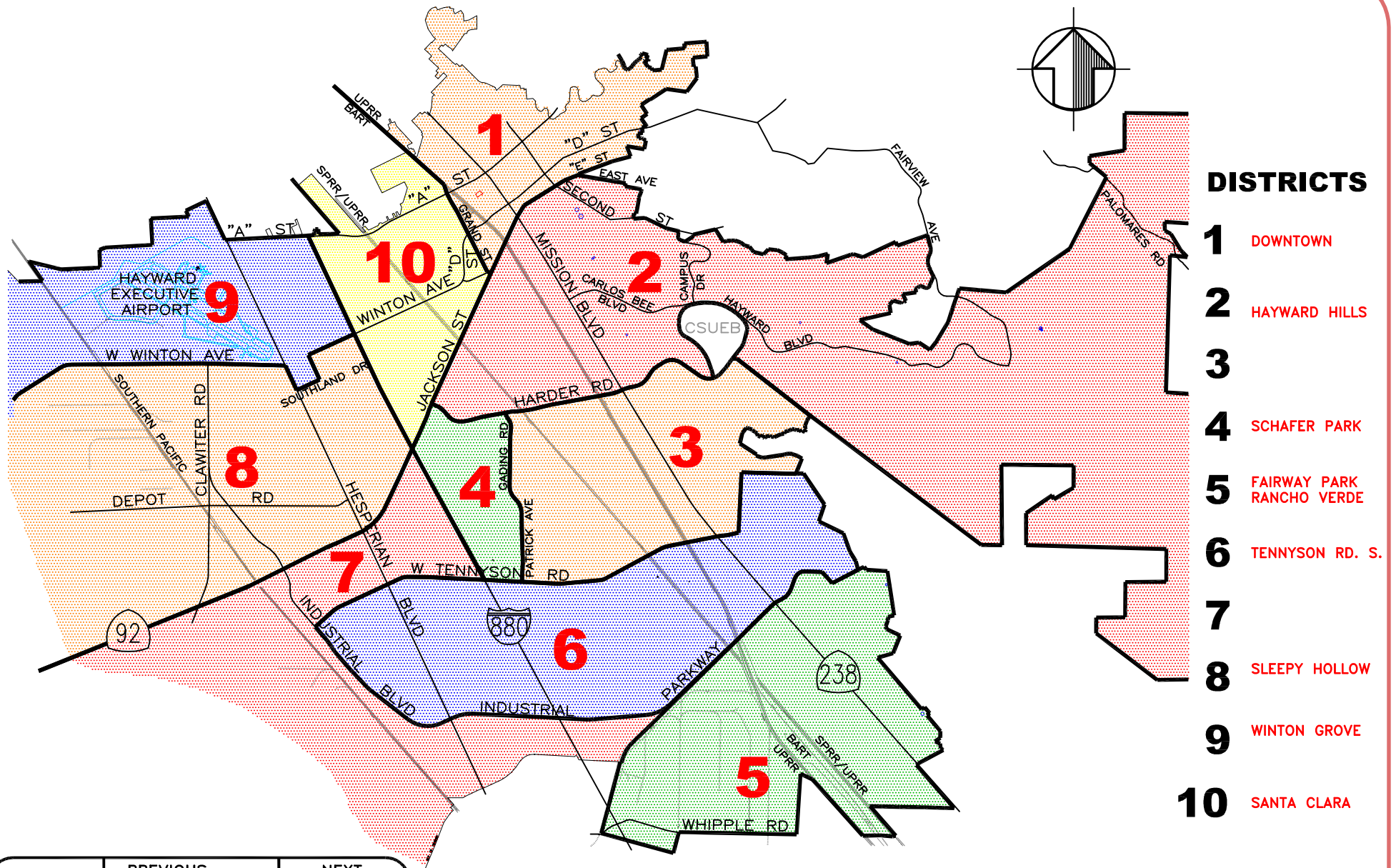
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ABSENT:        COUNCIL MEMBERS:

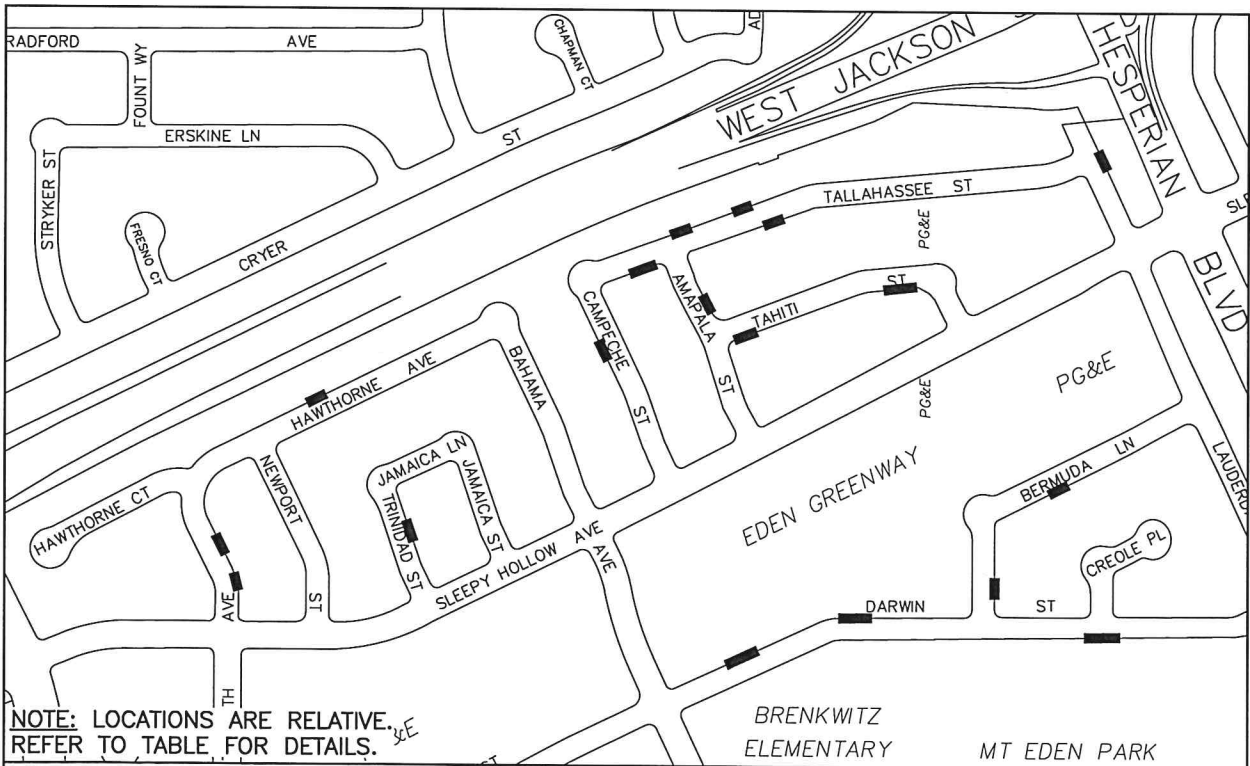
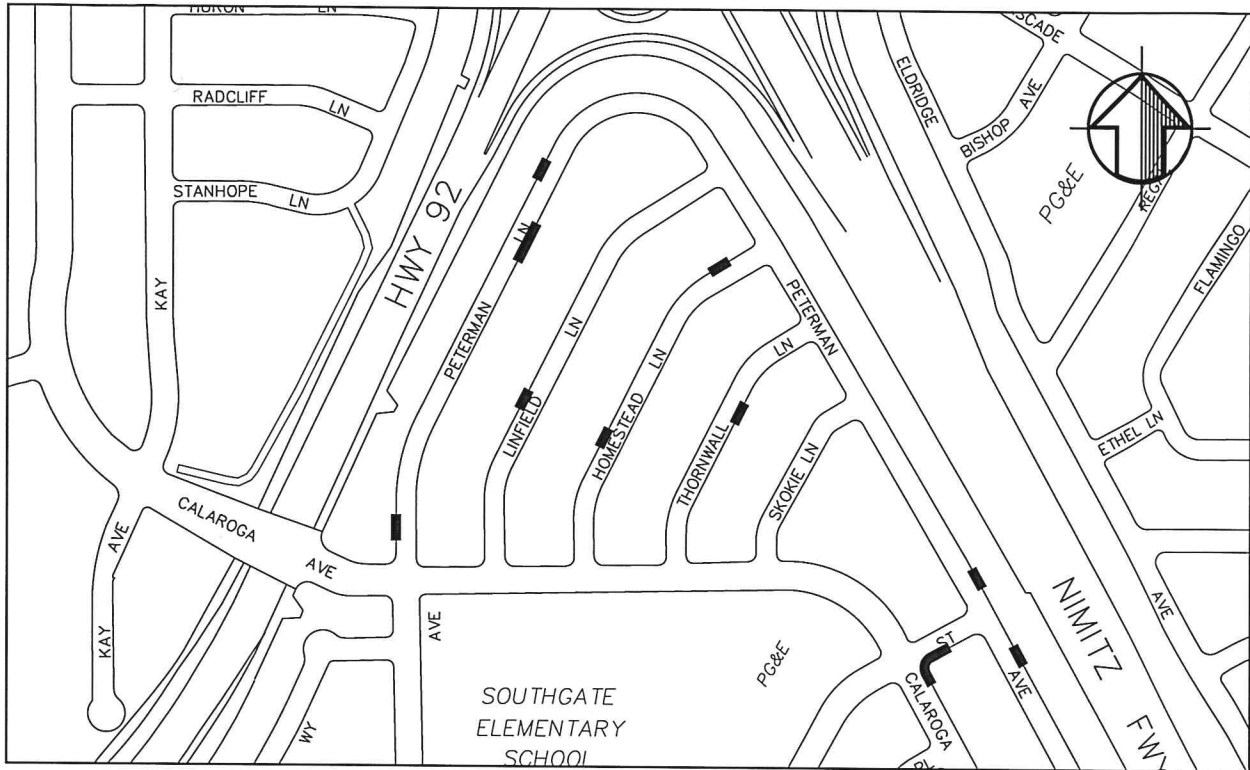
ATTEST: \_\_\_\_\_  
                  City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

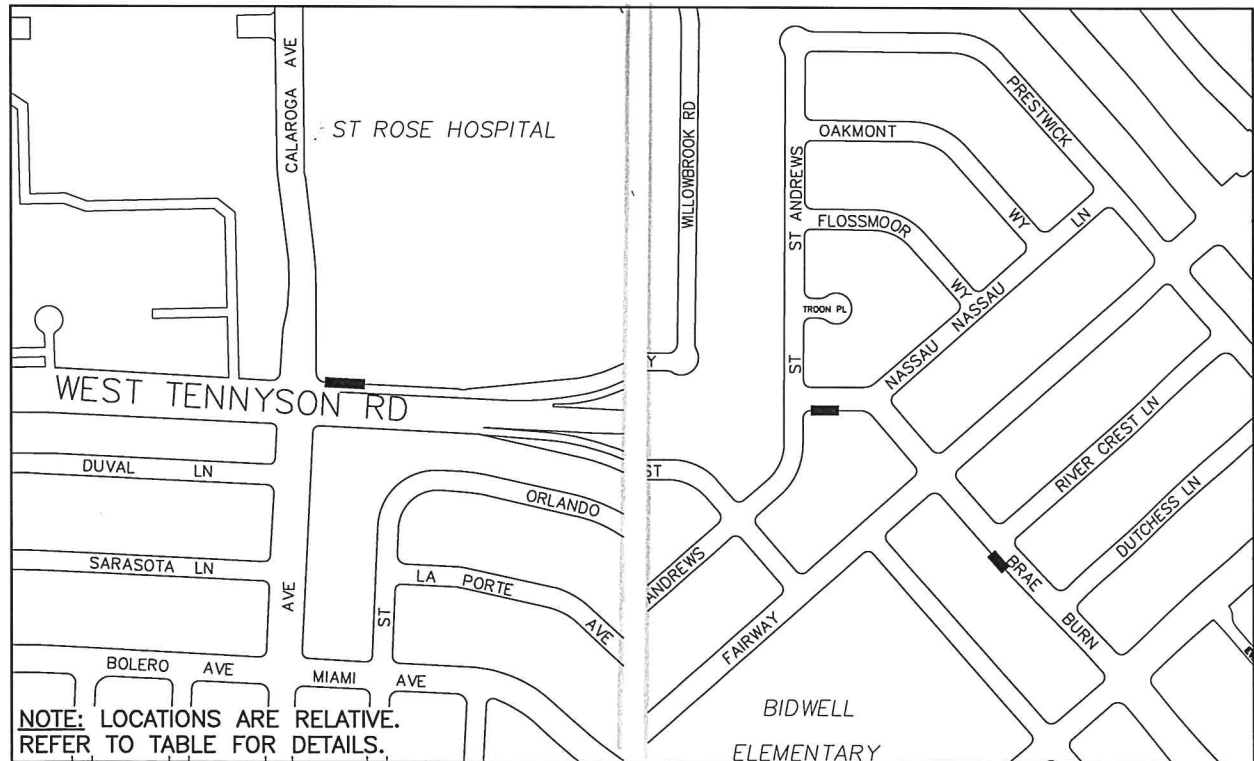
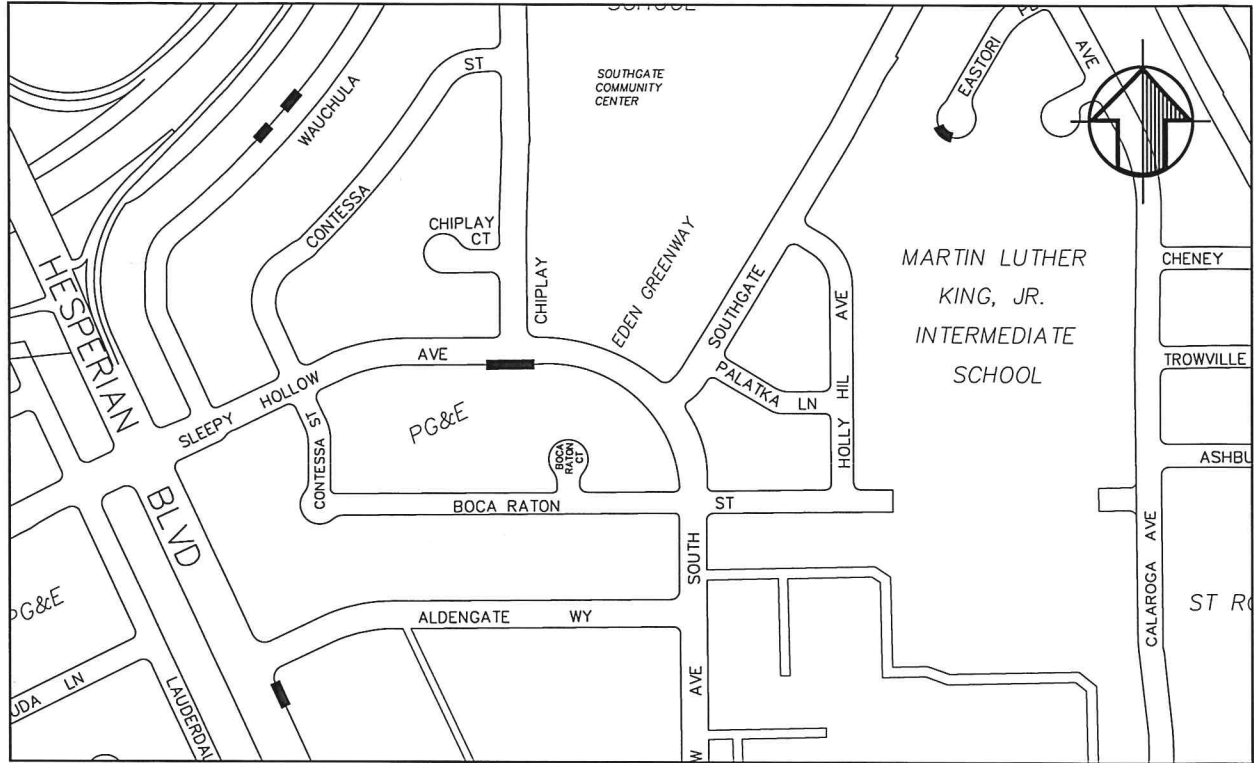


DISTRICTS	PREVIOUS REPAIRS	NEXT SCHEDULED
2 AND 3	2001, 2006, 2011	2017, 2022
6 AND 9	2002, 2007, 2012	2018, 2023
4 AND 5	2003, 2008, 2013	2019, 2024
7 AND 10	2004, 2009, 2015	2020, 2025
1 AND 8	2005, 2010, 2016	2021, 2026



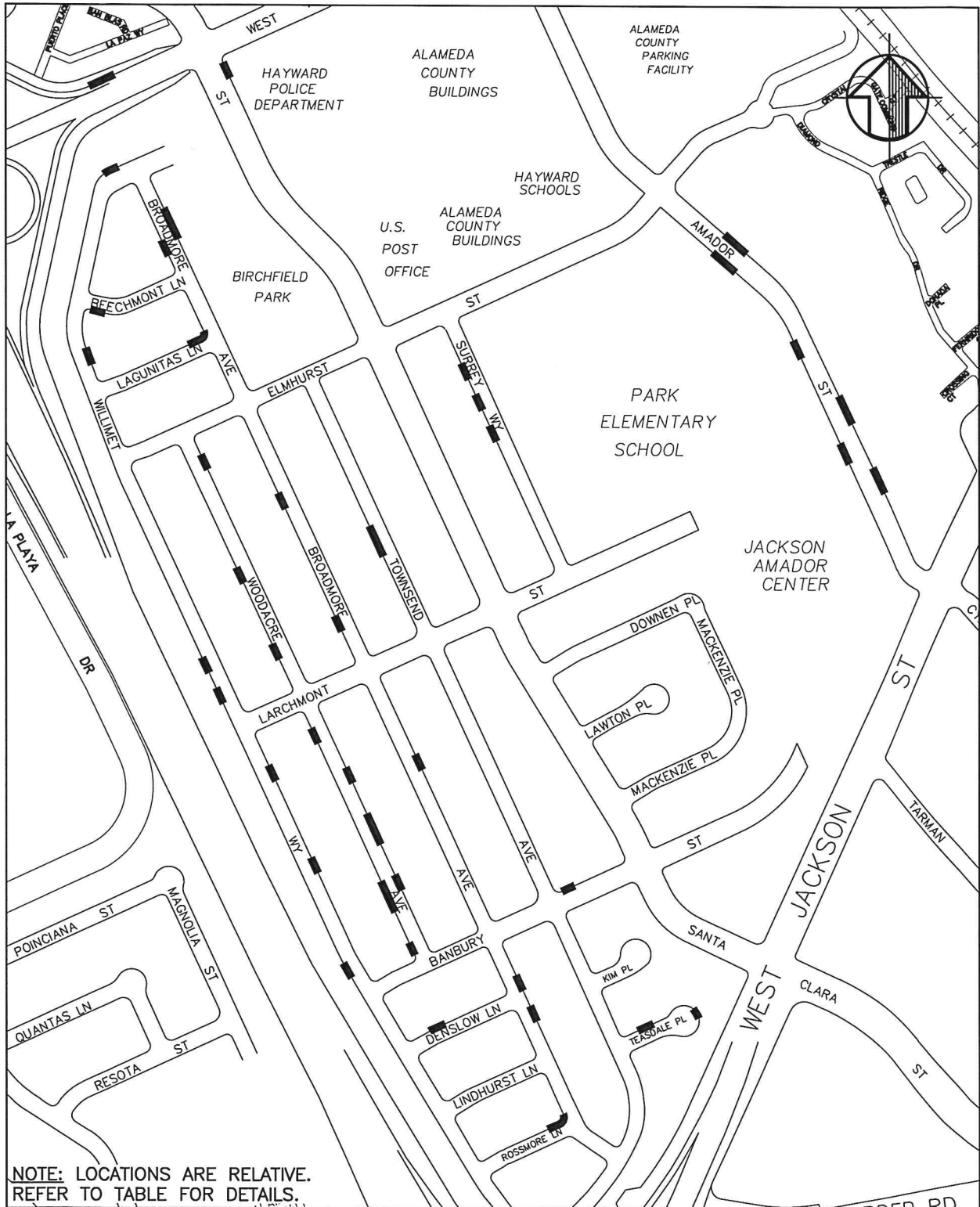
NOTE: LOCATIONS ARE RELATIVE. REFER TO TABLE FOR DETAILS.

**LOCATION MAP**  
**SIDEWALK REHABILITATION DISTRICT NO. 7**  
**PROJECT NO. 05285**

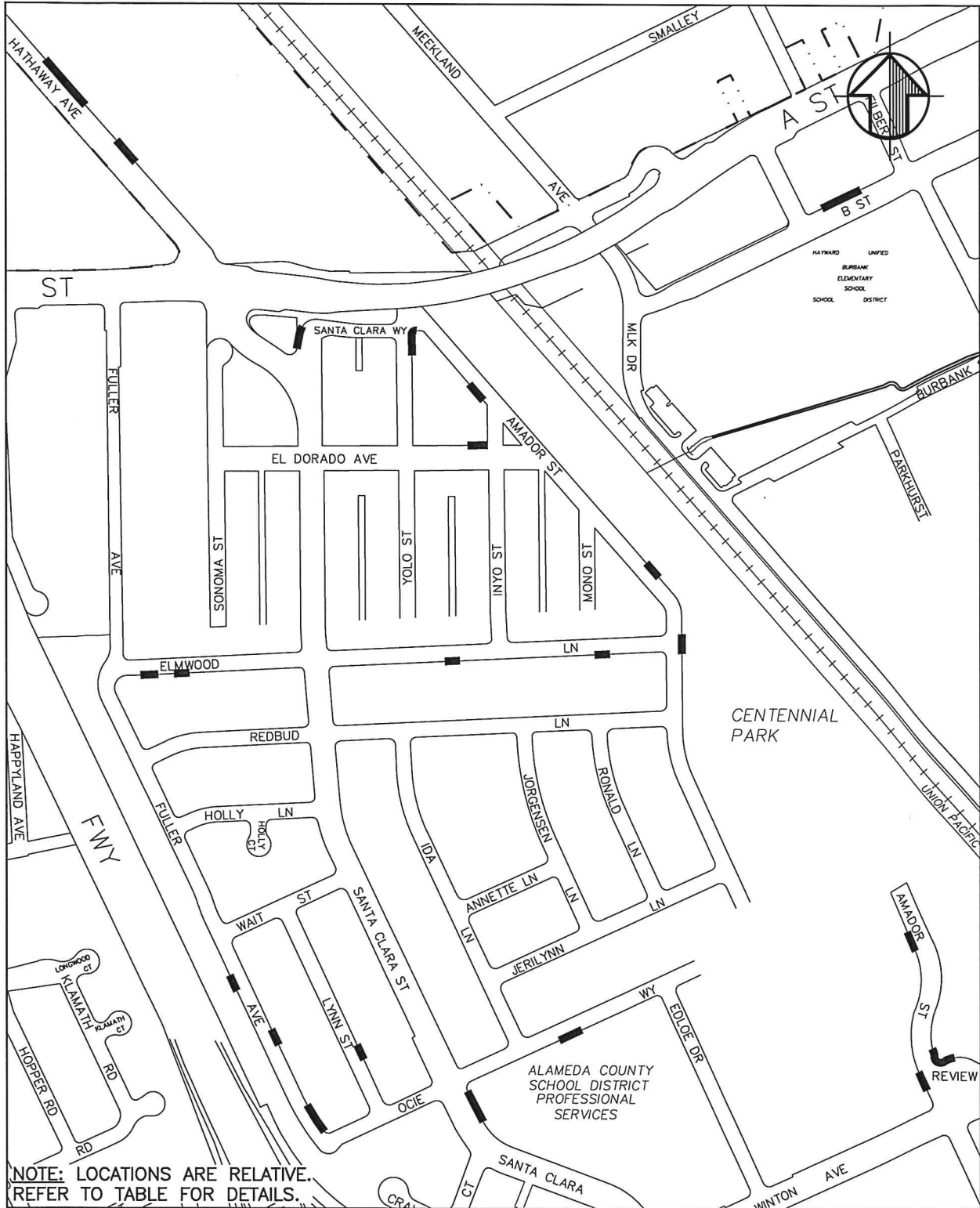


NOTE: LOCATIONS ARE RELATIVE.  
REFER TO TABLE FOR DETAILS.

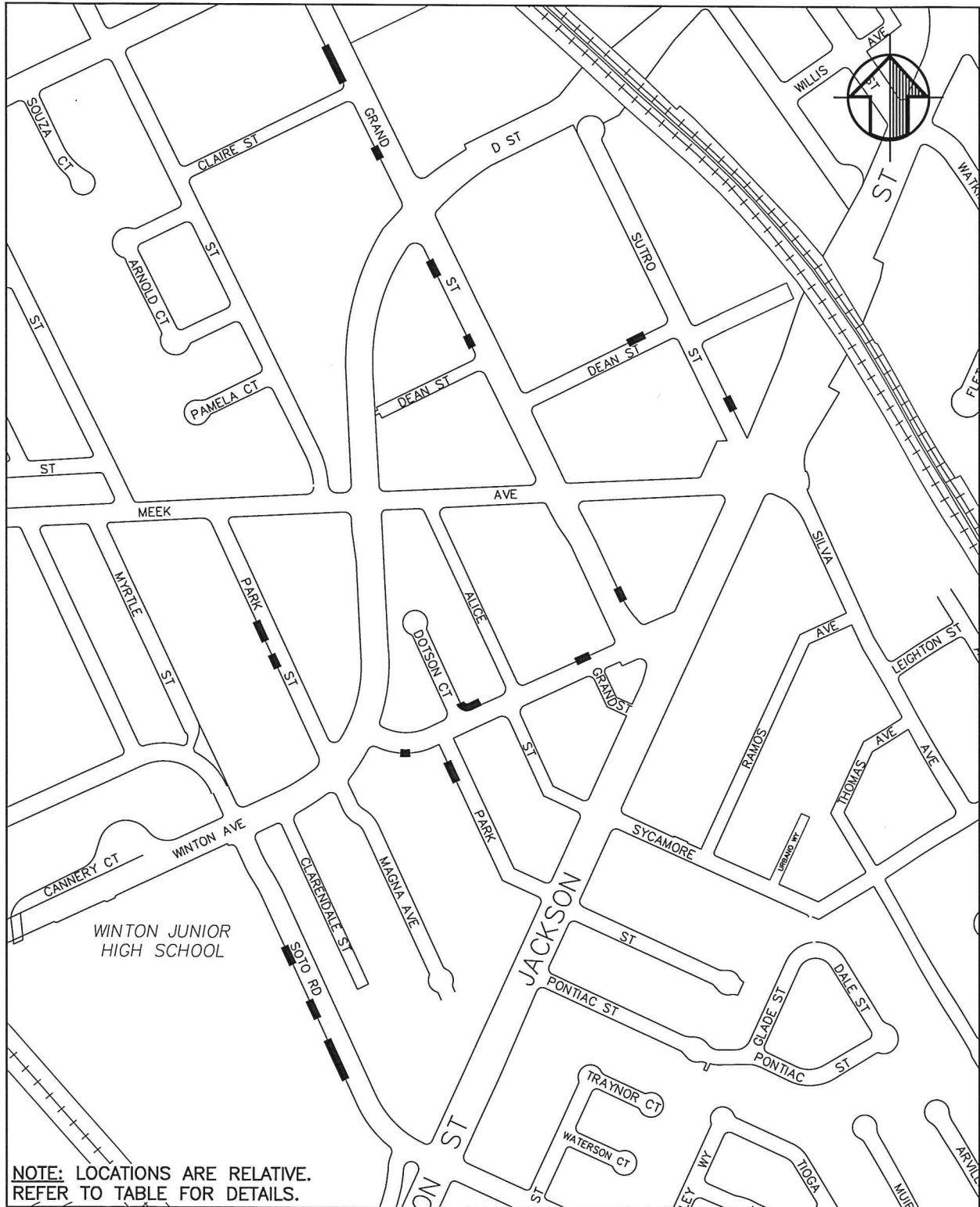
**LOCATION MAP**  
**SIDEWALK REHABILITATION DISTRICT NO. 7**  
**PROJECT NO. 05285**



**LOCATION MAP**  
**SIDEWALK REHABILITATION DISTRICT NO. 10**  
**PROJECT NO. 05285**



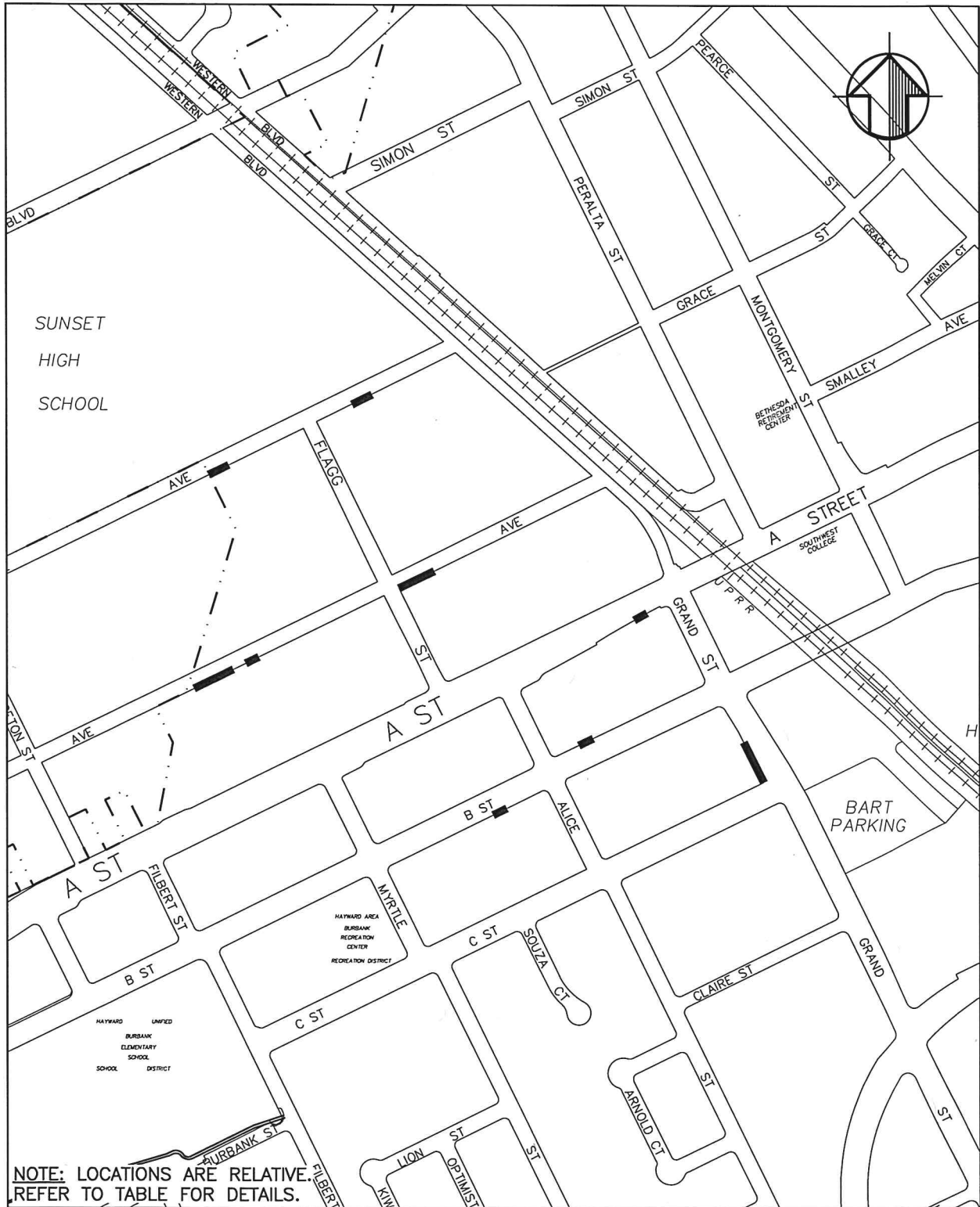
**LOCATION MAP**  
**SIDEWALK REHABILITATION DISTRICT NO. 10**  
**PROJECT NO. 05285**



NOTE: LOCATIONS ARE RELATIVE.  
REFER TO TABLE FOR DETAILS.

**LOCATION MAP**  
**SIDEWALK REHABILITATION DISTRICT NO. 10**  
**PROJECT NO. 05285**





**LOCATION MAP**  
**SIDEWALK REHABILITATION DISTRICT NO. 10**  
**PROJECT NO. 05285**



# CITY OF HAYWARD

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

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**File #:** CONS 20-228

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Submit an Application to the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) Article 3 Funds in Fiscal Year (FY) 2021 and Execute a Funding Agreement

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to submit an application with the Metropolitan Transportation Commission (MTC) for the Transportation Development Act (TDA) Article 3 funding in FY 2021 to be used for the Patrick and Gading Complete Streets project and to execute the agreement with MTC once funding is approved.

**SUMMARY**

Each year, TDA funds are made available to cities state-wide for construction of bicycle and pedestrian projects. In the Bay Area, TDA, Article 3 funds are allocated by MTC and require the submittal of a resolution by the governing body of the City authorizing the filing of an application for funds.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment IIa	Resolution Abstract
Attachment III	Bicycle Facility Recommendation Map
Attachment IV	Pedestrian Priority Map



**DATE:** May 19, 2020

**TO:** Mayor & City Council

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That Council adopts a resolution (Attachment II) authorizing the City Manager to submit an application with the Metropolitan Transportation Commission (MTC) for the Transportation Development Act (TDA) Article 3 funding in FY 2021 to be used for the Patrick and Gading Complete Streets project and to execute the agreement with MTC once funding is approved.

### **SUMMARY**

Each year, TDA funds are made available to cities state-wide for construction of bicycle and pedestrian projects. In the Bay Area, TDA, Article 3 funds are allocated by MTC and require the submittal of a resolution by the governing body of the City authorizing the filing of an application for funds.

### **BACKGROUND**

Each fiscal year, MTC allocates TDA Article 3 funds that are funded by statewide retail and gas taxes and invites city and county governments to apply for grant funds related to pedestrian and bicycle projects. In recent years, the City has used this funding exclusively for accessible curb ramps at various locations.

This year, at the behest of the MTC, the City identified the Patrick Avenue and Gading Road Complete Streets Project (Project) specifically for TDA Article 3 funding. The City is requesting to use a total of \$508,236 in funding (\$181,403 for Fiscal Year 2020-21 plus an additional \$326,833 in carry-over funds from previous year FY 2019-20).

The Project will implement bicycle and pedestrian improvements along Patrick Avenue and Gading Road, between Tennyson Road and West Harder Road. Specifically, the Project will install a high visibility Class IV separated bicycle facility as well as pedestrian improvements,

such as Rectangular Rapid Flashing Beacons (RRFB) at existing marked crosswalks. The Project intends to maintain most, if not all, on-street parking spaces. Additionally, the Project will install parking T's as part of the implementation of the Class IV separated bicycle facility.

As part of the City's ongoing Bicycle and Pedestrian Master Plan Update process, staff conducted bicycle and pedestrian safety surveys along the Tennyson Road corridor in September 2018. City staff and community stakeholders participated in a walk audit of the corridor and identified deficiencies and recommended improvements. The walk audit was well-attended with twenty-five participants, most Spanish speaking only. The presentation was offered in English and Spanish with translators available in each of the three walking groups. As part of this process, it was identified that there was a desire to implement a road diet and make bicycle and pedestrian facility improvements along Patrick Avenue and Gading Road between Tennyson Avenue and West Harder Road.

Subsequently, the Draft Bicycle and Pedestrian Master Plan identified this corridor as a high priority segment for bicycle and pedestrian improvements. Staff developed conceptual plans for a high-visibility, Class IV bicycle facility as well as a host of pedestrian improvements along Patrick Avenue and Gading Road.

Each year, MTC allocates to Bay Area counties TDA Article 3 funds. This year, the City identified and requested funding be allocated toward the identified bicycle and pedestrian improvements along the 1.25-mile stretch of Patrick Avenue and Gading Road between Tennyson Avenue and W. Harder Road.

This corridor is a heavily used route for all user types as it is the corridor that connects residents to several primary grade schools in the area, the Weekes Public Library, the Weekes Community Center, religious institutions, children centers, and assisted living facilities.

## **DISCUSSION**

The project would provide a low stress level bike and pedestrian route for the north-south direction on Patrick Ave and Gading Rd. Project improvements may include installation of a high-visibility, buffered (where feasible) Class IV bicycle facility, pedestrian improvements, including shortened crossings, a road diet of two lanes in each direction to one lane in each direction, and installation of Pedestrian Rapid Flashing Beacons.

Typically, TDA Article 3 projects are required to be selected by an agency's Bicycle Pedestrian Advisory Committees (BPAC). Since Hayward does not currently have a BPAC, it was granted an exemption so long as the selected project was reviewed and approved by Alameda County's BPAC through ACTC. ACTC's BPAC meeting on April 30, 2020, was cancelled due to the current shelter-in-place order and the City was subsequently granted permission to skip this step of the approval process.

However, in order to receive TDA Article 3 funds, cities are required to adopt a resolution by the governing body of the City authorizing the filing of an application for funds and provide proof of that to ACTC by May 29, 2020.

## **ECONOMIC IMPACT**

Active transportation options like bicycling and walking foster economic health by creating dynamic, connected communities with a high quality of life that helps support small business development, decreases transportation and healthcare costs and increases property values, employment, and tourism. Providing alternate modes of travel reduces single lane occupancy vehicles, reduces congestion and costs related to automobile-oriented infrastructure maintenance and construction. The overall transportation system will be more efficient; thus, reducing travel time. Moreover, the City will become a more pedestrian- and bicycle-friendly community, thus creating positive economic and health benefits and reduction of greenhouse gas emissions.

## **FISCAL IMPACT**

There is no match required for this application. Thus, there is no impact to the City's General Fund or other funds.

## **STRATEGIC ROADMAP**

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

- Project 8, Part 8b. Implement the Bicycle and Pedestrian Master Plan; Add 10 lane miles of bike lanes per year.
- Project 8, Part 8c. Implement the Bicycle and Pedestrian Master Plan; Assess Safe Routes to School
- Project 8, Part 8d. Implement the Bicycle and Pedestrian Master Plan; Implement Safe Routes to School

## **SUSTAINABILITY FEATURES**

The action taken for this agenda report will result in supporting mobility goals established as part of the City's 2040 General Plan, providing for a balanced multi-modal system of transportation facilities and services in Hayward.

The plan will be a comprehensive effort that will guide, prioritize, and implement a network of quality bicycle and pedestrian facilities to improve mobility, connectivity, public health, physical activity, and recreational opportunities. By applying best practices, the plan will increase transportation options, reduce environmental impacts of the transportation system, and enhance the overall quality of life for residents. The goal of the project is to develop convenient transportation alternatives to motor vehicles for residents, visitors, shoppers, and commuters. The resulting reduction in single occupancy vehicles will reduce vehicle miles traveled and greenhouse gases.

## **PUBLIC CONTACT**

The project stems from initial feedback received from the general public during community surveys and walk audits related to Bicycle and Pedestrian conditions along the Tennyson Road corridor. Past bicycle and pedestrian improvements such as those proposed have been well-received by the public.

There is a large emphasis on public outreach for this corridor project. Nearly \$110,000 of the project's budget has been set aside for public outreach to be conducted before, during, and after the project implementation.

Construction of the project will coincide with the City's Pavement Repair and Rehabilitation project scheduled for FY 21. When a construction schedule is determined, property owners in the affected neighborhoods will be appropriately notified of the project schedule.

## **NEXT STEPS**

Upon approval of the TDA funding and execution of the agreement with MTC, construction plans and specifications will be prepared for Council's authorization to advertise for bids.

*Prepared by:* Charmine Solla, Senior Transportation Engineer

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-\_\_\_\_\_

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

RESOLUTION SUPPORTING SUBMISSION OF A CLAIM TO THE METROPOLITAN  
TRANSPORTATION COMMISSION (MTC) FOR THE ALLOCATION OF FISCAL  
YEAR 2021 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3  
PEDESTRIAN/BICYCLE PROJECT FUNDING FOR THE PATRICK-GADING  
COMPLETE STREETS PROJECT

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission, as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 875 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, per a recent revision to MTC's TDA Article 3 policies, the project described in Attachment II-a have been reviewed by the Alameda County Transportation Commission prior to submitting the request to MTC; and

WHEREAS, the City of Hayward desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the project described in Attachment II-a to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows: that the City of Hayward declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99235 of the Public Utilities Code; and

BE IT FURTHER RESOLVED, that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment II-a to this resolution, or that might impair the ability of the City of Hayward to carry out the project; and

BE IT FURTHER RESOLVED that the City of Hayward attests to the accuracy of and approves the statements in Attachment II-a to this resolution; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute all-related documents, including the acceptance and appropriation of such funds for the intended purpose; and

BE IT FURTHER RESOLVED that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forward to the City/County Association of Governments for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



Date: June 26, 2013  
W.I.: 1514  
Referred By: PAC  
Revised: 02/24/16-C

ABSTRACT

Resolution No. 4108, Revised

This resolution establishes policies and procedures for the submission of claims for Article 3 funding for pedestrian and bicycle facilities as required by the Transportation Development Act in Public Utilities Code (PUC) Section 99401.(a). Funding for pedestrian and bicycle projects is established by PUC Section 99233.3.

This resolution supersedes MTC Resolution No. 875, Revised commencing with the FY2014-15 funding cycle.

This resolution was revised on February 24, 2016 to make pedestrian safety education projects eligible for funding, in accordance with recent state law changes.

Further discussion of these procedures and criteria are contained in the Programming and Allocations Summary Sheet dated June 12, 2013 and February 10, 2016.

Date: June 26, 2013  
W.I.: 1514  
Referred By: PAC

RE: Transportation Development Act, Article 3. Pedestrian and Bicycle Projects.

METROPOLITAN TRANSPORTATION COMMISSION

RESOLUTION NO. 4108

WHEREAS, the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., requires the Transportation Planning Agency to adopt rules and regulations delineating procedures for the submission of claims for funding for pedestrian and bicycle facilities (Article 3, PUC Section 99233.3); state criteria by which the claims will be analyzed and evaluated (PUC Section 99401(a); and to prepare a priority list for funding the construction of pedestrian and bicycle facilities (PUC Section 99234(b)); and

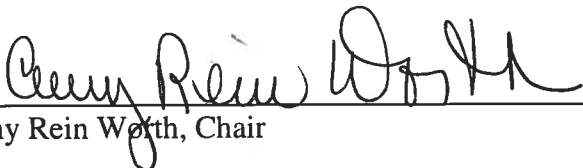
WHEREAS, the Metropolitan Transportation Commission (MTC), as the Transportation Planning Agency for the San Francisco Bay Region, adopted MTC Resolution No. 875 entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects", that delineates procedures and criteria for submission of claims for Article 3 funding for pedestrian and bicycle facilities; and

WHEREAS, MTC desires to update these procedures and criteria commencing with the FY2014-15 funding cycle, now therefore be it

RESOLVED, that MTC adopts its policies and procedures for TDA funding for pedestrian and bicycle facilities described in Attachment A ; and be it further

RESOLVED, that the prior policy governing allocation of funds contained in Resolution No. 875 is superseded by this resolution, effective with the FY 2014-15 funding cycle.

METROPOLITAN TRANSPORTATION COMMISSION

  
\_\_\_\_\_  
Amy Rein Worth, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on June 26, 2013.

Date: June 26, 2013  
W.I.: 1514  
Referred By: PAC  
Revised: 02/24/16-C

Attachment A  
Resolution No. 4108  
Page 1 of 7

TRANSPORTATION DEVELOPMENT ACT, ARTICLE 3,  
PEDESTRIAN/BICYCLE PROJECTS  
Policies and Procedures

Eligible Claimants

The Transportation Development Act (TDA), Public Utilities Code Sections 99233.3 and 99234, makes funds available in the nine-county Metropolitan Transportation Commission (MTC) Region for the exclusive use of pedestrian and bicycle projects. MTC makes annual allocations of TDA Article 3 funds to eligible claimants after review of applications submitted by counties or congestion management agencies.

All cities and counties in the nine counties in the MTC region are eligible to claim funds under TDA Article 3. Joint powers agencies composed of cities and/or counties are also eligible provided their JPA agreement allows it to claim TDA funds.

Application

1. Counties or congestion management agencies will be responsible for developing a program of projects not more than annually, which they initiate by contacting the county and all cities and joint powers agencies within their jurisdiction and encouraging submission of project applications.
2. Claimants will send one or more copies of project applications to the county or congestion management agency (see "Priority Setting" below).
3. A project is eligible for funding if:
  - a. The project sponsor submits a resolution of its governing board that addresses the following six points:
    1. There are no legal impediments regarding the project.
    2. Jurisdictional or agency staffing resources are adequate to complete the project.
    3. There is no pending or threatened litigation that might adversely affect the project or the ability of the project sponsor to carry out the project.
    4. Environmental and right-of-way issues have been reviewed and found to be in such a state that fund obligation deadlines will not be jeopardized.
    5. Adequate local funding is available to complete the project.

6. The project has been conceptually reviewed to the point that all contingent issues have been considered.
- b. The funding requested is for one or more of the following purposes:
  1. Construction and/or engineering of a bicycle or pedestrian capital project
  2. Maintenance of a multi-purpose path which is closed to motorized traffic
  3. Bicycle safety education program (no more than 5% of county total).
  4. Development of a comprehensive bicycle or pedestrian facilities plans (allocations to a claimant for this purpose may not be made more than once every five years).
  5. Restriping Class II bicycle lanes.Refer to Appendix A for examples of eligible projects.
- c. The claimant is eligible to claim TDA Article 3 funds under Sections 99233.3 or 99234 of the Public Utilities Code.
- d. If it is a Class I, II or III bikeway project, it must meet the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual (Available via Caltrans headquarters' World Wide Web page); or if it is a pedestrian facility, it must meet the mandatory minimum safety design criteria published in Chapter 100 of the California Highway Design Manual (Available via Caltrans headquarters' World Wide Web page).
- e. The project is ready to implement and can be completed within the three year eligibility period.
- f. *If the project includes construction, that it meets the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.) and project sponsor submits an environmental document that has been stamped by the County Clerk within the past three years.*
- g. A jurisdiction agrees to maintain the facility.
- h. The project is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.

#### Priority Setting

1. The county or congestion management agency (CMA) shall establish a process for establishing project priorities in order to prepare an annual list of projects being recommended for funding.
2. Each county and city is required to have a Bicycle Advisory Committee (BAC) to review and prioritize TDA Article 3 bicycle and pedestrian projects and to participate in the

development and review of comprehensive bicycle plans. BACs should be composed of both bicyclists and pedestrians.

A city BAC shall be composed of at least 3 members who live or work in the city. More members may be added as desired. They will be appointed by the City Council. The City or Town Manager will designate staff to provide administrative and technical support to the Committee.

An agency can apply to MTC for exemption from the city BAC requirement if they can demonstrate that the countywide BAC provides for expanded city representation.

A county BAC shall be composed of at least 5 members who live or work in the county. More members may be added as desired. The County Board of Supervisors or Congestion Management Agency (CMA) will appoint BAC members. The county or congestion management agency executive/administrator will designate staff to provide administration and technical support to the Committee.

3. All proposed projects shall be submitted to the County or congestion management agency for evaluation/prioritization. Consistent with the county process, either the Board of Supervisors or the Congestion Management Agency (CMA) will adopt the countywide list and forward it to MTC for approval.
4. The county or congestion management agency will forward to MTC a copy of the following:
  - a) Applications for the recommended projects, including a governing body resolution, stamped environmental document, and map for each, as well as a cover letter stating the total amount of money being claimed; *and confirmation that each project meets Caltrans' minimum safety design criteria and can be completed before the allocation expires.*
  - b) The complete priority list of projects with an electronic version to facilitate grant processing.
  - c) A Board of Supervisors' or CMA resolution approving the priority list and authorizing the claim.

#### MTC Staff Evaluation

MTC Staff will review the list of projects submitted by each county. If a recommended project is eligible for funding, falls within the overall TDA Article 3 fund estimate level for that county, and has a completed application, staff will recommend that funds be allocated to the project.

### Allocation

The Commission will approve the allocation of funds for the recommended projects. The County Auditor will be notified by allocation instructions to reserve funds for the approved projects. Claimants will be sent copies of the allocation instructions and funds should be invoiced in accordance with the “Disbursement” section below.

### Eligible Expenditures

Eligible expenditures may be incurred from the start of the fiscal year of award plus two additional fiscal years. Allocations expire at the end of third fiscal year following allocation. For example, if funds are allocated to a project in October 2014, a claimant may be reimbursed for eligible expenses that were incurred on or after July 1, 2014. The allocation expires on June 30, 2017 and all eligible expenses must be incurred before this date. All disbursement requests should be submitted by August 31, 2017.

### Disbursement

1. The claimant shall submit to MTC the following, no later than two months after the grant expiration date:
  - a) A copy of the allocation instructions along with a dated cover letter referring to the project by name, dollar amount and allocation instruction number and the request for a disbursement of funds;
  - b) Documents showing that costs have been incurred during the period of time covered by the allocation.
  - c) With the final invoice, the claimant shall submit a one paragraph summary of work completed with the allocated funds. This information may be included in the cover letter identified in bullet “a” above and is required before final disbursement is made. If the project includes completion of a Class I, II or III bicycle facility, this information should be added to Bikemapper or a request should be made to MTC to add it to Bikemapper.
2. MTC will approve the disbursement and, if the disbursement request was received in a timely fashion and the allocation instruction has not expired, been totally drawn down nor been rescinded, issue an authorization to the County Auditor to disburse funds to the claimant.

### Rescissions and Expired Allocations

Funds will be allocated to claimants for specific projects, so transfers of funds to other projects sponsored by the same claimant may not be made. If a claimant has to abandon a project or cannot complete it within the time allowed, it should ask the county or congestion management

agency to request that MTC rescind the allocation. Rescission requests may be submitted to and acted upon by MTC at any time during the year. Rescinded funds will be returned to the county's apportionment.

Allocations that expire without being fully disbursed will be disencumbered in the fiscal year following expiration. The funds will be returned to county's apportionment and will be available for allocation.

#### Fiscal Audit

All claimants that have received an allocation of TDA funds are required to submit an annual certified fiscal and compliance audit to MTC and to the Secretary of Business and Transportation Agency within 180 days after the close of the fiscal year, in accordance with PUC Section 99245. Article 3 applicants need not file a fiscal audit if TDA funds were not expended (that is, costs incurred) during a given fiscal year. However, the applicant should submit a statement for MTC's records certifying that no TDA funds were expended during the fiscal year. Failure to submit the required audit for any TDA article will preclude MTC from making a new Article 3 allocation. For example, a delinquent Article 4.5 fiscal audit will delay any other TDA allocation to the city/county with an outstanding audit. Until the audit requirement is met, no new Article 3 allocations will be made.

TDA Article 3 funds may be used to pay for the fiscal audit required for this funding.

## **Appendix A: Examples of Eligible Projects**

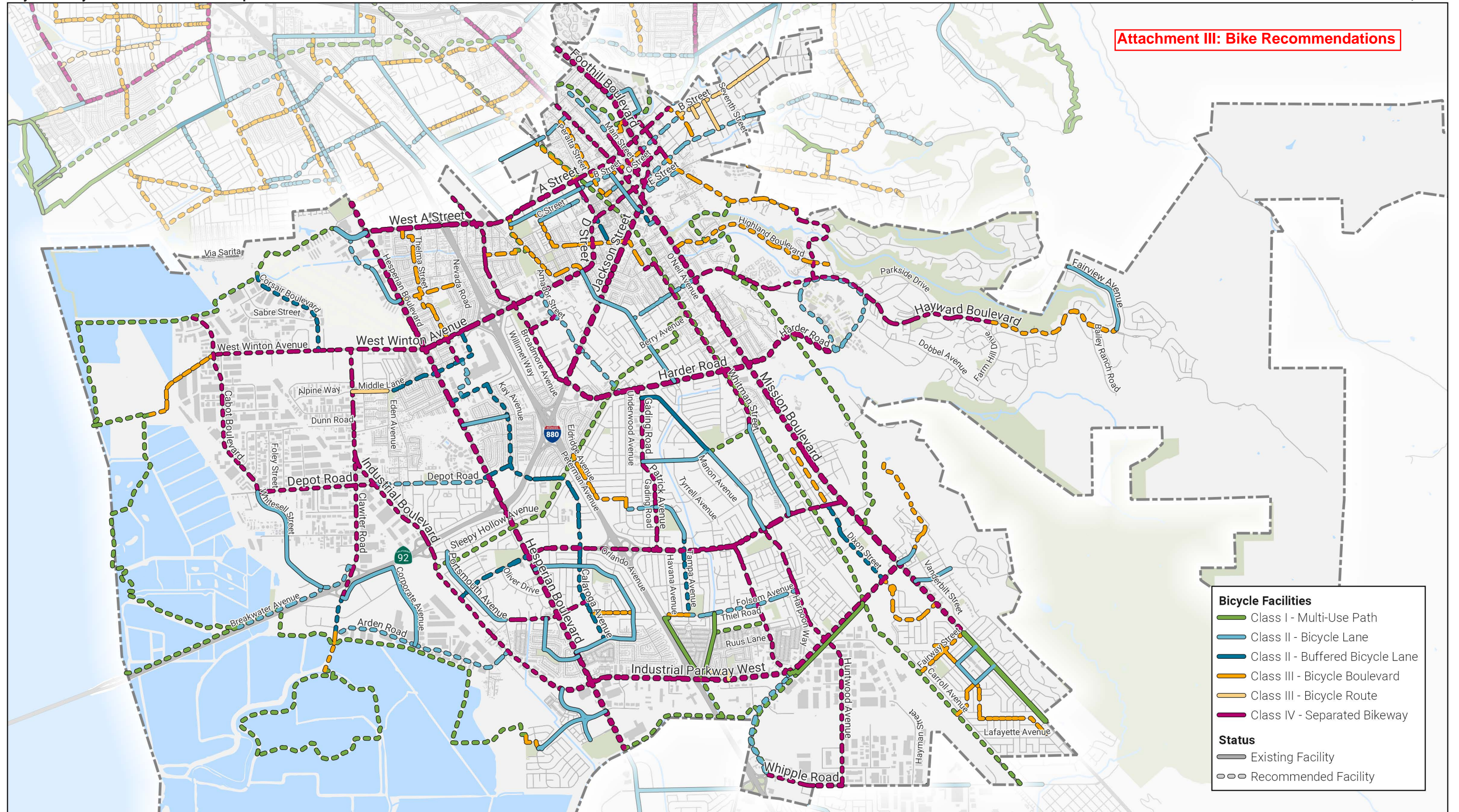
1. Projects that eliminate or improve an identified problem area (specific safety hazards such as high-traffic narrow roadways or barriers to travel) on routes that would otherwise provide relatively safe and direct bicycle or pedestrian travel use. For example, roadway widening, shoulder paving, restriping or parking removal to provide space for bicycles; a bicycle/pedestrian bridge across a stream or railroad tracks on an otherwise useful route; a segment of multi-purpose path to divert young bicyclists from a high traffic arterial; a multi-purpose path to provide safe access to a school or other activity center; replacement of substandard grates or culverts; adjustment of traffic-actuated signals to make them bicycle sensitive. Projects to improve safety should be based on current traffic safety engineering knowledge.
2. Roadway improvements or construction of a continuous interconnected route to provide reasonably direct access to activity centers (employment, educational, cultural, recreational) where access did not previously exist or was hazardous. For example, development of Multi-purpose paths on continuous rights-of-way with few intersections (such as abandoned railroad rights-of-way) which lead to activity centers; an appropriate combination of Multi-purpose paths, Class II, and Class III bikeways on routes identified as high demand access routes; bicycle route signs or bike lanes on selected routes which receive priority maintenance and cleaning.
3. Secure bicycle parking facilities, especially in high use activity areas, at transit terminals, and at park-and-ride lots. Desirable facilities include lockers, sheltered and guarded check-in areas; self-locking sheltered racks that eliminate the need to carry a chain and racks that accept U-shaped locks.
4. Other provisions that facilitate bicycle/transit trips and walk/transit. For example, bike racks on buses, paratransit/trailer combinations, and bicycle loan or check-in facilities at transit terminals, bus stop improvements, wayfinding signage.
5. Maintenance of multiple purpose pathways that are closed to motorized traffic or for the purposes of restriping Class II bicycle lanes (provided that the total amount for Class II bicycle lane restriping does not exceed twenty percent of the county's total TDA Article 3 allocation).
6. Funds may be used for construction and plans, specification, and estimates (PS&E) phases of work. Project level environmental, planning, and right-of-way phases are not eligible uses of funds.
7. Projects that enhance or encourage bicycle or pedestrian commutes, including Safe Routes to Schools projects.



8. Intersection safety improvements including bulbouts/curb extensions, transit stop extensions, installation of pedestrian countdown or accessible pedestrian signals, or pedestrian signal timing adjustments. Striping high-visibility crosswalks or advanced stop-back lines, where warranted.
9. Purchase and installation of pedestrian traffic control devices, such as High-intensity Activated crossWalk (HAWK) beacons, rectangular rapid flashing beacons (RRFB), or pedestrian safety “refuge” islands, where warranted.
10. Projects that provide connection to and continuity with longer routes provided by other means or by other jurisdictions to improve regional continuity.
11. The project may be part of a larger roadway improvement project as long as the funds are used only for the bicycle and/or pedestrian component of the larger project.
12. Bicycle and Pedestrian Safety Education Programs. Up to five percent of a county's Article 3 fund may be expended to supplement monies from other sources to fund public bicycle and pedestrian safety education programs and staffing.
13. Comprehensive Bicycle and Pedestrian Facilities Plan. Funds may be allocated for these plans (emphasis should be for accommodation of bicycle and walking commuters rather than recreational uses). A city or county may not receive allocations for these plans more than once every five years. Environmental documentation and approval necessary for plan adoption is an eligible expense.



Attachment III: Bike Recommendations



**Bicycle Facilities**

- Class I - Multi-Use Path
- Class II - Bicycle Lane
- Class II - Buffered Bicycle Lane
- Class III - Bicycle Boulevard
- Class III - Bicycle Route
- Class IV - Separated Bikeway

**Status**

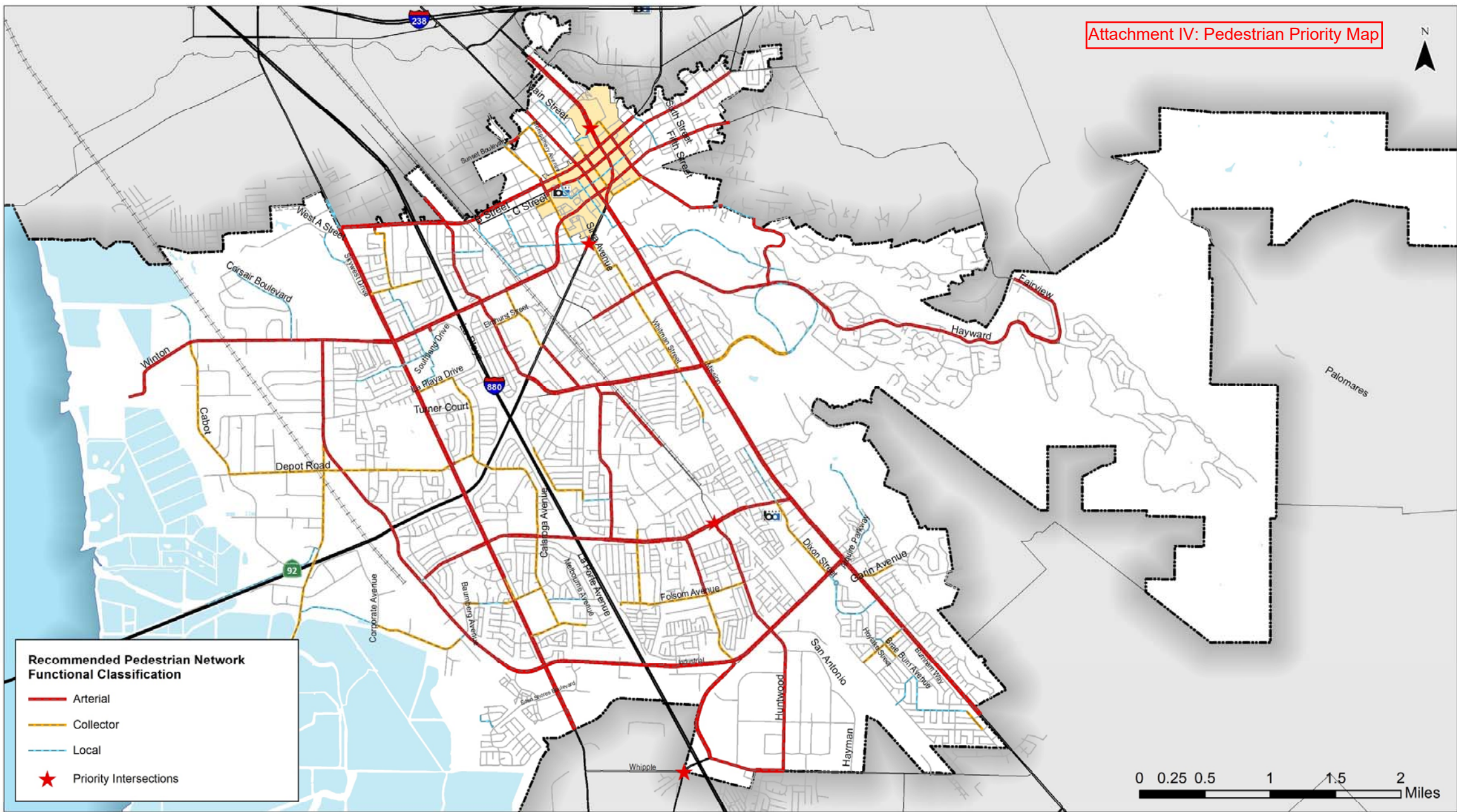
- Existing Facility
- Recommended Facility



Existing and Recommended Facilities

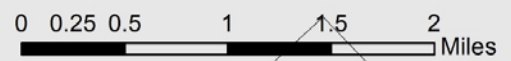






**Recommended Pedestrian Network Functional Classification**

- Arterial
- Collector
- Local
- ★ Priority Intersections



### Recommended Pedestrian Network City of Hayward



# CITY OF HAYWARD

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

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**File #:** CONS 20-221

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Chief of Police

**SUBJECT**

Adopt a Resolution Approving an Agreement Between the Alameda County Health Care Services Agency and the Police Department Youth and Family Services Bureau for Medical Administrative Activities and Authorize the City Manager to Execute the Agreement

**RECOMMENDATION**

That Council authorizes the City Manager to: (1) execute the FY20-21 Medi-Cal Administrative Activities Memorandum of Understanding with the Alameda County Health Care Services Agency and (2) accept and appropriate between \$400,000 and \$500,000 in reimbursement for services provided under this agreement.

**SUMMARY**

Since 2006, the Youth and Family Services Bureau (YFSB) of the Hayward Police Department has had an annual Memorandum of Understanding with the Alameda County Health Care Services Agency to provide Medi-Cal Administrative Activities (MAA). YFSB staff play a critical role in connecting community members to Medi-Cal covered services. In recognition of this function, the County provides an annual reimbursement for the cost of staff time spent providing this service. This reimbursement funding is re-invested to support YFSB programming, which contributes to the overall strength and success of the YFSB model. The amount of this reimbursement varies year to year, but it is expected to be between \$400,000 and \$500,000 for FY20-21. Council approval is requested to authorize the City Manager to negotiate and execute the annual MAA MOU with the County and appropriate related funds. There is no General Fund impact with the approval of this item.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Chief of Police

**SUBJECT:** Adopt a Resolution Approving an Agreement Between the Alameda County Health Care Services Agency and the Police Department Youth and Family Services Bureau for Medical Administrative Activities and Authorize the City Manager to Execute the Agreement

**RECOMMENDATION**

That Council authorizes the City Manager to: (1) execute the FY20-21 Medi-Cal Administrative Activities Memorandum of Understanding with the Alameda County Health Care Services Agency and (2) accept and appropriate between \$400,000 and \$500,000 in reimbursement for services provided under this agreement.

**SUMMARY**

Since 2006, the Youth and Family Services Bureau (YFSB) of the Hayward Police Department has had an annual Memorandum of Understanding with the Alameda County Health Care Services Agency to provide Medi-Cal Administrative Activities (MAA). YFSB staff play a critical role in connecting community members to Medi-Cal covered services. In recognition of this function, the County provides an annual reimbursement for the cost of staff time spent providing this service. This reimbursement funding is re-invested to support YFSB programming, which contributes to the overall strength and success of the YFSB model. The amount of this reimbursement varies year to year, but it is expected to be between \$400,000 and \$500,000 for FY20-21. Council approval is requested to authorize the City Manager to negotiate and execute the annual MAA MOU with the County and appropriate related funds. There is no General Fund impact with the approval of this item.

**BACKGROUND**

Since 2006, the Youth and Family Services Bureau (YFSB) of the Hayward Police Department has had an annual Memorandum of Understanding with the Alameda County Health Care Services Agency to provide Medi-Cal Administrative Activities (MAA).

To ensure the proper and efficient administration of the Medi-Cal Program, the State of California has entered into a contract with the County of Alameda Health Care Services Agency. The State recognizes the unique relationship that the County Health Care Services Agency has with Medi-Cal Eligible Individuals.

The Health Care Services Agency recognizes the unique relationship that certain other departments and entities in the County, including the City of Hayward Youth and Family Services Bureau, have with Medi-Cal Eligible Individuals. It further recognizes their expertise in identifying and assessing the health care needs of the Medi-Cal Eligible Individuals they serve.

To take advantage of the Youth and Family Services Bureau's expertise and relationship with Medi-Cal Eligible Individuals, the County Health Care Services Agency provides reimbursement for the Medi-Cal Administrative Activities performed by the Youth and Family Services Bureau.

The amount of this reimbursement varies year to year, but it is expected to be between \$400,000 and \$500,000 for FY20-21.

## **DISCUSSION**

The Youth and Family Services Bureau staff play a critical role in connecting community members to Medi-Cal covered services. In recognition of this function, the County provides an annual reimbursement for the cost of staff time spent providing this service. This reimbursement funding is re-invested to support YFSB programming, which contributes to the overall strength and success of the YFSB model. Providing alternatives to youth involvement in the juvenile justice system is a critical issue locally and nationally. The literature clearly shows that more restrictive juvenile justice interventions such as youth incarceration contribute to poorer outcomes and increased rates of recidivism. Conversely, offering alternatives such as family counseling, case management, and diversion, not only reduces recidivism but also leads to better outcomes for youth and families overall. The execution of this agreement and the acceptance of the associated funding will allow the Youth and Family Services Bureau of the Hayward Police Department to continue to play a crucial role in keeping youth out of the juvenile justice system and contributing to the overall safety and wellbeing of Hayward families.

## **ECONOMIC IMPACT**

As stated under DISCUSSION, above, improving community safety and keeping youth out of the juvenile justice system by supporting them to lead productive and healthy lives will only strengthen our local economy and will improve every aspect of it.

## **FISCAL IMPACT**

There is no General Fund impact with the approval of this item. The City will receive reimbursement from MAA activities performed during the term of this MOU and we project the reimbursements will be between \$400,000 and \$500,000.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of Support Quality of Life. This funding supports all YFSB services which enhance Quality of Life in the City. It also specifically relates to Project 9: Expand existing support services offered by the Hayward Police Department Youth and Family Services Bureau to include life skills, diversion, and restorative justice.

**NEXT STEPS**

If the Council authorizes this action, staff will work to execute the agreement with the Health Care Services Agency to provide Medi-Cal Administrative Activities for FY20-21.

*Prepared by:* Emily Young, Youth and Family Services Bureau Administrator

*Recommended by:* Toney Chaplin, Chief of Police

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-

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

RESOLUTION APPROVING AN AGREEMENT WITH THE ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY FOR MEDICAL ADMINISTRATIVE ACTIVITIES AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the Hayward Police Department’s Youth and Family Services Bureau plays a critical role in connecting the Hayward community to Medi-Cal covered services; and

WHEREAS, executing an agreement with the Alameda County Health Care Services Agency is necessary to continue to provide these services and generate the associated reimbursement revenue;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute contracts, and any supporting documents, with the Alameda County Health Care Services Agency for services provided by the Hayward Police Department’s Youth and Family Services Bureau. This authorization is for the acceptance and appropriation of revenue in the amount of \$500,000.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020

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

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**File #:** CONS 20-240

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT**

Authorize the City Manager to Submit a Local Early Action Planning (LEAP) Grant Application to Fund Preparation of a Housing Element Update to Implement the Sixth Cycle of the Regional Housing Needs Allocation

**RECOMMENDATION**

That Council adopts a Resolution (Attachment II), authorizing the City Manager to submit a Local Early Action Planning (LEAP) Grant and receive program funds.

**SUMMARY**

The City is eligible for \$500,000 in LEAP planning grant funds from the State Department of Housing and Community Development (HCD) provided that the funds are used to accelerate housing production and facilitate compliance with and implementation of the sixth cycle of the Regional Housing Needs Allocation (RHNA). Staff recommends that the City apply for and utilize the funds to prepare and adopt an Updated Housing Element to facilitate compliance with the sixth cycle Regional Housing Needs Allocation (RHNA). Staff recommends that the Housing Element Update explore projects outlined in the recently adopted Workplan to Incentivize Housing Production, and that adoption of those programs and projects be included in the outreach, environmental analysis, and General Plan and Zoning Map and Text Amendments associated with the Housing Element Update.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Workplan to Incentivize Housing



**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT:** Authorize the City Manager to Submit a Local Early Action Planning (LEAP) Grant Application to Fund Preparation of a Housing Element Update to Implement the Sixth Cycle of the Regional Housing Needs Allocation

### **RECOMMENDATION**

That Council adopts a Resolution (Attachment II), authorizing the City Manager to submit a Local Early Action Planning (LEAP) Grant and receive program funds.

### **SUMMARY**

The City is eligible for \$500,000 in LEAP planning grant funds from the State Department of Housing and Community Development (HCD) provided that the funds are used to accelerate housing production and facilitate compliance with and implementation of the sixth cycle of the Regional Housing Needs Allocation (RHNA). Staff recommends that the City apply for and utilize the funds to prepare and adopt an Updated Housing Element to facilitate compliance with the sixth cycle Regional Housing Needs Allocation (RHNA). Staff recommends that the Housing Element Update explore projects outlined in the recently adopted Workplan to Incentivize Housing Production, and that adoption of those programs and projects be included in the outreach, environmental analysis, and General Plan and Zoning Map and Text Amendments associated with the Housing Element Update.

### **BACKGROUND**

The Local Early Action Planning (LEAP) Grants Program is part of a broader program formerly known as the Local Government Planning Support Grants Program established in the State's 2019-2020 Budget Act. The Program provides grant funding to local jurisdictions for technical assistance, preparation, and adoption of planning documents and process improvements. The overarching goals of the LEAP grant are to accelerate housing production and facilitate compliance with and implementation of the sixth cycle of the RHNA. Preparation and adoption of a Housing Element with an implementation component to facilitate compliance with the sixth cycle of the RHNA is among the eligible activities listed in the LEAP Notice of Funding Availability.

Per State law, every jurisdiction shall update their Housing Element every eight years and the Housing Element shall meet statutory requirements and demonstrate that the City can accommodate housing at all income levels. According to the Association of Bay Area Government (ABAG), the final RHNA allocation is expected in Summer 2021 and Housing Elements are due to the State Department of Housing and Community Development in December 2022.

On March 3, 2020, the City Council adopted Resolution No. 20-032, approving a Workplan to Incentivize Housing Production (Workplan). Topics to incentivize housing production include: policies related to zoning and housing approvals; accessory dwelling units; fee transparency; funding sources; public land disposition; and streamlining the approval process. Preparation of a General Plan Housing Element was included in the Workplan. Other topics included in the Workplan (update to the Density Bonus Ordinance, rezoning Single Family Residential properties to match higher density General Plan designations, and development of objective design standards for infill development), will be accomplished through the Senate Bill 2 grant that the City received in February 2020. Work on the SB2 projects will begin later this year.

On May 5, 2020, pursuant to Administrative Rule 3.6-Grant Management Policy, the Grant Administrative Oversight Committee, which is composed of staff members from Finance, the City Manager's Office and Community Services Division, reviewed the grant and recommended that the City submit the application.

## **DISCUSSION**

The Updated Housing Element will include a creative and robust public participation process within constraints related to the Covid-19 pandemic, and will contain statutorily-required sections related to existing and projected housing needs with special attention to vulnerable populations; a site inventory and feasibility analysis providing an inventory of suitable land for a variety of housing types; a thorough analysis of potential and actual governmental constraints to development; objective goals for housing development which may align with or exceed the RHNA allocation; innovative and transformative programs with timeframes for an implementation plan to allow the City to achieve goals and objectives; and thorough environmental analysis to ensure completion of programs and projects as quickly as possible following adoption of the Updated Housing Element. In addition to adoption of the Housing Element, this project will include General Plan Amendments required by State Law including preparation of a new Environmental Justice Element consistent with Senate Bill (SB) 1000 and revisions to the Safety Element, as needed, to address climate adaptation and resiliency strategies per SB 379.

During the next Housing Element cycle, the City will explore policies and programs to address surging homelessness in the region, to increase the feasibility of high-density residential development, and incentivize development of missing middle housing. Some of the projects included in the Workplan will become policies and programs in the Housing Element, while others such as comprehensive upzoning of all residential zoning districts, and other Zoning Map and Text Amendments may be accomplished in conjunction with the Housing Element

Update in order to achieve efficiencies in community outreach, environmental review and staff time spent processing General Plan and Zoning Amendments.

Specific programs and policies that will be explored in the Housing Element Update include but are not limited to the following:

- Creation of a new land use category to allow attached and detached residential structures with up to four dwelling units in single family residential zones, similar to land use changes in Minneapolis and Oregon.
- Adoption of a zoning text amendment to allow temporary shelters or affordable housing development on church properties; and to allow emergency shelters as a by-right use in more areas within the City.
- Expansion of and identification of permanent sources of funding for homeless programs & services.
- Implementation of a moderate-income housing development financing model.
- Consideration of public health objectives when designating and promoting housing development sites.
- Exploration of opportunities to take advantage of projects that are delayed, abandoned or are on the market by having a readily accessible pool of funding to enable affordable housing developers to take over the land and entitlements.
- Development of innovative market-based programs and practices that enable middle income housing opportunities and strategies to reduce construction costs.
- Conversion of underused and tax defaulted properties to permanent affordable housing in partnership with nonprofit affordable housing developers.
- Creation of packages of incentives for affordable housing developments depending on the amount and depth of affordability that provide exemptions from or reductions in development or impact fees, parking reductions and waivers of certain development standards.
- Establishment pre-approved architectural plans to facilitate the development of Accessory Dwelling Units.
- Development of priorities for allocation of affordable housing trust funds to incentivize development of housing for priority populations.

## **ENVIRONMENTAL REVIEW**

Submittal of the subject grant application is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), that CEQA only applies to projects that have the potential for causing a significant effect on the environment. General Plan Amendments and Municipal Code Amendments undertaken with the grant funds, if received, will undergo project specific CEQA analysis.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of Preserve, Protect and Produce Housing. Specifically, this item relates to the implementation of the following projects:

Project 8, Part 8.a: Identify and respond to regulations to ensure that Hayward or Hayward-supported projects qualify for state housing funding.

Project 9. Update the Housing Element Plan.

### **FISCAL IMPACT**

Pursuant to the Grant Guidelines, funds shall be used for the costs of preparing and adopting the proposed activities including payment to subcontractors. Work must be completed prior to requesting reimbursement therefore the City would be required to pay for all grant related expenses prior to requesting reimbursement. Grant funds may not be utilized for administrative costs related to the grant; however, grant funds may be utilized to cover staff time related to preparation and adoption of the projects. The Planning Division would oversee the grant activities and implementation of the projects. Staff anticipates that the projects would account for about one-quarter of a full-time employee's time for one year. Initial cost estimates by staff indicate that the costs related to hiring a consultant and undertaking the projects outlined above could be achieved within the grant award amount.

### **PUBLIC CONTACT**

The City provided opportunities for stakeholder participation throughout the development of the Workplan to incentivize housing production including individual interviews with market rate developers, small group discussion forums, and a convening of infill developers prior to a work session with decisionmakers. As noted above, the workplan was adopted in March 2020. If the City is awarded the grant funds, City staff would conduct a robust outreach process prior to adoption of the Housing Element Update and related General Plan Amendments and Zoning Map and Text Amendments.

### **NEXT STEPS**

If adopted, City staff will prepare and submit the LEAP Grant Application before the July 1, 2020 deadline. If the grant funds are awarded to the City, Planning staff will draft a Request for Proposals to conduct the work and identify a consultant to start work in Spring 2021.

*Prepared by:* Leigha Schmidt, Senior Planner

*Recommended by:* Laura Simpson, Development Services Director

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY  
COUNCIL RESOLUTION

NO. 20-\_\_\_

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

RESOLUTION AUTHORIZING APPLICATION FOR, AND RECEIPT OF, LOCAL  
GOVERNMENT PLANNING SUPPORT GRANT PROGRAM FUNDS

WHEREAS, pursuant to Health and Safety Code 50515 et. Seq, the Department of Housing and Community Development (Department) is authorized to issue a Notice of Funding Availability (NOFA) as part of the Local Government Planning Support Grants Program (hereinafter referred to by the Department as the Local Early Action Planning Grants program or LEAP); and

WHEREAS, the City Council desires to submit a LEAP grant application package ("Application"), on the forms provided by the Department, for approval of grant funding for projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing need assessment; and

WHEREAS, the Department has issued a NOFA and Application on January 27, 2020 in the amount of \$119,040,000 for assistance to all California Jurisdictions;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD RESOLVES AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized and directed to apply for and submit to the Department the Application package; and

SECTION 2. In connection with the LEAP grant, if the Application is approved by the Department, the City Manager of the City of Hayward is authorized to submit the Application, enter into, execute, and deliver on behalf of the Applicant, a State of California Agreement (Standard Agreement) for the amount of \$495,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the LEAP grant, the Applicant's obligations related thereto, and all amendments thereto; and

SECTION 3. The Applicant shall be subject to the terms and conditions as specified in the NOFA, and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement. Pursuant to the NOFA and in conjunction with the terms of the Standard Agreement, the Applicant hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

# CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION

## ZONING AND HOUSING APPROVAL

### TOPICS EVALUATED

#### OVERVIEW

Zoning and housing approvals can be costly and time consuming. Projects that do not conform with the General Plan or zoning must request general plan amendments or variances. In some cases, the requests require additional studies, a higher level of approval and additional public comment. Lengthy approval times add additional cost to the project and can make a project less feasible. Staff identified topics for further consideration which would streamline the entitlement process. The subsections below provide information regarding each topic considered and whether it is recommended for further evaluation. Proceeding each section is a table that summarizes information including types of projects, income targeting, objectives, recommendations, and timelines.

#### I. Density Bonus

Summary	
Objective	<ul style="list-style-type: none"> <li>As required by state law, provide incentives to include affordable housing units in market rate projects by providing an increase in density and/or development incentives without requiring local officials to approve general plan amendments and zoning changes.</li> <li>Amend ordinance to conform with recent changes to state law including new "Super Density Bonus" for 100% affordable housing projects.</li> <li>Determine if increasing density bonus for market rate projects beyond state law is appropriate for Hayward.</li> </ul>
Benefits Market Rate Development	<b>Yes:</b> Encourages the inclusion of on-site affordable housing units as means to comply with the Affordable Housing Ordinance because it reduces project cost.
Targeted Projects	Mixed-income and affordable housing; rental and ownership housing.
Household Targeting	Very low, low, moderate and above moderate (see Appendix A for details); seniors, college students, foster youth, disabled veterans, persons experiencing homelessness
State Priority for "Pro-housing City"	Streamlining, Use of Right Approval
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at all income levels: Very low, low, moderate and above moderate
Level of Recommendation	<b>Highly Recommended</b> <ul style="list-style-type: none"> <li>Must comply with state mandates</li> <li>Recommend evaluating with stakeholder participation if a greater density bonus for mixed-income properties is warranted</li> </ul>
Proposed Timeline	Mid-term (2-3 years)



## CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION

**Policy Description.** Density Bonus is a state mandate. Density Bonus Law requires that developers who meets the requirements of state law be granted increased density and/or other incentives or concessions in exchange for meeting specific housing needs such as affordable housing or senior housing. Developers can request percent increase in density beyond current zoning, reduction of development standards, modification of zoning codes or architectural design requirements, approval of mixed-use zoning; or other regulatory incentives or concessions to achieve cost savings. Unless the City determines that the proposed concession or incentive does not reduce costs, would cause a public health or safety problem, would cause an environmental problem, would harm historical property, or would be contrary to law, the City is required to grant the concession or incentives. The following are some examples of requirements that entitle a developer to a density bonus:

- At least 5% of the housing units are restricted to very low-income residents.
- At least 10% of the housing units are restricted to lower income residents or moderate-income residents in a for-sale common interest development.
- At least 20% of the housing units are for low-income college students in housing dedicated for full-time students at accredited colleges.
- The project is a senior citizen housing development (no affordable units required).

**Policy Analysis.** Other jurisdictions that have Density Bonus that exceeds 35% State Density Bonus include Anaheim, Glendale, Sacramento County, San Diego, Santa Rosa, Walnut Creek and San Francisco. Density Bonuses in these jurisdictions range in applicability. Some jurisdictions allow density bonuses with no specific limit or geographical area and are decided on a case by case basis in exchange for some community benefit like higher affordable housing allocations. San Diego allows up to 50% density bonus plus five exceptions for projects that allocate higher numbers of affordable housing units or deeper levels of affordability. Santa Rosa and Sacramento County allow higher density bonuses within certain geographical areas (i.e. proximity to transit, located within downtown areas), and in exchange for certain development features (i.e. preservation of environmentally sensitive areas and energy conservation features).

The objective of the State Density Bonus is to reduce development costs in exchange for meeting the housing needs of specific target populations. Affordability levels required by the Density Bonus Law mostly meet the requirements of the Affordable Housing Ordinance which will encourage the inclusion of on-site affordable units and promote mixed-income housing. It is important for the City to be proactive about making this connection for the developers. The Density Bonus would be included as an incentive as part of the proposed "Package of Incentives" described under the streamlining topic.

Can provide developer with increased flexibility and an expedited approval process if proposed project would otherwise exceed maximum density for the site.

**Workplan Proposal.** At a minimum, this proposal would require amendments to the Hayward Municipal Code to conform Hayward's Density Bonus Provisions with state law. Additionally, efforts could include stakeholder outreach to evaluate the benefit of a density

## CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION

bonus above state law. Additional density bonus would be dependent on certain yet-to-be-determined criteria that would need to be met by the project depend (e.g., number and type of affordable units being proposed; the housing type; the underlying General Plan designation and zoning; and surrounding development). The City has requested SB2 grant funding to fund this work. This work would be completed over a 2 to 3-year time period.

**Recommendation.** Highly recommended that the City conform Density Bonus Ordinance with state law and evaluate (with stakeholder participation) increased density bonus for market rate/mixed-income projects.

### II. Upzone Residential Land Use Categories and Expand Single-Family Residential Land Use Categories to Allow Up to Four Units

Summary	
Objective	Evaluate all residential zoning districts and land use designations to determine if appropriate to upzone to allow for additional residential development and expand citywide single-family residential land use categories to allow residential structures with up to four dwelling units – like duplexes, triplexes, ad fourplexes – in single family zones
Benefits Market Rate Development	<b>Yes.</b> Helps developers and property owners avoid lengthy and expensive rezoning process.
Targeted Projects	Mixed-income and affordable housing; rental and ownership housing.
Household Targeting	Very low, low, moderate and above moderate (see Appendix A for details)
Regional Housing Needs (RHNA)/ Housing Element Goals	Anticipated that the smaller project would pay the affordable housing in-lieu fee, but change could produce smaller non-restricted affordable by design units.
State Priority for “Pro-housing City”	Use of Right Approval
Level of Recommendation	<b>Recommended</b> <ul style="list-style-type: none"> <li>• Evaluate with stakeholder participation upzoning options from addressing inconsistencies between zoning and the general plan to a more comprehensive upzoning of all residential districts.</li> </ul>
Proposed Timeline	Long-term (3+ years)

**Policy Description.** This policy would explore the possibility of expanding some or all single-family districts to reduce the required lot size or allow up to four units if the owner chooses to develop more units. Changing the zoning will facilitate development because it will eliminate the need for completing lengthy and expensive rezoning process.

**Policy Analysis.** Cities establish plans and regulations to ensure orderly development in their community. As required by state law, the City adopts a General Plan that sets a vision for future development. Zoning Ordinances translates the plan into specific requirements and identifies what a property owner can do with their land. If the land has been zoned as single family, a property owner would not be able to add an addition unit to their property

## CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION

without completing lengthy and expensive rezoning process. Staff has identified several options, that require further evaluation, that could increase the number of units allowed single family districts.

Option 1: Comprehensive Upzoning of All Residential Zoning Districts. Proposal to evaluate all existing residential zoning districts to determine the potential to upzone allowing more density than currently allows across all zoning districts. As an example, stakeholder feedback identified some areas zoned RSB10, which require a 10,000 sq. ft. lot minimum and the potential to rezone to RS, which requires a 5,000 sq. ft. lot minimum, which would allow for increased density without changing the single-family character of the neighborhood. This would require rezoning and potential General Plan Amendments to allow for the increased density in appropriately identified areas ensuring zoning and General Plan designations for properties were consistent and may have CEQA impacts.

Option 2: Upzoning of All Single-Family Zoning Districts. Proposal to create a new land use category to allow residential structures with up to four dwelling units in single-family residential zones. Project would require General Plan Amendment to allow for a variety of attached as well as detached housing types. Examples include Minneapolis and Oregon.

Option 3: Upzoning of Only Those Single-Family Zoning Districts Inconsistent with the General Plan. Create an Overlay District that applies to properties that have a Medium Density Residential land use designation in the General Plan and an inconsistent Single Family Residential district designation in the zoning ordinance (applies to approximately 1,558 parcels city-wide and approximately 289 acres), resulting in the upzoning of these properties to a higher medium density zoning category. This would allow property owners to avoid the lengthy and expensive rezoning process to make the parcel consistent with the General Plan and would be in line with the General Plan designation adopted for the neighborhood. This could be part of any effort under Option 1 above.

Upzoning would provide the developer with increased flexibility.

**Workplan Proposal.** Evaluate all residential zoning districts and land use designations to determine if appropriate to upzone to allow for additional residential development and expand city-wide single-family residential land use categories to allow residential structures with up to four dwelling units – like duplexes, triplexes, and fourplexes – in single family zones. Depending on the option pursued, this may require rezoning and General Plan Amendments.

All of these efforts would require extensive outreach and further evaluation. The City has requested SB2 grant funding to fund this work. This work would be completed over three plus year time period.

## CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION

**Recommendation.** Recommended that the City evaluate with stakeholder participation upzoning options ranging from addressing inconsistencies between zoning and the general plan to comprehensive upzoning of all residential districts.

### III. Allow Emergency Shelter Sites in More Areas within the City

Summary	
Objective	Expand locations where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit.
Targeted Projects	Homeless shelters
Household Targeting	Extremely low-income and Very low-income (see Appendix A for details) people experiencing homelessness.
Benefits Market Rate Development	<b>No</b>
State Priority for “Pro-housing City”	Use of Right Approval
Regional Housing Needs (RHNA)/ Housing Element Goals	<ul style="list-style-type: none"> <li>• Does not contribute to fulfilling RHNA allocation</li> <li>• Contributes to fulfilment of Housing Element goals:                             <ul style="list-style-type: none"> <li>• H-4.2 to provide clear development standards and approval procedures for multifamily housing and emergency shelters.</li> <li>• H-6.1 Address Special Needs Housing including emergency shelters.</li> <li>• H-6.6 Support organizations that serve the Homeless Community.</li> </ul> </li> </ul>
Level of Recommendation	<b>Recommended</b> Recommend further evaluating with stakeholder participation
Proposed Timeline	Mid-term (2-3 years)

**Policy Description.** State law requires that local jurisdictions strengthen provisions for addressing the housing needs of people experiencing homelessness, including the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use permit. The proposed policy would expand the locations where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The City could identify written objective standards for a shelter to qualify such as the maximum number of beds.

**Policy Analysis.** Emergency shelters are defined (per Health and Safety Code 50801) as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. Emergency Shelters are permitted as by right uses in the S-T4 (South Hayward Form Based Code, T4) District and as a by right use above ground floor commercial uses in the MB-T4 (Mission Boulevard Form Based Code, T4-1 and T4-2) Districts (and with a CUP on the ground floor in those sub-districts). The HMC has special requirements for Emergency shelters within the Form Based Code areas (i.e. must be located along Mission Blvd, among other performance standards). See Secs. 10-24.295 and 10-25.295(b) for special requirements. In the South Hayward MB FBC areas, there are 674 parcels (256 acres) where an emergency shelter may be established.

## CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION

Homeless Shelters are permitted as a by right use in the Industrial District on publicly owned land.

SB 744 - amends the Supportive Housing Streamlining laws adopted in 2018. Supportive Housing Projects eligible for streamlining pursuant to Government Code 65651 are not subject to CEQA. This would expedite the permitting process by shortening time periods for filing notices of exemption and notices of determination of supportive housing projects funded with No Place Like Home Funds.

**Workplan Proposal.** Evaluate if expansion of locations of emergency shelters is needed and identify allowable locations. This effort would require extensive outreach and further evaluation. This work would be completed over 2 to 3-year time period.

**Recommendation.** Recommend further evaluating with stakeholder participation.

### IV. Evaluate City's Affordable Housing Ordinance (AHO)

Summary	
Objective	Identify and address inconsistencies in the AHO with other affordable housing policies, state mandated requirements or impediments to development.
Benefits Market Rate Development	<b>Yes.</b> Avoiding frequent changes in housing policy helps market rate developers have confidence in the feasibility of the project. As the AHO is evaluated, maintain an understanding that the AHO can also create an impediment to a development's feasibility.
Targeted Projects	Mixed-income and affordable housing; rental and ownership housing.
Household Targeting	Very low, low, moderate and above moderate (see Appendix A for details)
State Priority for "Pro-housing City"	Establishes Affordable Housing Trust Fund
Regional Housing Needs (RHNA)/ Housing Element Goals	<ul style="list-style-type: none"> <li>• Onsite units will produce a modest number of units at all income levels:                             <ul style="list-style-type: none"> <li>○ Very low, low, moderate and above moderate;</li> <li>○ Ownership: 100 affordable units per 1000 market rate units for</li> <li>○ Rental: 60 affordable units per 1000 market rate units.</li> </ul> </li> <li>• Affordable housing in-lieu fees will subsidize 100% affordable housing projects which are instrumental in meeting the RHNA goals. Council would determine the priority affordability levels for the next NOFA.</li> </ul>
Level of Recommendation	<b>Recommended</b> Recommend evaluating with stakeholder participation three years after implementation.
Proposed Timeline	Mid-term (2-3 years)

**Policy Description.** The Affordable Housing Ordinance creates new affordable ownership or rental units at various income levels. Developers have the option of including on-site affordable units in their project and creating a mixed-income development, providing off-site affordable housing, proposing alternative ways to provide affordable housing, or paying the affordable housing in-lieu fee. The in-lieu fee revenue must be used to fund the

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development of affordable housing. It is important to evaluate new legislation to determine if it is serving its objectives.

**Policy Analysis.** The City last updated the AHO in December 2017. Effects of the changes will not be apparent until years after modification of the ordinance due to the time it takes for development project to be complete. Most projects that were approved since adoption of the new ordinance were conceived before the new AHO was proposed. It is also important to note that in-lieu fee revenue is an important resource to fund 100% affordable housing developments. To meet the Regional Housing Needs Allocation (RHNA) goals, the City will need more 100% affordable housing developments. Additionally, staff will work on a “Package of Incentives” (See item XXV) to promote the inclusion of on-site affordable units. Lastly, there is concern that frequent changes to development requirements become an impediment to housing development. While there is concern that not many mixed income projects have been proposed, it may be too early to make determination on the effectiveness of the AHO.

Allowing developers to comply with the affordable housing ordinance as written will provide more flexibility and upfront certainty.

**Workplan Proposal.** Staff proposes holding a work session only after the ordinance has been in effect for at least three years and implemented other incentives to develop mixed income properties. Staff recommends evaluating the ordinance within 2 to 3 years.

**Recommendation.** Recommend evaluating with stakeholder participation three years after implementation.

### V. Prepare General Plan Housing Element for Next Cycle

Summary	
Objective	Ensure that the City's General Plan Housing Element is in compliance with new state law to avoid court sanctions (July 1, 2020) and incorporate "prohousing" housing element criteria to earn extra points for HCD funding.
Benefits Market Rate Development	<b>Yes.</b> State Housing Element law requires that local jurisdictions describe and analyze the housing needs of their community, the barriers or constraints to providing that housing, and actions proposed to address these concerns over an eight-year period.
Targeted Projects	Mixed-income and affordable housing; rental and ownership housing.
Household Targeting	Very low, low, moderate and above moderate (see Appendix A for details)
State Priority for “Pro-housing City”	N/A
Regional Housing Needs (RHNA)/ Housing Element Goals	Could produce units at all income levels: Very low, low, moderate and above moderate



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<b>Level of Recommendation</b>	<b>Recommended</b> Preparation of the General Plan Housing Element is a state mandate.
<b>Proposed Timeline</b>	Mid-term (2-3 years)

**Policy Description.** Identify new state mandates to ensure City's General Plan Housing Element is in compliance to avoid court sanctions and incorporate "prohousing" housing element criteria to earn extra points for HCD funding.

**Policy Analysis.** The City will be required to update the City's General Plan Housing Element by 2023. Failure to comply with mandate may result in court sanction and reduce the City's competitiveness for state housing funds.

**Workplan Proposal.** Update the City General Plan Housing Element as required by state law by 2023.

**Recommendation.** Recommend that the City Comply with state law and prepare the next General Plan Housing Element incorporating "prohousing" Housing Element Criteria.

### VI. Modify Parking Requirements in the Parking Ordinance

Summary	
<b>Objective</b>	Amend the parking ordinance with elimination or modification of parking requirements to reduce costs associated with parking.
<b>Benefits Market Rate Development</b>	<b>Possibly:</b> Reduction of parking requirements may reduce costs; however, units in certain locations may be less marketable with reduced parking.
<b>Targeted Projects</b>	Market rate, Mixed-income and affordable housing; rental and ownership housing.
<b>Household Targeting</b>	Very low, low, moderate and above moderate (see Appendix A for details)
<b>State Priority for "Pro-housing City"</b>	Reducing Parking Requirements
<b>Regional Housing Needs (RHNA)/ Housing Element Goals</b>	Could produce units at all income levels: Very low, low, moderate and above moderate
<b>Level of Recommendation</b>	<b>Not Recommended</b> Not Recommended at this time as there is much debate about the topic.
<b>Proposed Timeline</b>	Long-term (3+ years)

**Policy Description.** Amend the parking ordinance with elimination or modification of parking requirements to reduce costs associated with parking.

**Policy Analysis.** Reducing, modifying or eliminating parking requirements is being discussed as a keyway to reduce the cost of construction for housing development and vehicle miles travelled throughout the state and region. Providing adequate supply of

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parking in new developments is a much-debated topic in the City of Hayward and is, therefore, not being recommended by staff at this time, although likely to be a topic that is addressed comprehensively throughout the City at a later point in time once there are adequate staff resources to take on this additional project.

**Recommendation.** Not Recommended.



## ACCESSORY DWELLING UNITS (ADU)

### TOPICS EVALUATED

#### OVERVIEW

Per the State of California Department of Housing and Community Development (HCD), ADUs are an innovative, affordable, effective option for adding much-needed housing in California. The benefits of ADUs include:

- ADUs are an affordable type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators.
- ADUs can provide a source of income for homeowners.
- ADUs are built with cost-effective wood frame construction, which is significantly less costly than homes in new multifamily infill buildings.
- ADUs allow extended families to be near one another while maintaining privacy.
- ADUs can provide as much living space as many newly built apartments and condominiums, and they're suited well for couples, small families, friends, young people, and seniors.
- ADUs give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care.
- Development of new ADUs contribute to moderate income RHNA goals.

The state has mandated standards related to ADUs to reduce development barriers for property owners.

The cost of developing an ADU varies based on size and location of ADU. The following table summarizes costs associated with ADU applications received in 2018 and 2019.

<b>Location of ADU</b>	<b>Average Construction Cost</b>	<b>Average Size</b>	<b>Average Cost per Square Foot</b>	<b>Average Cost Fees and Taxes</b>	<b>Average Total Costs</b>
Detached	\$85,072	634 sf	\$139	\$30,145	\$115,172
Attached	\$94,954	641 sf	\$142	\$35,570	\$130,524
Conversion of Existing Space	\$51,354	522 sf	\$113	\$18,409	\$ 69,763

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## VII. Reduce Time to Issue ADU Permit

Summary	
Objective	Reduce City's time to issue a permit through adjustment to internal processes.
Benefits Market Rate Development	<b>Yes.</b> Streamlines approval process for property owners that wish to add ADU.
Targeted Projects	Additions to existing housing units in single family zoned districts
Household Targeting	Low- and Moderate-Income Households; Affordable by design
State Priority for "Pro-housing City"	Reduction of Permit Processing Time
Regional Housing Needs (RHNA)/ Housing Element Goals	Can be counted as moderate income units to meet RHNA goals.
Level of Recommendation	Already addressed
Proposed Timeline	N/A

**Policy Description.** Reduce City's time to issue a permit through adjustment to internal processes.

**Policy Analysis.** Currently, Planning approval for ADUs is typically completed within two weeks of submittal of a Zoning Conformance application.

According to Building Permit records, it takes between 2-10 months between building permit application to issuance of permit with an average of six months. The range in timing is related to quality of plans and responsiveness of applicant to comments. Other Cities have implemented further improvements such as same day approval process which would require participation of multiple departments. Other improvements could include sample pre-approved plans to address the quality of plans submitted.

**Workplan Proposal.** Staff recommends no further improvements at this time. Staff proposes prioritizing updates to the ADU Ordinance, as required by state law, and activities that will reduce time to process applications for larger scale projects.

**Recommendation.** No further improvements at this time.

## VIII. Update City's ADU Ordinance to Conform with State Law

Summary	
Objective	Increase the supply of naturally occurring affordable housing by providing more flexibility to property owners interested in adding ADUs to their properties as required by state.
Benefits Market Rate Development	<b>Yes.</b> Removes some restrictions related to adding ADUs to a privately-owned property. Allows rental property owners to add ADUs to both single-family and multi-family properties.

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<b>Targeted Projects</b>	Additions of ADUs to existing housing in single family zoned districts or multi-family developments.
<b>Household Targeting</b>	Low- and Moderate-Income Households; affordable by design
<b>State Priority for “Pro-housing City”</b>	Use of Right Approval
<b>Regional Housing Needs (RHNA)/ Housing Element Goals</b>	Can be counted as moderate income units to meet RHNA goals.
<b>Level of Recommendation</b>	<p><b>Highly Recommended</b></p> <ul style="list-style-type: none"> <li>City’s Ordinance will be null and void if it does not meet state Requirements.</li> </ul>
<b>Proposed Timeline</b>	Mid-term (2-3 years)

**Policy Description.** Existing ADU ordinance will be “null and void” on January 1, 2020. While the state has left little room for local discretion, the City will need to update its ADU ordinance to establish any discretion it has.

**Policy Analysis.** Recent state legislation has limited Cities authority related to ADU requirements. For example, the state has restricted limitations on parking requirements, limitations on setbacks, limitations on size, impact fees, owner occupancy requirements. Local ordinance can establish:

- Objective landscaping, design, privacy, historic standards;
- Height limits above 16 feet;
- Size limitations above state requirements;
- Location standards for larger detached ADUs and attached ADUS;
- Prohibit all short-term rentals if desired;
- Application and submittal requirements;

Sixty days after adoption, the City will have to send new ADU ordinance to the state for review. In the interim, approval of ADUS will default to the state ministerial streamlining requirements.

**Workplan Proposal.** Update City’s ADU Ordinance to comply with state law and set City’s standards where allowable. Staff recommends updating the ordinance within 2 to 3 years.

**Recommendation.** Highly recommended that we establish Hayward ADU Ordinance that complies with state law.

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## IX. Evaluate Providing Pre-Approved ADU Plans

Summary	
Objective	Decrease the cost and time for developing ADUs by providing pre-approved plans.
Benefits Market Rate Development	<b>Yes.</b> Facilitates the development of ADUs on privately-owned property. Allows rental property owners to add ADUs to both single-family and multi-family properties.
Targeted Projects	Additions of ADUs to existing housing in single family zoned districts.
Household Targeting	Low- and Moderate-Income Households; affordable by design
State Priority for “Pro-housing City”	Use of Right Approval
Regional Housing Needs (RHNA)/ Housing Element Goals	Can be counted as moderate income units to meet RHNA goals.
Level of Recommendation	<b>Recommended</b> <ul style="list-style-type: none"> <li>• Recommended by the Homelessness-Housing Taskforce (HHTF)</li> </ul>
Proposed Timeline	Mid-term (2-3 years)

**Policy Description.** Pre-approved ADU plans have the potential to reduce time to issue a building permit. Staff would evaluate the effectiveness, cost associated with providing pre-approved plans to develop ADUs and staff’s capacity to take on an additional project.

**Policy Analysis.** According to Building Permit records, it takes between 2-10 months between building permit application to issuance of permit with an average of six months. The range in timing is related to quality of plans and responsiveness of applicant to comments. Some cities are providing pre-approved plans that can be used by property owners to build ADUs.

**Workplan Proposal.** Evaluate the possibility of providing community residents pre-approved ADU plans to facilitate the development of ADUs. Staff recommends completed this evaluation within 2 to 3 years.

**Recommendation.** HHTF recommends evaluating the possibility of proving pre-approved plans to facilitate development of ADUs

## **FEES AND TRANSPARENCY**

### TOPICS EVALUATED

#### **OVERVIEW**

Impact fees provide cities revenue needed to address the impacts of development on the community. The City of Hayward imposes a Park Dedication In-Lieu Fee, Affordable Housing In-Lieu Fee and will be considering a Transportation Impact fee at a later date. Impact fees help to address community concerns but can also discourage investment if the costs cannot be absorbed by the market. The State of California has identified the high cost of impact fees and an impediment to housing development. Stakeholders have identified changes to the amount of fees can render a project infeasible. However, for residential development, Hayward’s existing fees are among the lowest for surrounding jurisdictions. Needless to say, freezing, deferring, reducing, or exempting a project from impact fees can be used to incentivize the inclusion of affordable housing.

#### **X. Reducing Development Impact Fees for Affordable Units (Excluding Utility Fees)**

<b>Summary</b>	
<b>Objective</b>	Reduce development costs for affordable housing projects and incentivize inclusion of affordable units in market rate developments by mitigate costs associated with the affordable units.
<b>Benefits Market Rate Development</b>	<b>Yes.</b> Will reduce costs for market rate developments that include on-site affordable housing units.
<b>Targeted Projects</b>	Mixed-income and affordable housing; rental and ownership housing
<b>Household Targeting</b>	Very low, low, moderate and above moderate (see Appendix A for details)
<b>State Priority for “Pro-housing City”</b>	Reduction of Development Impact Fees
<b>Regional Housing Needs (RHNA)/ Housing Element Goals</b>	Will produce units at all income levels: Very low, low, moderate and above moderate
<b>Level of Recommendation</b>	<b>Highly Recommended</b>
<b>Proposed Timeline</b>	Short-term (1-2 years)

**Policy Description.** Options for Reducing Development Impact Fees for Affordable Units (Excluding Utility Fees).

- 1. Exempt affordable housing units (including on-site inclusionary units) from City development impact fees.** Exempt affordable housing units from development impact fees, including on-site inclusionary units. Maintain existing impact fee policy as part of any future policy to exempt 100% affordable housing projects with an average household income of 60 area median income or less or expand to include all

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100% affordable housing projects serving households up to 120% AMI that are sponsored by non-profit developers.

2. **Reduce development impact fees for affordable housing.** Reduce development impact fees for affordable housing units, including on-site inclusionary units (alternative: units that meet certain affordability criteria and requirements, such as very low or low-income units).
3. **Defer development impact fees for all housing.** Maintain existing impact fee policy as part of any future policy to allow development impact fees to be collected at certificate of occupancy instead of building permit.
4. **Establish Loan Program for Development Impact Fees for Affordable Housing.** Create a loan program for development impact fees for affordable housing units secured by a deed of trust released upon full payment of the fees.

**Policy Analysis.** Staff recommends the following actions to reduce the costs of development impact fees and incentivize affordable and mixed-income housing:

- Exempt 100% affordable housing projects sponsored by non-profit developers serving households up to 120% AMI from Park Dedication In-Lieu Fees.
- Provide a 50% reduction in park fees to for-profit developers for on-site affordable units that are income restricted consistent with the City's Affordable Housing Ordinance.
- Maintain the ability for development impact fees to be paid at certificate of occupancy as provided for in the City's current park development fee ordinance.
- Provide a 50% reduction in any future transportation fees for on-site affordable units that are located within 1/2 mile of BART or a major high-frequency transit line.
- Establish a loan program to defer impact fees for projects that include affordable housing units and that require a City regulatory agreement. Loan servicing would coincide with monitoring required by the regulatory agreement which will minimize the burden on staff and the cost of program administration.

**Workplan Proposal.** Staff recommends implementing a combination of fee exemption, reduction and deferral as described in the analysis to mitigate the cost of the affordable housing units and incentivize the inclusion of affordable units in market rate developments. Staff recommends implementing fee reductions within 1 to 2 years.

**Recommendation.** Highly Recommended

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## XI. Impact Fees and ADUs

Summary	
Objective	Reduce development costs for ADUs to incentivize property owners to add ADUs as an affordable by design housing option.
Benefits Market Rate Development	<b>Yes.</b> Reduces costs related to adding ADUs to a privately-owned property.
Targeted Projects	Additions of ADUs to existing housing in single family zoned districts or multi-family developments.
Household Targeting	Low- and Moderate-Income Households; Affordable by design
State Priority for "Pro-housing City"	Reduction of Development Impact Fees
Regional Housing Needs (RHNA)/ Housing Element Goals	Can be counted as moderate income units to meet RHNA goals.
Level of Recommendation	<b>Highly Recommended</b>  Exempt and reduce development impact fees consistent with state law.
Proposed Timeline	Short-term (1-2 years)

**Policy Options.** Reduce development costs for ADUs to incentivize property owners to add ADUs as an affordable by design housing option. Options for Reducing Development Impact Fees for ADUs (Excluding Utility Fees).

1. **Exempt ADUs from development impact fees.** Exempt ADUs that are 750 sf or less from development impact fees as required by state law.
2. **Reduce development impact fees for ADUs.** Reduce development impact fees for ADUs that are greater than 750 sf proportional to the square footage of the primary dwelling as required by state law.
3. **Defer development impact fees for ADUs.** Defer development impact fees for ADUs.

**Policy Analysis.** Staff highly recommends reducing development impact fees for ADUs. Potential applicants frequently and continuously express to planners/city staff that this is a major impediment to constructing ADUs in the City. New state legislation has imposed limitations on impact fees for ADUs. Effective January 1, 2020, no Impact Fees or Quimby Act Fees can be charged for ADUs if the unit is less than 750 square feet. For ADUs greater than 750 square feet, the City can only charge an impact fee proportional to the square footage of the primary dwelling. Additionally, the deferral of payment of fees to certificate of occupancy consistent with the existing park development impact fee should be maintained.

**Workplan Proposal.** Staff recommends implementing fee exemptions and reductions for ADUs consistent with state law. Staff recommends implementing fee exemptions and reductions within 1 to 2 years.

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**Recommendation.** Highly Recommended

### **XII. Defer Utility Fees for Affordable Housing/ADUs until Service Connection.**

Summary	
Objective	Reduce development costs for affordable housing projects and ADUs by deferring utility impact fees until service connection.
Benefits Market Rate Development	<b>Yes.</b> Will reduce costs for property owners who build ADUs or market rate developments that include on-site affordable housing units.
Targeted Projects	Mixed-income and affordable housing; rental and ownership housing
Household Targeting	Very low, low, moderate and above moderate (see Appendix A for details)
State Priority for "Pro-housing City"	Reduction of Development Impact Fees
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at all income levels: Very low, low, moderate and above moderate
Level of Recommendation	<b>Highly Recommended</b>
Proposed Timeline	Short-term (1-2 years)

**Policy Description.** Allow deferral of utility impact fees for affordable housing units and ADUs until service connection. Paying fees later reduces the financing costs associated with construction because it reduces interest accrual on loans.

**Policy Analysis.** Staff highly recommends deferring utility fees for affordable housing projects that provide on-site inclusionary units and ADUs. A workflow and tracking system will need to be established to verify payment.

**Workplan Proposal.** Staff recommends implementing fee deferral for utility connection fees for affordable housing units and ADUs within 1 to 2 years.

**Recommendation.** Highly Recommended



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## XIII. Improve Transparency.

Summary	
Objective	Provide more transparency to the development community about development requirements and the cost of fees.
Benefits Market Rate Development	<b>Yes.</b> Will provide developers more upfront certainty.
Targeted Projects	Market rate, Mixed-income and affordable housing; rental and ownership housing
Household Targeting	Very low, low, moderate and above moderate (see Appendix A for details)
State Priority for "Pro-housing City"	Reduction of Development Impact Fees
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at all income levels: Very low, low, moderate and above moderate
Level of Recommendation	<b>In progress</b>
Proposed Timeline	Short-term (1-2 years)

**Policy Description.** As required by new state law, provide clear and easily obtainable information on the City's website and in Development Services Department materials to help the development community understand the development requirements and the cost of fee in the City so that they can plan their projects more effectively.

**Policy Analysis.** While new state law requires improved transparency, local developers indicated that uncertainty during the development process is one of their concerns with the City. Developers have stated that development requirements and/or fees are not clear. Additionally, they have experienced sudden changes or imposition of last-minute requests in development standards which create delays or increase project costs.

**Workplan Proposal.** Staff is already working on ways to provide clearer information about the cost of fees in the City to the development community, such as fees for sample projects and a possible fee calculator. Staff recommends completing this work within 1 to 2 years.

**Recommendation.** In Progress

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## FUNDING

### TOPICS EVALUATED

#### OVERVIEW

Increasing funding for affordable housing will enable the City to subsidize additional affordable housing units. The City has an affordable housing trust fund which is funded through payment of the affordable housing in-lieu fee. Additional funding can come from bond funds, parcel taxes, applying for state funding or partnering with affordable housing developers on their applications for state funding.

#### XIV. Pilot a New Moderate-Income Affordable Housing Financing Model

Summary	
Objective	Pilot a new Moderate-income affordable housing financing model
Benefits Market Rate Development	<b>No</b>
Targeted Projects	Affordable housing; rental
Household Targeting	moderate-income (see Appendix A for details)
State Priority for "Pro-housing City"	N/A
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at moderate income level
Level of Recommendation	<b>Recommended</b> Recommended that the City partner with Catalyst Housing to utilize tax-exempt bond financing to fund moderate income housing.
Proposed Timeline	Short-term (1-2 years)

**Policy Description.** Catalyst Housing has developed a financing model to finance deed restricted moderate income housing that would not require any financial contribution from the City. It would require that the City: (1) join the California Community Housing Authority (CALCHA) and partner with Catalyst Housing to utilize tax-exempt 30-year bonds issued by CALCHA; and (2) execute Purchase Option Agreements with CALCHA to give the City the option to purchase or sell the property between years 15-30 of the bonds. The City could assign this purchase option agreement to a non-profit housing corporation to assume the property.

**Policy Analysis.** Staff recommends this proposal as it would provide capital to finance and create new moderate-income housing rental units within the City. Currently, there are no housing development subsidies for moderate income households. The financing model could be used for new construction or to purchase market rate rental properties and convert them to moderate income properties. Catalyst housing has a zero-displacement policy and would allow over-income tenants to remain in their unit until they choose to

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leave. There would be no financial liability for the City unless the City exercises its option to purchase the property in the future.

**Workplan Proposal.** Staff is conducting additional analysis and is targeting Winter 2020 to bring this forward to Council for approval. Development of projects would be contingent on the availability of suitable sites or properties.

**Recommendation.** Recommended that the City partner with Catalyst Housing to utilize tax-exempt bond financing to fund moderate income housing.

### XV. Pursue State Housing Funding Opportunities

Summary	
Objective	Secure additional resources for the development of affordable housing by applying for state grant opportunities
Benefits Market Rate Development	<b>No</b>
Targeted Projects	Affordable housing; rental and ownership
Household Targeting	Very low, low, and moderate-income (see Appendix A for details)
State Priority for “Pro-housing City”	N/A
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at all income levels: Very low, low, and moderate-income
Level of Recommendation	<b>Recommended</b> Recommended that the City apply for state grant opportunities.
Proposed Timeline	Mid-term (2-3 years)

**Policy Description.** There are a variety of state grant opportunities that will provide funding for affordable housing development and planning grants intended to increase affordable housing production. Some examples of grants include, Local Housing Trust Fund Program (LHTF) which provides matching grants to local and regional housing trust funds dedicated to the creation, rehabilitation and preservation of affordable housing, transitional housing and emergency shelters; and Infill Infrastructure Grant Program (IIG) which promotes infill housing development by providing financial assistance that supports infrastructure improvements. The City should pursue funding opportunities to increase the supply of affordable housing.

**Policy Analysis.** Staff recommends that the City supplement existing resources to fund affordable housing development by applying for state grants.

**Workplan Proposal.** This work will be ongoing as the state issues NOFA. It is anticipated that the NOFA for the LHTF will be issue Spring 2020.

**Recommendation.** Recommended that the City pursue state grant funding opportunities.

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## XVI. Allocation of Affordable Housing Trust Funds

Summary	
Objective	Allocate affordable housing trust funds based on Council priorities.
Benefits Market Rate Development	<b>No</b>
Targeted Projects	Affordable housing including rental and ownership; down payment assistance, transitional housing
Household Targeting	Very low, low, and moderate-income (see Appendix A for details)
State Priority for "Pro-housing City"	Local Housing Trust Fund
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at all income levels: Very low, low, moderate and above moderate
Level of Recommendation	<b>Recommended</b> Staff recommends evaluating funding priorities that include various types of housing assistance including affordable rental housing, homeownership resale restricted housing or down payment assistance, and/or shelter opportunities
Proposed Timeline	Mid-term (2-3 years)

**Policy Description.** Once sufficient funds are available, hold work session to establish funding priorities for Affordable Housing Trust Funds including affordable rental housing, homeownership resale restricted housing or down payment assistance, and/or shelter opportunities. Issue Notice of Funding Availability (NOFA) or establish programs consistent with Council funding priorities.

**Policy Analysis.** Last fiscal year, the City Council allocated the balance of the Affordable Housing Trust Funds. Once the Affordable Housing Trust Fund is replenished through payment of the affordable housing in-lieu fee, staff recommends evaluating funding priorities of various types of housing assistance including affordable rental housing, homeownership resale restricted housing or down payment assistance, and/or shelter opportunities. Per the Affordable Housing Ordinance, the affordable housing in-lieu fees must be used to increase the supply of housing affordable to moderate-, low, very low, or extremely low-income households in the City through new construction, acquisition of affordability covenants and substantial rehabilitation of existing housing. Use of the funds must mitigate the impact of market rate housing on the need for affordable housing.

**Workplan Proposal.** It is anticipated that sufficient funds will be available in 1-2 years. Council would hold a work session to establish priorities. In preparation, the HHTF will review homeownership policies and programs in June 2020 to be considered for funding. This work would be completed over 2 to 3-year time period.

**Recommendation.** Staff recommends evaluating funding priorities that include various types of housing assistance including affordable rental housing, homeownership resale

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restricted housing or down payment assistance, and/or shelter opportunities to determine allocation of affordable housing trust funds.

### XVII. Abate or Defer Property Tax for Market Rate and/or Affordable Housing Projects.

Summary	
Objective	Abate or Defer Property Tax for Market Rate and/or Affordable Housing Projects.
Benefits Market Rate Development	<b>Yes.</b> Reduces cost of the development.
Targeted Projects	Affordable housing; rental and ownership housing
Household Targeting	Very low, low, moderate and above moderate-income (see Appendix A for details)
State Priority for "Pro-housing City"	N/A
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at all income levels: Very low, low, moderate and above moderate
Level of Recommendation	<b>Not Recommended</b>
Proposed Timeline	N/A

**Policy Description.** Abate or defer property taxes for market rate and/or affordable housing that meet certain density or inclusionary housing criteria and requirements.

**Policy Analysis.** This proposal is not recommended since it was already considered as a referral by the City Council and direction was given to staff not to pursue it.

**Recommendation.** Not Recommended.

### XVIII. Establish an Impact Fee on Commercial Uses for Affordable Housing

Summary	
Objective	Establish an impact fee on commercial uses to subsidize the development of affordable housing.
Benefits Market Rate Development	<b>No.</b>
Targeted Projects	Affordable housing; rental and ownership housing
Household Targeting	Very low, low, and moderate-income (see Appendix A for details)
State Priority for "Pro-housing City"	Local Housing Trust Fund
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at all income levels: Very low, low, moderate and above moderate

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Level of Recommendation	<b>Not Recommended</b>
Proposed Timeline	N/A

**Policy Description.** Establish a fee that would be collected from commercial uses and placed in the Affordable Housing Trust Fund and used as described in Sections 10-17.1000-1010 (Affordable Housing Trust Fund) of the City's Affordable Housing Ordinance.

**Policy Analysis.** This proposal is not recommended because it would create a disincentive for commercial uses locate in the City, which the City is actively trying to attract. This policy is better suited for Silicon Valley where there is a high demand for commercial uses.

**Recommendation.** Not Recommended.

### **XIX. Pursue Voter-Approved Ballot Measure for a Vacant Parcel Tax for Homelessness and/or Affordable Housing.**

Summary	
Objective	Establish additional funding to fund services for people experiencing homelessness and/or development of affordable housing.
Benefits Market Rate Development	<b>No.</b>
Targeted Projects	Housing services and affordable housing; transitional housing and housing with supportive services
Household Targeting	Extremely low-income (see Appendix A for details)
State Priority for "Pro-housing City"	Local Housing Trust Fund
Regional Housing Needs (RHNA)/ Housing Element Goals	If used for housing development will produce units to meet the very low-income goal.
Level of Recommendation	<b>Not Recommended</b>
Proposed Timeline	N/A

**Policy Description.** Pursue a voter-approved ballot measure, similar to the City of Oakland, to fund services for people experiencing homelessness and/or affordable housing (including rental and homeownership).

**Policy Analysis.** Pursue a voter-approved ballot measure, similar to the City of Oakland, to fund services for people experiencing homelessness and/or affordable housing (including rental and homeownership).

**Recommendation.** Not Recommended.

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### XX. Pursue Voter-Approved Ballot Measure for an Affordable Housing Bond Program

Summary	
Objective	Establish additional funding to subsidize the development of affordable housing.
Benefits Market Rate Development	<b>No.</b>
Targeted Projects	Mixed-income and affordable housing; rental and ownership housing
Household Targeting	Very low, low, and moderate income (see Appendix A for details)
State Priority for "Pro-housing City"	Local Housing Trust Fund
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at all income levels: Very low, low, moderate and above moderate
Level of Recommendation	<b>Not Recommended</b>
Proposed Timeline	N/A

**Policy Description.** Pursue a voter-approved ballot measure for an affordable housing bond program to build and preserve affordable housing units (including rental and homeownership) citywide. The bond proceeds would help stabilize housing for the city's most vulnerable populations including veterans, seniors, the disabled, low and moderate-income individuals or families, foster youth, victims of abuse, the homeless and individuals suffering from mental health or substance abuse illnesses. Furthermore, the bond would prioritize advancing supportive housing for special needs populations, including homeless and chronically homeless persons and increasing housing supply for extremely low-income populations.

**Policy Analysis.** Staff recommends supporting a regional housing bond measures instead of a local measure, as the potential benefits of a regional bond would have far greater potential than a local measure. This also allows the City to explore the feasibility of other revenue measures that the City may pursue over the next 2-5 years.

**Recommendation.** Not Recommended.

## **PUBLIC LANDS**

### TOPICS EVALUATED

#### **Overview**

City owned land is a resource that can be leveraged to increase the supply of housing. By establishing criteria for the disposition of City-owned property, the City set-priorities for development such as providing housing for low- or moderate-income housing subject to feasibility.

#### **XXI. Prioritize On-Site Affordable Housing for Residential Projects Developed on City-Owned Land**

Summary	
Objective	Increase the production of mix-income and affordable housing on City-owned land to address housing affordability and meet RHNA goals
Benefits Market Rate Development	<b>Yes.</b> Creates development opportunities for market rate developers to develop mixed-income housing and sets clear expectations for inclusion of onsite affordable housing.
Targeted Projects	Mixed-income and affordable housing; rental and ownership housing
Household Targeting	Very low, low, moderate and above moderate income (see Appendix A for details)
State Priority for “Pro-housing City”	N/A
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at all income levels: Very low, low, moderate and above moderate
Level of Recommendation	<b>In Progress</b> Recommended that the City continue to leverage City-owned land to create opportunities for mixed-income or affordable housing.
Proposed Timeline	Short-term (1-2 years)

**Policy Description.** Require that new development of City owned land include on-site affordable units at a level of affordability consistent with the affordable housing ordinance or provide a significant benefit to affordable housing in another form, as appropriate.

**Policy Analysis.** Currently, the City is in progress of implementing prioritization of on-site affordable housing for residential projects related to the development of City owned land, such as the 238 properties. In negotiating land deals, the City can identify development requirements that provide a public benefit to the extend the requests are feasible based on market conditions and are appropriate based on the General Plan and zoning. During the stakeholder events, developers have indicated that identifying project requirements upfront ensures project feasibility and that the framework the City has been using to identify project requirements for land disposition makes it easier to propose a feasible project that satisfies the City’s priorities.



## CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION

**Workplan Proposal.** This plan is already being applied to the disposition of City-owned land.

**Recommendation.** Recommended that the City continue to leverage City-owned land to create opportunities for mixed-income or affordable housing.

### XXII. Convert Underused and Tax Defaulted Properties to Permanent Affordable Housing in Partnership with Nonprofit Affordable Housing Developers

Summary	
Objective	Increase the production of mix-income and affordable housing on City-owned land to address housing affordability and meet RHNA goals
Benefits Market Rate Development	<b>Yes.</b> Creates development opportunities for market rate developers to develop mixed-income housing and sets clear expectations for inclusion of onsite affordable housing.
Targeted Projects	Mixed-income and affordable housing; rental and ownership housing
Household Targeting	Very low, low, moderate and above moderate income (see Appendix A for details)
State Priority for “Pro-housing City”	N/A
Regional Housing Needs (RHNA)/ Housing Element Goals	<ul style="list-style-type: none"> <li>• Without amendment to the Housing Element, the units developed would not count toward the RHNA goals.</li> <li>• Contributes to fulfilment of Housing Element goals:                             <ul style="list-style-type: none"> <li>• H-2.2 Provide Incentives for Affordable Housing</li> <li>• H-3.5 Encourage compatible development of underutilized sites.</li> <li>• H-3.6 Supports adaptive reuse.</li> </ul> </li> </ul>
Level of Recommendation	<b>Highly Recommended</b> Recommended that the City continue to leverage City-owned land to create opportunities for mixed-income or affordable housing.
Proposed Timeline	Short-term (1-2 years)

**Policy Description.** Enter into a joint venture partnership with a non-profit organization to acquire and convert formerly blighted and tax-defaulted properties into permanently affordable housing (including rental and homeownership) for low-and-moderate income households.

**Policy Analysis.** Staff highly recommends converting underused and tax defaulted properties to permanent affordable housing in partnership with a nonprofit affordable housing developer and/or community land trust in a way that minimizes administrative and financial impacts to City staff. Currently, unless new units are created, the program would not contribute units to meet the City’s RHNA goals. However, staff would structure this program and update the next housing element to count affordable units developed towards achieving regional housing allocations.

## CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION

**Workplan Proposal.** In previous years, there have only been a small number of units available on Alameda County’s tax defaulted property list. While the program will be beneficial in creating additional affordable housing opportunities, it is being set as a lower priority. Therefore, design and implementation of the program would be within 2-3 years.

**Recommendation.** Highly recommended that the City establish a program to convert underused and tax defaulted properties to permanent affordable housing in partnership with non-profit housing providers.

### XXIII. Create a Zoning Exemption for Affordable Housing on Surplus Land in Residential Zones regardless of Density Maximums.

Summary	
Objective	To increase the number of affordable housing units developed on surplus land in residential zones by exempting the land from maximum density.
Benefits Market Rate Development	<b>No.</b>
Targeted Projects	Affordable housing; rental and ownership housing
Household Targeting	Very low, low, moderate and above moderate income (see Appendix A for details)
State Priority for “Pro-housing City”	Use of Right Approval
Regional Housing Needs (RHNA)/ Housing Element Goals	Could produce units at all income levels: <ul style="list-style-type: none"> <li>• Very low, low, moderate and above moderate</li> </ul>
Level of Recommendation	<b>Not Recommended</b>
Proposed Timeline	Mid-term (2-3 years)

**Policy Description.** Permit 100% affordable housing developments on public land regardless of density maximums in residential and mixed-use zones. This exemption could be structured to exclude projects ineligible for state affordable housing financing program and on industrially zoned land.

**Policy Analysis.** This proposal may require General Plan Amendment and Zoning Text Amendments to allow densities on publicly owned land if it is not designated/zoned for residential uses. Additionally, new state law will allow increase density for 100 percent affordable housing developments. According to GIS, the City owns 335 parcels that have a Residential or Mixed-Use General Plan or Zoning designation and Successor Agency owns 13 parcels (7.7 acres) that could benefit by this proposal. Given limited staff resources and the limited potential benefits of this item, staff recommends pursuing proposals I (Density Bonus) and III (Upzoning) above instead.

**Recommendation.** Not Recommended.

# CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION

## STREAMLINING

### TOPICS EVALUATED

#### Overview

Depending on the scope of the development, the approval process can take years to complete. During that time, construction costs, fees and financing costs can increase; and development standards change. This creates uncertainty for developers and increases risk for developers. The objective of streamlining is to accelerate the approval process for residential development.

#### XXIV. Streamlined Approval for Affordable Housing Projects Meeting Specific Criteria Consistent with SB 35.

Summary	
Objective	Expedite the approval of 100% affordable housing developments as required by state law.
Benefits Market Rate Development	<b>No</b>
Targeted Projects	Affordable housing; rental and ownership housing
Household Targeting	Very low, low, and moderate income (see Appendix A for details)
State Priority for "Pro-housing City"	Reduction of Permit Processing Time
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at variety of income levels: Very low, low, and moderate
Level of Recommendation	<b>In Progress</b> Recommended compliance with state law
Proposed Timeline	Short-term (1-2 years)

**Policy Description.** Develop an application process for ministerial review related to SB 35 streamlining eligible projects. Staff will identify Hayward’s objective zoning and design review standards. This will exclude qualified projects from environmental review under CEQA and reduce the approval process to 90 days from 180 days.

**Policy Analysis.** Currently, the City is in progress of streamlining approval for affordable housing projects that are in conformance and compliance with SB 35 eligibility criteria. Furthermore, the City has developed a checklist tool for developers to utilize during the permitting process to verify that all necessary documents and obligations are met to expedite the permitting process. Planning has received the first application for streamlined approval for affordable housing and working with other City Departments to comply with the requirements of SB 35. This policy will expedite the approval process for affordable housing a mix-income projects that otherwise meet the criteria.

## CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION

**Workplan Proposal.** Continue to work with City Departments to ensure compliance with SB 35 and create a process that will expedite affordable housing developments that meet the criteria for streamlining.

**Recommendation.** Recommended that the City continue establishing a process to comply with SB 35 to streamline approvals for affordable housing.

### XXV. Review Approval Process to Address Inefficiencies with the Goal of Reducing Overall Approval Time.

Summary	
Objective	<ul style="list-style-type: none"> <li>• Expedite the approval process by addressing inefficiencies.</li> <li>• Comply with new state law</li> </ul>
Benefits Market Rate Development	<b>Yes.</b> Will make improvements to address some of the developers concerns about approval times and early identification of required reports.
Targeted Projects	Market Rate, Mixed-income, Affordable housing; rental and ownership housing
Household Targeting	Very low, low, moderate and above moderate-income (see Appendix A for details)
State Priority for “Pro-housing City”	Reduction of Permit Processing Time
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at all of income levels: Very low, low, moderate and above moderate
Level of Recommendation	<b>In Progress</b>
Proposed Timeline	Short-term (1-2 years)

**Policy Description.** Identify internal bottlenecks that delay the development approval process and evaluate ways to address these delays in terms of contracting on-call consultants or specialists, re-deploying staff resources more efficiently, and adding staff, if necessary. Also, identify required studies early in the application process to avoid unnecessary delays, identify the reasons why some required studies do not get identified until subsequent submittals of an application, and establish a process to improve early preparation of lengthy studies.

**Policy Analysis.** These improvements will be administrative by nature and will not require Council approval. Currently, the City is in progress of evaluating areas of inefficiencies in the development process with the goal of reducing overall approval time. Additionally, there are several proposed policies listed here that are intended to help address some of those inefficiencies related to permit approval time. Developers have referenced in stakeholder meetings that approval times and lack of clear requirements can impact project feasibility. This policy would improve the application process and reduce requests for additional studies late in the application process.

## CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION

Additionally, SB 330 Streamlining requires that the City publish on its website detailed information required for development application; provide development tools and resources; and develop system to track new deadlines for housing development applications (and ADUs).

**Workplan Proposal.** Continue work to address inefficiency and to comply with state law in order to expedite approval time. This work will be completed within 1-2 years.

**Recommendation.** Recommended that the City continue implementing improvements to the approval process and ensure compliance with state law.

### XXVI. Provide "Package of Incentives" for Housing Projects Providing Affordable Housing.

Summary	
Objective	To synthesize policies that promote inclusion of affordable units.
Benefits Market Rate Development	<b>Yes.</b> This policy will provide clarity to developers about requirements, assist them in accessing benefits that mitigate cost of including affordable units in the project, and help them to comply with the Affordable Housing Ordinance.
Targeted Projects	Market Rate, Mixed-income, Affordable housing; rental and ownership housing
Household Targeting	Very low, low, moderate and above moderate-income (see Appendix A for details)
State Priority for "Pro-housing City"	Reduction of Permit Processing Time
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at all of income levels: Very low, low, moderate and above moderate
Level of Recommendation	<b>Highly Recommended</b>
Proposed Timeline	Mid-term (2-3 years)

**Policy Description.** Promote and incentivize new construction of mixed income and affordable housing by compiling a "Package of Incentives" of various incentives. There could be multiple packages that vary depending on the proportion of affordable units and the depth of affordability. The incentives and exemptions could include: an exemption or reduction of development impact fees, utility fee deferral, parking reductions and/or a waiver of physical building requirements imposed on development and identification of low-cost financing options or guidance for investing in an opportunity zone.

**Policy Analysis.** Staff recommends providing various types of packages contingent on the project meeting various affordability requirements. For example, an affordable housing project consisting of 50% income restricted units would receive lesser incentives than a 100% affordable housing project. After staff receives direction on the other proposals above, staff will design packages of incentives in greater detail. Staff would "package" policies and resources that help developers mitigate the costs with associated with affordable units to make it easier for developers to take advantage of these cost saving

## CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION

measures. If approved, staff would highlight the following: Project requirements for streamlining under SB 35, Density Bonus, Fee exemption and reductions, utility fee deferral, and special financing opportunities. This policy will demonstrate a partnership mentality that will problem solve by consolidating information that may increase feasibility of on-site affordable units.

**Workplan Proposal.** Creation of the “package of incentives” is dependent on approval of policies that incentivize inclusion of affordable housing on market rate projects; however, creation of the packages will be an administrative responsibility. This work will be completed within 2-3 years.

**Recommendation.** Recommended that the City create a “Package of Incentives”.

### XXVII. Educational Work Session Regarding Project Feasibility, Residual Land Value and Implication of Demands Beyond Established Requirements

Summary	
Objective	Streamline approval process by reducing the number of last-minute requests imposed by City Council by providing an informational work session to discuss project feasibility, residual land value and implication of demands beyond established requirements.
Benefits Market Rate Development	<b>Yes.</b> Would reduce development timeline and unexpected expenses caused by last minute changes to the project that otherwise meets City Standards.
Targeted Projects	Market Rate, Mixed-income, Affordable housing; rental and ownership housing
Household Targeting	Very low, low, moderate and above moderate-income (see Appendix A for details)
State Priority for “Pro-housing City”	Reduction of Permit Processing Time
Regional Housing Needs (RHNA)/ Housing Element Goals	Will produce units at all of income levels: Very low, low, moderate and above moderate
Level of Recommendation	<b>Highly Recommended</b>
Proposed Timeline	Short-term (1-2 years)

**Policy Description.** Provide education to City Council about the implications of changes to a proposed project that meets all of the City’s established regulations.

**Policy Analysis.** Stakeholders have expressed concern that well intended project modifications have unintended consequence of affecting project feasibility. Developers have suggested education regarding providing training regarding development project feasibility, residual land value and the implication of adding additional components to a project that was not initially included the development designs and budget. This policy will create awareness that is intended to improve upfront certainty and expedite the approval process.

## CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION

**Workplan Proposal.** Hire a consultant to provide education at an informal work session to ensure that decision makers are aware of the implications of adding additional project requirements. This work would be complete in 1-2 years.

**Recommendation.** Recommend holding an educational work session regarding development project feasibility, residual land value and the implication of adding additional components to a project that was not initially included the development designs and budget.

**CONS 20-120 - ATTACHMENT III POLICIES TO INCENTIVIZE HOUSING PRODUCTION**

**APPENDIX A-2019 INCOME LIMITS FOR ALAMEDA COUNTY AS ESTABLISHED BY CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

<b>Income Category</b>	<b>Household Size</b>							
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>Extremely Low</b>	\$26,050	\$29,750	\$33,450	\$37,150	\$40,150	\$43,100	\$46,100	\$49,050
<b>Very low</b>	\$43,400	\$49,600	\$55,800	\$61,950	\$66,950	\$71,900	\$76,850	\$81,800
<b>Low</b>	\$69,000	\$78,850	\$88,700	\$98,550	\$106,450	\$114,350	\$122,250	\$130,100
<b>Median</b>	\$78,200	\$89,350	\$100,550	\$111,700	\$120,650	\$129,550	\$138,500	\$147,450
<b>Moderate</b>	\$93,850	\$107,250	\$120,650	\$134,050	\$144,750	\$155,500	\$166,200	\$176,950





# CITY OF HAYWARD

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

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**File #:** CONS 20-243

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Approving an Amendment to the Professional Services Agreement with Langan Engineering and Environmental Services for the La Vista Park Project, Project No. 06914

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute an Amendment to the Professional Services Agreement (PSA) with Langan Engineering and Environmental Services (Langan) increasing the agreement by \$73,400, for a total contract amount not-to-exceed \$293,400.

**SUMMARY**

On March 26, 2019, Council approved a PSA with Langan for the geotechnical investigation and report for the La Vista Park Project in an amount not-to-exceed \$220,000. The final geotechnical report by Langan will be completed in June 2020.

The original contract scope of work included ten exploratory boring locations spread out across the approximately 50-acre site given the existence of a landslide area on the property. Staff is recommending five additional exploratory borings directly under the proposed landslide repair area to obtain additional information. The information gathered from these borings could potentially reduce the required width, depth, and length of the proposed slide repair area, resulting in a cost reduction to the required landslide repairs. The total added scope of work is estimated at \$73,400 and staff recommends that Council approve increasing Langan's PSA by this amount, for a not-to-exceed total contract amount of \$293,400.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** May 19, 2019

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Approving an Amendment to the Professional Services Agreement with Langan Engineering and Environmental Services for the La Vista Park Project, Project No. 06914

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute an Amendment to the Professional Services Agreement (PSA) with Langan Engineering and Environmental Services (Langan) increasing the agreement by \$73,400, for a total contract amount not-to-exceed \$293,400.

### **SUMMARY**

On March 26, 2019<sup>1</sup>, Council approved a PSA with Langan for the geotechnical investigation and report for the La Vista Park Project in an amount not-to-exceed \$220,000. The final geotechnical report by Langan will be completed in June 2020.

The original contract scope of work included ten exploratory boring locations spread out across the approximately 50-acre site given the existence of a landslide area on the property. Staff is recommending five additional exploratory borings directly under the proposed landslide repair area to obtain additional information. The information gathered from these borings could potentially reduce the required width, depth, and length of the proposed slide repair area, resulting in a cost reduction to the required landslide repairs. The total added scope of work is estimated at \$73,400 and staff recommends that Council approve increasing Langan's PSA by this amount, for a not-to-exceed total contract amount of \$293,400.

### **BACKGROUND**

In 2005, the City approved the La Vista residential development that included 179 new

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<sup>1</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=3897638&GUID=AD716AFF-467D-4E35-8C07-0F39495BAE26&Options=&Search=>

single-family homes to be built at the South Hayward site east of (and up the hill from) the terminus of Tennyson Road and Mission Boulevard. The project included construction of a new approximately thirty-acre public park. The development aims to provide new housing stock for the City and also officially serves as remediation for a former rock quarry site. Although the entitled development sat idle through the last economic downturn, home construction has accelerated over the last two years. The original thirty-acre park site on land donated from the developer was expanded to almost fifty acres in size due to the City acquiring former Caltrans right-of-way from the now abandoned 238 freeway project. The additional twenty acres will be added to the western side of the park once Parcel Group 3 is transferred to the City.

## **DISCUSSION**

On March 26, 2019, Council approved an agreement with Langan for the geotechnical investigation and report for the La Vista Park Project in an amount not-to-exceed \$220,000. The final geotechnical report by Langan will be completed in June 2020.

The geotechnical investigation performed by Langan recommends landslide repair measures in order to provide a stable foundation for the proposed park site. The recommendation is to remove an area approximately 85 feet wide by 40 feet deep by 1,500 feet long and replace it with engineered and cement treated fill material and add soil stabilization mats and drainage pipes in order to stabilize the soil. The proposed landslide repair measures are estimated to cost \$3.5M.

The original contract scope of work included ten exploratory boring locations spread out across the approximately 50-acre site. Langan is recommending five additional exploratory borings directly under the proposed landslide repair area to obtain additional information. The information gathered from these borings could potentially reduce the required width, depth, and length of the proposed slide repair area resulting in a cost reduction to the required landslide repairs. The total added scope of work is estimated at \$73,400 and staff recommends that Council approve increasing Langan's Professional Services Agreement by this amount, to a not-to-exceed total amount of \$293,400.

## **FISCAL IMPACT**

The original La Vista Park design conducted by SurfaceDesign Inc., (SDI) was estimated at \$23.3M to construct. This estimate includes contingencies or potential cost overruns as well as landslide repair costs to remediate the former Caltrans property.

Park in-lieu fees from the La Vista Development will contribute approximately \$2.14M towards construction. There is also a \$2M Measure F1 Bond allocation from the Hayward Area Recreation and Park District (HARD), for a current allocation of \$4.14M toward the La Vista Park project.

All lands associated with La Vista Park will likely be owned or controlled by the City. This was memorialized as part of the La Vista Development Final Map for the home development and all agreements associated with the project Final Map.

The HARD Board of Directors recently approved a funding plan for the project that included the following:

- 1) \$4.23M provided from existing park in-lieu fees previously collected by the City
- 2) \$6.7M in additional Measure F1 bond money
- 3) \$6.7M of loaned Measure F1 bond money to be repaid to HARD through the collections of future park in-lieu fees (see below) from projects that have been entitled.

Listed below are recent larger entitled projects that may yield substantial park in-lieu fees.	# UNITS	TYPE OF UNITS	POTENTIAL PARK IN-LIEU FEES	POSSIBLE CONSTRUCTION START DATE
Mission Crossings	140	Townhomes	\$1,595,300	Spring 2019
Matsya's Villas	57	Condos	\$649,515	Winter 2019
Maple and Main**	240	Apartment	\$2,316,720	Summer 2019
<b>Lincoln Landing*</b>	476	Apartment	<b>\$4,594,828*</b>	Fall 2019
Mission Village	72	Townhomes	\$820,440	Spring 2019
Fagundes	42	Single Family	\$502,026	Spring 2018
Ward Creek Cottages	97	Single Family	\$1,159,441	Fall 2018
<b>Total Potential In-Lieu Fees</b>			<b>\$11,638,270</b>	

The above is a projection by City staff of future park in-lieu fees that are anticipated to be generated by these entitled projects. An approximate total of \$11,638,270 will be collected from these projects upon their completion. However, the Lincoln Landing (\*) project shown above will satisfy its park dedication requirements by a combination of paying some park in-lieu fees, land dedication, and credits for improvements of the dedicated land area as part of its obligation for public park and recreation. The Maple and Main project (\*\*) is currently in receivership; whichever entity purchases the property out of receivership may change the project entitlements so the final fee amount listed above may ultimately change. Land dedication and credits from improvements will reduce the potential park in-lieu fees listed above.

The projects referenced above are large entitled projects in the City, and other additional projects could be entitled in the near future, yielding additional future park in-lieu fees. These include, for example, three unentitled projects submitted to the City in late 2017 and early 2018: Ersted Townhomes (59 units), Oak Street Townhomes (40 units), and Gading II Single-Family Homes (18 units). These projects could yield \$1,343,259 in additional park in-lieu fees that could be counted towards the La Vista destination park if the projects are approved/entitled.

Council also approved the use of \$1.5M in funds held for development of the South Hayward Youth and Family Center towards the park effort. These fees will be paid back via future park in-lieu fees.

**Current Funding Plan for La Vista Park**

Project Cost Estimate	(\$23,253,962)
Current Project Funding Sources	
Park In-Lieu fees from La Vista Development	\$2,140,000
South Hayward Community Center Contribution	\$1,500,000
HARD Contributions:	
HARD Park In-Lieu Fees on hand	\$4,230,000
HARD Measure F1 Bond fund allocations	\$15,400,000

**Current Project Funding Surplus/(Deficit) \$16,083**

This request has no impact on the General Fund. Should future park in-lieu fees not be as robust as anticipated to fund La Vista Park, staff envisions construction of the park to occur in phases or a modified/scaled back approach based upon available park in-lieu fees. There are no other funding sources for La Vista Park except for those already mentioned in this report (developer fees, park in-lieu fees, and Measure F1 bond money).

On March 26, 2019, Council approved an appropriation of \$1,500,000 from Fund 256 – Park Fund to Fund 405 – Capital Projects (Governmental) to cover the costs of the SurfaceDesign and Langan contracts.

**STRATEGIC ROADMAP**

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

Project 12, Part 12a:            Design La Vista Park

**SUSTAINABILITY FEATURES**

The La Vista Park will be designed to be the most sustainable park within the City. As part of the design, park areas will require less irrigation and native grasses and plants will be used throughout the park. Park structures will be constructed from natural materials versus traditional, more costly fabricated structures.

**PUBLIC CONTACT**

Listed below are previous public meetings or public outreach efforts performed by the City, HARD, and SDI related to the final draft La Vista Park plan:

- On Friday, October 20, 2017, staff and the team from SDI met with representatives from Fairway Park to present and gain feedback regarding the current La Vista Park plans.
- On Thursday, October 26, 2017, a public outreach meeting was conducted at Matt Jimenez Community Center, soliciting input from the Hayward community at large, regarding the most current La Vista Park design. Staff, HARD staff, and the SDI team conducted a public presentation and received input from participants regarding draft Park plans.
- On Monday, October 30, 2017, Council hosted a joint work session with the HARD Board of Directors where staff, HARD staff, and the SDI team presented the design for La Vista Park.
- On Monday, April 9, 2018, the HARD Board of Directors approved the final design for La Vista Park and the funding plan for the project.
- On Tuesday, May 15, 2018, Council approved a resolution accepting the La Vista Park Master Plan prepared by SDI and adopted a resolution appropriating \$1.5 M held for development of the South Hayward Youth and Family Center towards construction of La Vista Park.
- On Tuesday, March 26, 2019, Council approved a resolution awarding a PSA in an amount not-to-exceed \$220,000 with Langan.

**NEXT STEPS**

If Council approves, the City Manager will execute the amendment to the Professional Services Agreement authorizing Langan to perform additional exploratory borings and analysis.

*Prepared by:* Kathy Garcia, Deputy Director of Public Works

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-\_\_\_\_\_

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND RESOLUTION 19-055 RELATING TO THE PROFESSIONAL SERVICES AGREEMENT WITH LANGAN FOR THE LA VISTA PARK PROJECT, PROJECT NO. 06914

WHEREAS, the aforesaid parties have entered into that certain Agreement dated the 24th day of April, 2019, entitled "Agreement for Professional Services between the City of Hayward and Langan Engineering and Environmental Services"; and

WHEREAS, the City and the Consultant desire to amend the Agreement in certain respects to provide additional services for geotechnical engineering services for the La Vista Park Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute, on behalf of the City of Hayward, an amendment to the agreement with Langan Engineering and Environmental Services for additional services in an amount of \$73,400, for a total not-to-exceed amount of \$293,400, associated with the La Vista Park Project.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020

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

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**File #:** CONS 20-248

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Assistant City Manager/Interim Director of Human Resources

**SUBJECT**

Adopt a Resolution Approving the Side Letter of Agreement Amending the Current Memoranda of Understanding between the City of Hayward and Both the International Association of Firefighters, Local 1909 and the Hayward Fire Officers Association and Authorizing Staff to Execute the Agreement

**RECOMMENDATION**

That Council adopts a Resolution (Attachment II) approving the Side Letter of Agreement amending Memoranda of Understanding between the City of Hayward and both the International Association of Firefighters, Local 1909 and Hayward Fire Officers Association (HFOA) and authorizing staff to execute the agreement.

**SUMMARY**

The City of Hayward is suffering a sudden drop in revenue as a result of State and County Shelter in Place Orders due to the COVID-19 pandemic. As a result, the City has taken a number of cost-saving measures to limit the impact this crisis has on its employees and residents, such as reducing expenditures, laying off temporary staff, and seeking concessions from its bargaining groups. The City has met and conferred in good faith with Local 1909 and the HFOA, and members of the Union and Association have agreed to forego a previously agreed upon salary survey adjustment (capped at 2%) scheduled to take effect July 1, 2020, as provided in the groups' current Memoranda of Understanding in effect through December 31, 2023. In exchange, positions represented by the Union and Association shall be surveyed in the fourth and fifth years of their contract pursuant to the salary survey terms included in their Memoranda of Understanding.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	DRAFT 1909 Side Letter





**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Assistant City Manager/Interim Director of Human Resources

**SUBJECT:** Adopt a Resolution Approving the Side Letter of Agreement Amending the Current Memoranda of Understanding between the City of Hayward and Both the International Association of Firefighters, Local 1909 and the Hayward Fire Officers Association and Authorizing Staff to Execute the Agreement

### **RECOMMENDATION**

That Council adopts a Resolution (Attachment II) approving the Side Letter of Agreement amending Memoranda of Understanding between the City of Hayward and both the International Association of Firefighters, Local 1909 and Hayward Fire Officers Association (HFOA) and authorizing staff to execute the agreement.

### **SUMMARY**

The City of Hayward is suffering a sudden drop in revenue as a result of State and County Shelter in Place Orders due to the COVID-19 pandemic. As a result, the City has taken a number of cost-saving measures to limit the impact this crisis has on its employees and residents, such as reducing expenditures, laying off temporary staff, and seeking concessions from its bargaining groups. The City has met and conferred in good faith with Local 1909 and the HFOA, and members of the Union and Association have agreed to forego a previously agreed upon salary survey adjustment (capped at 2%) scheduled to take effect July 1, 2020, as provided in the groups' current Memoranda of Understanding in effect through December 31, 2023. In exchange, positions represented by the Union and Association shall be surveyed in the fourth and fifth years of their contract pursuant to the salary survey terms included in their Memoranda of Understanding.

### **BACKGROUND**

In response to the COVID-19 pandemic and the rapid spread of the disease, on March 16, 2020, the Health Officer of the County of Alameda, along with the Health Officers of Contra Costa, Marin, Santa Clara, San Mateo, and Santa Cruz counties, issued an Order for the public to shelter-in-place of residence, limiting the public's ability to leave their homes except to perform essential work and obtain essential services. The County has extended this order, which is currently in effect through May 31, 2020. On March 19, 2020, Governor Newsom also issued a state-wide Order to shelter-in-place of residence, followed by state

guidance on a phased reopening of businesses if certain quantifiable indicators are met to demonstrate progress in the battle to quell the spread of the virus.

As a result of these Shelter in Place Orders and the closure of all but non-essential businesses and services, City revenues have been severely impacted. Based on updated revenue projections, by the close of Fiscal Year 2020, the revenue decline resulting from COVID-19 is projected to require the use of approximately \$17 million of the City's \$36 million General Fund operating reserve (or savings account).

As a result, the City has implemented a number of cost saving measures. First, a vast majority of temporary staff were released from their positions. Second, City-wide non-emergency expenses have been limited to \$250,000 per month (previously averaged around \$750,000 per month) for the entire organization, with the Director of Finance and the City Manager closely reviewing all City expenditures. Third, the City Manager and Executive team have agreed to forego the value of their cost-of-living (COLA) increases scheduled for July 1, 2020, either by forgoing the COLA itself or agreeing to an 80 hour furlough obligation in Fiscal Year 2021. The City Council has asked all bargaining groups in the City to forego the value of their cost-of-living (COLA) increases scheduled for July 1, 2020, either by forgoing the COLA itself or agreeing to an 80 hour furlough obligation in Fiscal Year 2021. The City Manager, Finance Director, HR Director, and City negotiating team have been negotiating with all bargaining groups to try to implement cost savings that can be implemented as part of the FY2021 budget. Cost savings contributed by bargaining groups are critical to the City's fiscal health as labor costs make up approximately 85% of the General Fund budget and these labor cost savings help avoid layoffs and reductions in services to the community. Currently, the City has not laid off any permanent City employees and has paid full salary and benefits to all employees during the shelter-in-place order time period.

## **DISCUSSION**

Local 1909 and the HFOA have agreed to forego a cost-of-living increase of up to 2% based on a salary survey pursuant to the terms in the Local 1909 and HFOA MOUs. In exchange, both groups have agreed to defer pay increases to the later years of their five-year contracts. Specifically, effective the first pay period of Fiscal Year 2023, base wages shall be increased based upon the salary survey outlined in the Local 1909 and HFOA MOUs in an amount not to exceed 50% of the salary survey (for example, if the salary survey shows the classification of Firefighter is 6% below the average total compensation for the position of Firefighter at the top 4 agencies, employees shall receive a wage increase not to exceed 3%). In addition, effective the first pay period of Fiscal Year 2024, base wages shall be increased based upon the salary survey outlined in the Local 1909 and HFOA MOUs.

As first responders, Local 1909 members are on the front lines conducting screenings for COVID-19 and responding to emergencies, increasing their exposure to the illness. Therefore, this agreement also provides that members of both groups will receive eighty (80) hours of "COVID leave" as allowed under recently enacted Federal legislation to provide members paid

time off in the event they fall ill or they need to care for an ill family member as a result of COVID-19.

Finally, the agreement includes a provision to modify minimum daily staffing schedules to include two (2) additional personnel, both at the rank of Firefighter, to assist with the demanding workload members face, particularly with the increased demand resulting from the pandemic. This will not result in additional positions being added to the budget, just a reassignment of existing personnel to a more specialized response unit.

Although the City is currently working with the Deputy Fire Chiefs (DFCs) on a successor MOU, DFCs have received salary increases in conjunction with Local 1909 and HFOA in order to maintain agreed upon differentials between the Fire classifications. The City has met with the DFCs to inform them that, as a result of this agreement with Local 1909 and the HFOA, they will not receive a wage increase July 1, 2020.

### **FISCAL IMPACT**

The proposed cancellation of the July 1, 2020 COLA would result in an estimated savings of approximately \$480,709 in Fiscal Year 2021.

### **STRATEGIC ROADMAP**

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

### **NEXT STEPS**

Staff will finalize the side letter agreements and obtain necessary review by the City Attorney and approval by the City Manager to execute them and implement these changes.

*Prepared by:* Kakshi Master, Human Resources Analyst II

*Recommended by:* Maria A. Hurtado, Assistant City Manager/Interim Director of Human Resources

Approved by:



---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-\_\_\_\_\_

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

RESOLUTION APPROVING TWO SIDE LETTERS OF AGREEMENT WITH THE HAYWARD FIRE FIGHTERS AND THE HAYWARD FIRE OFFICERS ASSOCIATION REPRESENTED BY INTERNATIONAL ASSOCIATION OF FIREFIGHTERS - LOCAL 1909 TO AMEND THE CURRENT MEMORANDA OF UNDERSTANDING IN RESPONSE TO THE COVID-19 PANDEMIC

WHEREAS, the City of Hayward has been under a Shelter-in-Place Order since March 16, 2020; and

WHEREAS, by the close of Fiscal Year 2020, the revenue decline resulting from COVID-19 is projected to require the use of approximately \$17 million of the City's \$36 million General Fund operating reserves; and

WHEREAS, members of the Hayward Firefighters and the Hayward Fire Officers Association represented by International Association of Firefighters - Local 1909 have met and conferred with the City and have reached agreement; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the cost-of-living increases scheduled for July 1, 2020 shall be cancelled.

BE IT FURTHER RESOLVED that in exchange for foregoing the July 1, 2020 cost-of-living increases, members shall receive eighty (80) hours of "COVID leave, a modification to the minimum staffing levels to include two (2) additional personnel, both at the rank of Firefighter, a wage increase in an amount not to exceed 50% of the salary survey effective July 1, 2022, a wage increase based on a salary survey effective July 1, 2023.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020

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

and

## THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 1909

## SIDE LETTER OF AGREEMENT

Representatives of the City of Hayward and IAFF, Local 1909 have met and conferred in good faith regarding the projected revenue shortfall facing the City of Hayward for FY 2021. In partnership to address the projected revenue shortfall, the parties have agreed to amend certain provisions of the current Memoranda of Understanding between the City and IAFF, Local 1909, Firefighter and Fire Officers Units, extended through December 31, 2024 (hereinafter, the "Current MOU").

The City and IAFF, Local 1909 agree that the terms of this Side Letter of Agreement shall become effective at the beginning of the pay period following Council approval and shall remain in effect for the remainder of the term of the Current MOU and until the parties have completed the meet and confer process for successor provisions or a successor MOU. The terms of this Side Letter shall supersede and replace all other side letter and MOU provisions on the specific sections identified below.

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#### 4.05 Minimum Staffing

Contingent upon continuation of contractual services with Fairview Fire Protection District, the organization and staffing of the Department shall consist of two (2) Battalion Chiefs, nine (9) engine companies, ~~and two (2) truck companies, and one (1) specialized rescue company.~~ Each ~~apparatus engine company and truck company~~ shall be staffed with a minimum complement of three (3): a Captain, an Apparatus Operator and a Firefighter. ~~The specialized rescue company shall be staffed with a minimum complement of two (2) Firefighters.~~

~~The Department shall maintain six (6) 24-hour Shift Battalion Chief positions, one (1) Staff Battalion Chief, and one (1) Fire Marshal.~~

Notwithstanding any other provision of this Memorandum of Understanding, the Fire Chief or his/her designated representative may temporarily decrease for any reason the number of engine companies in active service for a portion of any given day provided that no more than two (2) engine companies are out of service at any one time for a period not to exceed eight (8) hours.

The following procedures will be observed on those occasions when Captains' meetings or training session for Captains are scheduled by the Department. During the course of such meetings or training sessions, two (2) engines may be temporarily taken out of service as provided in paragraph two (2) of this section above. Acting Captains and acting Apparatus Operators shall be designated from the on-duty platoon and moved to fill vacancies and associated temporary re-assignments caused by attendance at the meeting or training session. Acting Captains and acting Apparatus Operators shall be compensated in accordance with Section 7.10 of this Memorandum of Understanding and shall be designated by the Battalion Chief from the respective eligible lists. Off duty personnel will not be recalled to duty on an overtime basis during Captains' meetings and training sessions for Captains except at the discretion of the Fire Chief.

If the contract with the Fairview Fire Protection District is discontinued, minimum staffing shall revert to two (2) Battalion Chiefs, eight (8) engine companies, ~~and two (2) truck companies~~, one (1) specialized rescue company, and from ~~thirty-three-seven (3733)~~ to thirty-four (3430) staff members. There shall be no demotion as a result of any such reduction in staff except by attrition.

## 7.12 Salaries

In the pay period that includes July 1 of each year, while the Memorandum of Understanding remains in effect, the City shall provide a salary adjustment for the members of the bargaining units in the amount that results from application of the salary formula below, except for the caps and exceptions that are referenced within this section:

FY 2018 – No wage adjustment shall occur during FY 2018.

FY 2019 – The base wage shall be increased the pay period that includes July 1, 2018, based on the established salary survey. The wage increase for FY 2018 based upon this formula shall not exceed 5%.

FY 2020 – No wage adjustment shall occur during FY 2020.

FY 2021 – ~~The base wage shall be increased the pay period that includes July 1, 2020, based on the established salary survey. The wage increase for FY 2021 based upon this formula shall not exceed 2%. No wage adjustment shall occur during FY 2021.~~

FY 2022 – The base wage shall be increased the pay period that includes July 1, 2021, based on the established salary survey. The wage increase for FY 2022 based upon this formula shall not exceed 2%.

FY 2023 – The base wage shall be increased the pay period that includes July 1, 2022, based on the established salary survey. The wage increase for FY 2023 based upon this formula shall not exceed 50% of the salary survey~~2%~~.

FY 2024 – The base wage shall be increased the pay period that includes July 1, 202~~3~~2, based on the established salary survey. ~~The wage increase for FY 2023 based upon this formula shall not exceed 3%.~~

Base salary for all classifications covered by this MOU shall be increased by the difference between the total compensation of a Hayward Firefighter and the average of the total compensation for firefighter of the top four (4) agencies based on a survey of salary and benefits. Hayward may be included in the top four (4) agencies should its total compensation for firefighter so indicate. The percentage increase shall be determined by (Total Compensation average of top four (4) agencies – Total Compensation of Hayward Firefighter)/Base pay of Hayward Firefighter, rounded to the nearest .01%.

“Total Compensation” shall mean the sum of the following: top step base monthly salary; employer-paid member PERS contributions; education incentive pay applicable to all firefighters; uniform allowance; maximum annual vacation credit; paramedic pay; EMT pay; and holiday pay. For the purpose of this survey, the value of vacation shall be determined as follows: maximum vacation hours divided by 12 multiplied by maximum base hourly rate. For the City of Berkeley only, the longevity pay scale shall be used for the purpose of calculating Total Compensation.

For each year in which a salary adjustment is to be made on the basis of the Survey Formula, the survey shall be completed by June 15 and shall include all salaries and benefits effective on July 1 of the year of

the adjustment, and approved by the agency’s board or council. If on September 1 of the year of the adjustment, any of the above agencies reaches a settlement retroactive to July 1, thereby changing the average of the top four (4) agencies, a one-time adjustment will be made to salaries to reflect that change.

For the term of this agreement, salary adjustments will be based on the following cities: Alameda, Berkeley, Daly City, Fremont, Hayward, Palo Alto, Richmond, San Leandro (Alameda County Fire Department), San Mateo, Santa Clara, and Vallejo.

**10.08 COVID Leave Bank**

Effective at the beginning of the pay period following Council approval, 40-hour employees shall receive a deposit of eighty (80) hours of COVID leave (converted to 112 hours for 56-hour employees) at the employees’ straight time hourly rate. Said hours shall be deposited into a “COVID leave bank.” The deposit or use of COVID leave hours shall not impact a member’s ability to earn an additional twenty-four (24) hours of vacation leave pursuant to the terms included in Section 10.03 of the Current MOU. Effective January 1, 2021, any remaining leave hours in the COVID leave hours bank will roll into the employee’s sick leave bank and shall be treated as regular sick leave hours going forward.

For Local 1909

For City of Hayward

\_\_\_\_\_  
Andrew Ghali, Local 1909 President

\_\_\_\_\_  
Kelly McAdoo, City Manager

Dated \_\_\_\_\_

Dated \_\_\_\_\_





# CITY OF HAYWARD

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

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**File #:** WS 20-019

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Deputy City Manager

**SUBJECT**

Community Agency Funding: Fiscal Year 2021 Community Agency Funding Recommendations for Social Services; Arts & Music; and Infrastructure, Economic Development, and Public Services; and Overview of the FY 2021-2025 Consolidated Plan and FY 2021 Annual Action Plan

**RECOMMENDATION**

That the Council:

1. Conducts a work session regarding the FY 2021 Community Agency Funding recommendations prepared by the Community Services Commission,
2. Reviews and comments on the draft funding recommendations, and
3. Reviews and comments on the overview of the FY 2021-2025 Consolidated Plan and FY 2021 Annual Action Plan.

**SUMMARY**

This report provides an overview of the FY 2021 Community Agency Funding process, the Community Services Commission (CSC) Application Review Committees' (ARCs) proposed funding recommendations for consideration by the CSC, and next steps in the funding process. Funding is allocated from two sources: Hayward's Community Development Block Grant (CDBG) annual entitlement and the City's General Fund.

Notably, there were significantly more applicants for FY 2021 funding compared to previous years, and no comparable increase in available FY 2021 funds. Therefore, the ARCs were faced with challenging decisions about how to allocate funds to provide resources and services for those in the community who need it the most. The proposed funding is summarized by category in Table 1 on the following page and in detail in Attachment II.

While the CSC developed their initial recommendations in February, they met again on March 18, 2020, and gave staff further guidance to prioritize food security, housing, and homelessness services in response to the growing COVID-19 pandemic, should any additional funds become available. Staff used that guidance to allocate emergency CDBG COVID-19 relief funds (CDBG-CV) from the 2020 CARES Act.

On April 28, 2020, Council approved a Substantial Amendment to the City’s FY 2020 Annual Action Plan, enabling the City to allocate \$1.5 million in currently uncommitted CDBG entitlement funds (\$571,365) and emergency relief funds from the 2020 CARES Act (\$902,238) to public services and economic development activities intended to support vulnerable individuals, families, and small businesses impacted by the pandemic.

This report summarizes the funding recommendations for the portion of the City’s annual entitlement of CDBG funds for economic development, infrastructure, and public services (\$1,247,869), and \$536,950 in General Fund monies for social services and arts and music programs. The report also concludes with a high-level overview of the Department of Housing and Urban Development’s (HUD) required FY 2021-2025 Consolidated Plan, which specifies the City’s priority needs and goals for using CDBG entitlement funds over the next five years.

**Table 1. Summary of Recommended Funding Allocation by Category**

<b>Funding Source</b>	<b>Category</b>	<b>Recipient</b>	<b>Amount</b>
General Fund	Arts & Music	Community Agencies	\$82,000
General Fund	Social Services	Community Agencies	\$404,950
CDBG	Economic Development/Infrastructure	Community Agencies	\$645,784
CDBG	Public Services	Community Agencies	\$247,085
CDBG	Infrastructure	City-Operated Program	\$300,000
CDBG	COH Infrastructure Admin	Community Agency	\$30,000
<i>Total ARC Recommended Grants</i>			<i>\$1,709,819</i>
General Fund	Referral Services	Eden I&R	\$50,000
CDBG	HUD-Required Fair Housing Services	Community Agency	\$25,000
<i>Total Referral Services and HUD Required Fair Housing</i>			<i>\$75,000</i>
<b>GRAND TOTAL FY 2021 RECOMMENDED FUNDING (ALL SOURCES)</b>			<b>\$1,784,819</b>

**ATTACHMENTS**

- Attachment I      Staff Report
- Attachment II     Funding Recommendations



**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Deputy City Manager

**SUBJECT:** Community Agency Funding: Fiscal Year 2021 Community Agency Funding Recommendations for Social Services; Arts & Music; and Infrastructure, Economic Development, and Public Services; and Overview of the FY 2021-2025 Consolidated Plan and FY 2021 Annual Action Plan

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Notably, there were significantly more applicants for FY 2021 funding compared to previous years, and no comparable increase in available FY 2021 funds. Therefore, the ARCs were faced with challenging decisions about how to allocate funds to provide resources and services for those in the community who need it the most. The proposed funding is summarized by category in Table 1 on the following page and in detail in Attachment II.

While the CSC developed their initial recommendations in February, they met again on March 18, 2020, and gave staff further guidance to prioritize food security, housing, and homelessness services in response to the growing COVID-19 pandemic, should any additional funds become available. Staff used that guidance to allocate emergency CDBG COVID-19 relief funds (CDBG-CV) from the 2020 CARES Act. On April 28, 2020, Council approved a Substantial Amendment to the City's FY 2020 Annual Action Plan, enabling the City to allocate \$1.5 million

in currently uncommitted CDBG entitlement funds (\$571,365) and emergency relief funds from the 2020 CARES Act (\$902,238) to public services and economic development activities intended to support vulnerable individuals, families, and small businesses impacted by the pandemic.

This report summarizes the funding recommendations for the portion of the City’s annual entitlement of CDBG funds for economic development, infrastructure, and public services (\$1,247,869),<sup>1</sup> and \$536,950 in General Fund monies for social services and arts and music programs. The report also concludes with a high-level overview of the Department of Housing and Urban Development’s (HUD) required FY 2021-2025 Consolidated Plan, which specifies the City’s priority needs and goals for using CDBG entitlement funds over the next five years.<sup>2</sup>

**Table 1. Summary of Recommended Funding Allocation by Category**

Funding Source	Category	Recipient	Amount
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CDBG	COH Infrastructure Admin	Community Agency	\$30,000
<i>Total ARC Recommended Grants</i>			<i>\$1,709,819</i>
General Fund	Referral Services	Eden I&R	\$50,000
CDBG	HUD-Required Fair Housing Services <sup>3</sup>	Community Agency	\$25,000
<i>Total Referral Services and HUD Required Fair Housing</i>			<i>\$75,000</i>
<b>GRAND TOTAL FY 2021 RECOMMENDED FUNDING (ALL SOURCES)</b>			<b>\$1,784,819</b>

## BACKGROUND

The CSC serves as an advisory body to the Hayward City Council. The CSC makes recommendations to Council regarding the distribution of CDBG funds and the General Fund for Infrastructure and Economic Development (CDBG), Public/Social Services (CDBG/General Fund), and Arts and Music (General Fund) program funds through the annual Community Agency Funding process.

### *Recent Changes to the Funding Application Process*

In recent years, the City Council, CSC, and community agencies expressed a desire for the Community Agency Funding Process to be more transparent around funding decision-making, to articulate clear shared goals for funding, and to use data in making funding decisions and

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

<sup>2</sup> The City of Hayward is also a member of the Alameda County HOME Consortium. The Consolidated Plan described in this report also aligns with the priority needs and goals of the HOME Consortium.

<sup>3</sup> The City funds the HUD-required fair housing services from administration and planning funds.

managing performance. In May 2019, the CSC formed a subgroup, the Community Agency Funding Review Committee (Committee), to review the funding process, identify best practices, and provide recommendations to make the funding process more efficient and effective. Comprised of five members of the CSC, the Committee convened on four occasions in June and July 2019. The Committee conducted a comprehensive review and assessment of the current funding process and recommended several administrative changes to the funding application process. These changes included requiring demographic data, using a racial equity lens in decision-making, identifying service type (i.e., preventative or responsive), removing the audit requirement for social services applicants (with a limit of \$15,000 for agencies applying without an audit), providing an opportunity for agencies to discuss any challenges from the past year that may have affected their performance, and some formatting changes to the application form.

### *The FY 2021 Community Agency Funding Process*

The Community Agency Funding process for FY 2021 opened with the publication (in English and Spanish) of a Notice of Funding Availability (NOFA) on September 27, 2019. The announcement was also posted at City Hall; published in the Daily Review; and emailed to currently funded agencies, previously funded agencies, applicants from previous years, and all other interested parties on the Community Agency Funding mailing list. Several broadcast email reminders were also sent in advance of the Mandatory Bidder's Conference held on October 29, 2019.

The CSC reviewed all eligible applications and the CSC Chairperson appointed three Application Review Committees (ARCs) by funding category to conduct applicant interviews prior to drafting the funding recommendations presented in this report for Council review and approval. The three funding categories are:

1. **Infrastructure and Economic Development (CDBG):** Affordable housing; housing rehabilitation; nonprofit facility improvements; job creation; and capacity building.
2. **Arts & Music (General Fund):** Arts and music programs that benefit Hayward residents, with an emphasis on activities that support youth education.
3. **Public/Social Services (CDBG/General Fund):** Benefit low-moderate income Hayward residents through programs to provide homelessness and anti-displacement services, food security, health services, legal services, and youth and family services.

On February 19, 2020<sup>4</sup>, the CSC met and reviewed the preliminary draft recommendations made by each ARC. ARC Chairs summarized the discussion and rationale behind ARC decision-making. Additionally, the CSC heard public comment and initiated a 30-day public comment period for community members to submit feedback on the recommendations to the City and CSC.

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<sup>4</sup> February 19, 2020, Staff Report and Attachments:  
<https://hayward.legistar.com/MeetingDetail.aspx?ID=763056&GUID=915D9BA1-DB7A-4F6B-96CA-3F2E473FEDBA&Options=info&Search=>

The CSC met again on March 18, 2020<sup>5</sup>, two days after the Governor's shelter in place order for six Bay Area counties, including Alameda County, in response to the growing COVID-19 pandemic. Through their teleconference, the CSC discussed the need to ensure that agencies serving those who are most at-risk of contracting COVID-19, particularly homeless individuals and families, are given adequate funds to meet increased service demand.

## **DISCUSSION**

### *The FY 2021 Community Agency Funding Process*

Each year, the City receives applications from community agencies requesting funding through the competitive Community Agency Funding process. The CSC is responsible for reviewing the applications, interviewing applicants, and making recommendations to the City Council for how a portion of the City's General Fund and the City's annual CDBG entitlement award should be allocated. As part of the Community Agency Funding process, the CSC Chair appoints three ARCs to conduct applicant interviews and make preliminary recommendations for full CSC consideration.

### *Funding Approach*

Hayward, like other Bay Area cities, is experiencing an acute housing crisis, characterized by severe housing instability among the City's most vulnerable residents, displacement of families, and increasing homelessness. In recognition of this crisis, the CSC approached the FY 2021 Community Agency Funding process at the beginning of the calendar year prioritizing addressing the needs of the City's unstably housed and homeless. Through this approach, the CSC considered the extent to which applicants' programs and services increase housing stability, such as fair housing and tenant and landlord resources; create or preserve housing, such as infrastructure projects; and provide support for vulnerable unhoused or unstably housed individuals, such as programs to meet basic needs or employment training and support.

With the onset of the COVID-19 pandemic, when the CSC met on March 18, 2020, they further expressed their commitment to supporting the unstably housed and homeless in Hayward. They directed City staff to adjust the initial funding recommendations to reflect the increased demand placed on community agencies working directly with those who are most at-risk from the disease, and to develop an appropriate methodology for further revising the allocation as demand increases for some services and as other agencies may not have the capacity to provide services as originally planned.

### *Available Funding and Funding Requests*

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<sup>5</sup> March 18, 2020, CSC Staff Report and Attachments:  
<https://hayward.legistar.com/MeetingDetail.aspx?ID=769058&GUID=27E7F955-2F92-4C1D-A32C-BD460460FA55&Options=&Search=>

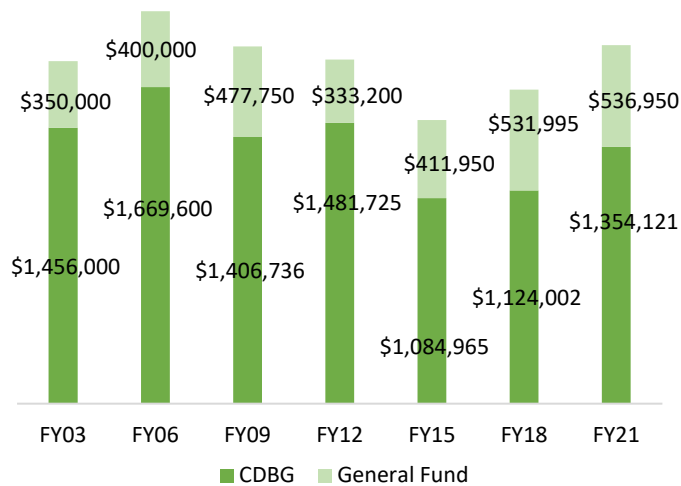
The ARCs reviewed applications on January 25 and February 1, 2020, and made allocation recommendations using staff's estimates based on assumed funding from the HUD and Council. Following the ARCs, staff received notification that the City of Hayward would receive \$1,533,721 in CDBG entitlement funding from HUD, which increased the availability of Public Services and Infrastructure/Economic Development funding to the amounts outlined in Table 2.

During the March 18, 2020 CSC meeting, the CSC determined that if Council were to award an additional \$50,000, it should be allocated to social services agencies that increase food security, support individuals who are homeless, and provide housing services in proportion with their original funding requests. Staff followed that guidance and allocated those funds to six agencies, proportionate to their original requests (see Attachment II).

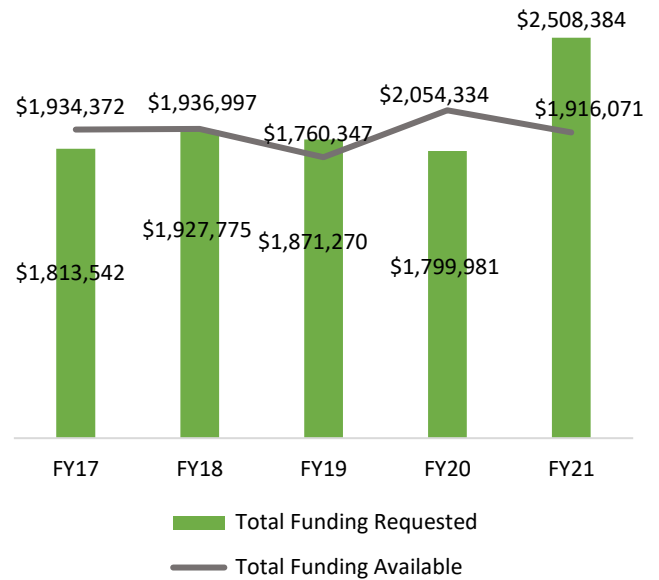
The City received 47 applications for FY 2021 competitive funding by the December 6, 2019, deadline. Of those applications, 11 were for new proposed programs. The majority of applications were reviewed through a competitive process to allocate \$536,950 from the General Fund and \$1,247,869 from the City's CDBG entitlement.

Notably, there were significantly more FY 2021 applications for both Public Services (CDBG) and Social Services (General Fund) funding compared to previous years; however, the available funds have not increased at a comparable rate. Historically, the amount of funds available for the Community Agency Funding process has varied, as shown in Figure 1. And, while there are more funds available this year compared to last year, the demand for public and social services funding has increased substantially. FY 2021 represents the largest disparity between agencies' funding requests and the amount of available funding, as shown in Figure 2.

**Figure 1. Availability of Community Agency Funding Over Time<sup>6</sup>**



**Figure 2. Funding Requests and Availability since FY 2017**



The increase in public and social services application volume without an increase in funds resulted in a much more competitive funding allocation process in these categories for FY 2021. As with last year’s funding process, only two programs were funded through a non-competitive process in FY 2021.

In total, the Public/Social Services, Arts and Music, and Infrastructure/Economic Development ARCs interviewed applicants who requested the amounts listed in Table 2.

**Table 2. Requested FY 2021 Funding by Category**

CATEGORY	FUNDING SOURCE	NUMBER OF APPLICANTS	AMOUNT REQUESTED	AMOUNT AVAILABLE
<b>Competitive</b>				
Arts and Music	General Fund	8	\$159,101	\$82,000
Economic Development	CDBG	4	\$480,784	\$1,052,036
Infrastructure	CDBG	4	\$495,000	
Public Services	CDBG	6	\$300,551	\$247,085
Social Services	General Fund	25	\$997,948	\$404,950
<b>Non-Competitive</b>				
Referral Services	General Fund	1	\$50,000	\$50,000

<sup>6</sup> CDBG totals reflect the entitlement minus 20% for administration and planning. Totals for previous years do not include program income, while FY21 includes an estimate for program income to enable the ARCs to allocate as much as possible to CDBG-funded community agencies.



CATEGORY	FUNDING SOURCE	NUMBER OF APPLICANTS	AMOUNT REQUESTED	AMOUNT AVAILABLE
HUD Required Fair Housing Services	CDBG	1	\$25,000	\$25,000
COH Infrastructure Admin	CDBG	1	\$30,000	\$30,000
<b>TOTALS (Requested and Available Funds)</b>			<b>\$2,538,384</b>	<b>\$1,916,071</b>

### *Non-Competitive Applications*

Per the City of Hayward Compliance Policy Manual adopted by Council in 2014, in each CDBG program year the cost of administration and HUD-related fair housing activities are subtracted from the annual entitlement award amount. Last year, staff conducted a competitive RFP process for fair housing services and Eden Council for Hope and Opportunity (ECHO) was selected. For FY 2021, \$25,000 from the CDBG Administrative funds is allocated to ECHO to provide fair housing services to Hayward residents. For simplicity, these funds are reported in Attachment II under the Public Services category. Additionally, Eden I&R will receive a non-competitive award of \$50,000 from the General Fund to operate the 211 line.<sup>7</sup>

### *Competitive Applications*

After allocating the non-competitive projects, the remaining funds are made available to eligible community partners and social services applicants through the Community Agency Funding process. During this process, agencies are given ten minutes to present their projects to the appropriate ARC, then an additional ten minutes to answer questions from the committee. Following the interviews, each ARC engaged in extensive deliberation, weighing criteria that included agencies' capacity, leveraging of other funds, history providing quality services, and the community's need for the service. Their recommendations, along with the allocation of the additional \$50,000 identified following the ARC deliberations, are reported in detail in Attachment II.

### *Prioritization of Additional Funds*

The CSC determined in March that, in response to the COVID-19 pandemic, any additional funds should be allocated to agencies that increase food security, support individuals and families who are homeless, and provide housing services. Staff used that guidance to allocate the CDBG-CV funds allocated through the CARES Act, which Council approved on April 28, 2020.<sup>8</sup> Due to the COVID-19 pandemic's negative impact on the City's General Fund and the infusion of additional CDBG-CV funds to address community needs, staff is not recommending that Council consider an additional \$50,000 allocation from the General Fund.

<sup>7</sup> Previously, cities in Alameda County agreed that 211 is a necessary and valuable resource for all jurisdictions in the county and agreed to pay for the expense through a non-competitive process.

<sup>8</sup> April 28, 2020, City Council Staff Report and Attachments:

<https://hayward.legistar.com/MeetingDetail.aspx?ID=769795&GUID=38811BD6-8000-41F9-BAC3-14E8D11826A3&Options=info|&Search=>

### *Recommended Allocations*

Each ARC's deliberations resulted in preliminary recommendations, which were reviewed by the CSC at the February 19, 2020, meeting and revised at the March 18, 2020, meeting. During the February 19 meeting, the CSC heard public comment, then the Chairs of each ARC summarized the discussion and decision-making of their ARC during the CSC meeting. Following this discussion, the CSC came to the consensus to move forward with the ARC recommendations, which were again reviewed on March 18, 2020.

On March 18, 2020, the CSC revised their guidance to staff for how to allocate any additional General Fund or CDBG funding, indicating that priority should be for agencies providing food access and services to support homeless and unstably housed individuals and families in response to COVID-19. The CSC also expressed concern that, given the variety of unknown factors related to COVID-19, staff should develop a proposed method for potentially reallocating a portion of funds from agencies that would not be able to provide services during the first quarter of FY 2021 due to state and local emergency declarations and shelter in place orders to agencies experiencing significant increases in service demand due to the COVID-19 crisis.

In response, staff used the CSC guidance to allocate CDBG-CV funds from the CARES Act and uncommitted FY 2020 CDBG funds, which was approved by Council on April 28, 2020.

Through ongoing discussions, staff have worked with current funding recipients and FY 2021 applicants to understand the ways in which COVID-19 has impacted their ability to deliver services. In several instances, agencies have been able to adapt or redirect funds in a manner that enables them to continue serving the Hayward community. The innovative and flexible response of the City's community partners, along with the infusion of CDBG-CV to address immediate needs for social services and economic support and the recent modifications to the County's shelter in place order, indicate to staff that there is not a need to adjust the CSC's funding recommendations at this time.

Table 1 at the beginning of this report provides a summary of the FY 2021 General Fund and CDBG funding recommendations. Attachment II provides a detailed, agency-specific description of the recommended allocation.

## THE CONSOLIDATED PLAN

### *Overview*

Every five years, HUD requires that the City update its Consolidated Plan, which functions as a framework for identifying housing and community development needs and priorities through community engagement and guides the City's federal entitlement investment decisions over the subsequent five-year period. Through the consolidated planning process, the City assesses the housing market, community development needs, and our existing partnerships in order to make data-driven decisions for investing CDBG funds.

The previous Consolidated Plan covered fiscal years 2015 to 2019 and identified affordable housing, homelessness, housing preservation, and permanent supportive housing; community development of public facilities and public services; elderly, youth, and family education services; and economic development as priority needs for the City.

To develop the FY 2021-2025 Consolidated Plan, the City relied on the following resources for community input:

- *FY 2021-2025 Consolidated Plan Public Comment Period and Public Hearing*: On May 15, 2020, City staff noticed a 38-day public comment period spanning from May 18 through June 24, 2020. As this time overlaps with the State's shelter in place order, the City will receive public comment electronically, over the phone during public meetings, and through phone communication with City staff. The City hosted a Work Session to discuss the Consolidated Plan on May 19, 2020, and will host a Public Hearing to hear comment on the Plan on June 23, 2020.
- *CSC Meetings*: Throughout the year, the CSC holds open meetings, which members of the public are encouraged to attend. Staff notes all public comment related to community needs and funding priorities and integrates that feedback into the FY 2021-2025 Consolidated Plan, as appropriate.
- *Community Needs Assessment*<sup>9</sup>: In March 2019, the CSC reviewed a comprehensive Community Needs Assessment (CNA) conducted with significant community input to identify the needs of vulnerable Hayward residents and identify barriers and gaps in services. The CNA was conducted in anticipation of the FY 2021-2025 Consolidated Plan in order to fully engage the community in conversation about its diverse needs and to meet HUD-required standards for public input.
- *2019 Homelessness Point-in-Time Count*<sup>10</sup>: The Point-in-Time Count, known locally as EveryOne Counts!, is a count of individuals and families in Hayward experiencing homelessness, including those who stay in shelters or transitional housing and those who are unsheltered and living outdoors. Through the Count, volunteers survey homeless individuals and families to learn more about who is homeless, the primary causes of their homelessness, and what resources and services they need to obtain permanent housing.

Analysis of the community input resulted in the identification of the priority needs and corresponding goals listed in Table 3 below, which are formatted to meet HUD reporting requirements and to align with affordable housing goals of the Alameda County HOME Consortium, of which Hayward is a member.

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<sup>9</sup> March 20 2019, Staff Report and Attachments:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3889819&GUID=49053B45-B829-4F3B-AE89-BEF3A7C6D742&Options=&Search=>

<sup>10</sup> Everyone Home (2019) *City of Hayward Homeless Count & Survey Comprehensive Report*. Available at <https://everyonehome.org/wp-content/uploads/2019/12/2019-Hayward-Final-Report.pdf>

**Table 3. FY 2021-2025 Consolidated Plan Priority Needs & Goals**

Priority Needs	Goals	Sample Activities
1. Expand & Improve Public Infrastructure & Facilities	1a. Improve access to & capacity of public facilities and infrastructure	Non-profit agency roof replacement; public park renovation
2. Preserve, Protect, and Produce Housing Stock	2a. Preserve existing homeownership housing	Home repairs for older adults
	2b. Develop new affordable housing	Grants to affordable housing developers
3. Public Services & Quality of Life Improvements	3a. Provide supportive services for special needs populations	Public services programs for homeless individuals or victims of domestic violence
	3b. Provide vital services for low-to-mod income households	Youth programs
4. Economic Development	4a. Provide for small business assistance	Grants to businesses of 5 or fewer employees

*Timeline*

Staff will publish a draft of the Consolidated Plan for public comment on May 18, 2020, with a Public Hearing for comment and Council recommendation for approval on June 23, 2020. Concurrent to the City’s public comment period, staff must submit a draft of the Consolidated Plan to the County for publishing in conjunction with the HOME Consortium’s Consolidated Plan comment period on June 10. The City’s public comment period will conclude on June 24 and staff will submit the report to HUD no later than Monday, July 6, 2020.

**ECONOMIC IMPACT**

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

**FISCAL IMPACT**

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

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

## **STRATEGIC ROADMAP**

These funding allocation recommendations support several of the City’s Strategic Roadmap priority areas, including Preserve, Protect, & Produce Housing; Grow the Economy; Improve Infrastructure; and Support Quality of Life. The recommendations are not specifically related to a project identified in the Strategic Roadmap.

## **PUBLIC CONTACT**

The Public Comment period for the recommended funding allocations and FY 2021-2025 Consolidated Plan is in place from May 18, 2020, through June 24, 2020. Public comment on both the Consolidated Plan and the Community Agency Funding Process will be heard at the Public Hearing on June 23, 2020. Additionally, prior to this Work Session item, public comment on the community agency funding process was heard by the CSC and can be reviewed in the Attachment I Staff Report from the CSC’s March 18, 2020, meeting.<sup>11</sup>

## **NEXT STEPS**

Next steps include the following:

- From June 15 through June 19, 2020, the County will hear public comment on the HOME Consortium’s Consolidated Plan.
- On Tuesday, June 23, 2020, a Public Hearing will be held regarding the FY 2021 funding recommendations and FY 2021-2025 Consolidated Plan at the City Council Meeting.
- On Wednesday, June 24, 2020, the City’s public comment period will conclude.
- Staff will address public comment and on Monday, July 6, will submit the FY 2021-2025 Consolidated Plan to HUD.

Recommendations for all funding categories will be finalized following the June 23, 2020, Council meeting.

*Prepared by:* Amy Cole-Bloom, Management Analyst  
Monica Davis, Community Services Manager

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<sup>11</sup> March 18, 2020 Staff Report and Attachments:  
<https://hayward.legistar.com/MeetingDetail.aspx?ID=769058&GUID=27E7F955-2F92-4C1D-A32C-BD460460FA55&Options=info|&Search=>

*Recommended by:* Jennifer Ott, Deputy City Manager

Approved by:

A handwritten signature in black ink, appearing to read "K. McAdoo". The signature is fluid and cursive, with a large initial "K" and a stylized "McAdoo".

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Kelly McAdoo, City Manager

COMMUNITY SERVICES COMMISSION COMMUNITY AGENCY FUNDING ARC DRAFT RECOMMENDATIONS FY 2021					
CATEGORY	AGENCY	PROJECT	FY 2020 FUNDING	FY 2021 REQUESTS	FY 2021 RECOMMENDATIONS
<b>CDBG - PUBLIC SERVICES</b>					
Housing & Homelessness	Abode Services	Alameda County Impact	\$ 48,108	\$ 54,786	\$ 54,786
Housing & Homelessness	Building Opportunities for Self Sufficiency (BOSS)*	South County Homeless Project	\$ -	\$ 40,000	\$ 35,731
Housing & Homelessness	Eden Council for Hope and Opportunity (ECHO Housing)**	Fair Housing	\$ 25,000	\$ 25,000	\$ 25,000
Housing & Homelessness	Eden Council for Hope and Opportunity (ECHO Housing)	Tenant/Landlord Services	\$ 25,000	\$ 25,765	\$ 25,000
Youth & Family	Hayward Public Library	Family Education Program	\$ 77,608	\$ 180,000	\$ 131,568
<b>TOTAL FY 2021 CDBG PUBLIC SERVICES</b>			<b>\$ 175,716</b>	<b>\$ 325,551</b>	<b>\$ 272,085</b>
<b>CDBG - ECONOMIC DEVELOPMENT &amp; INFRASTRUCTURE</b>					
Economic Development	City of Hayward, Economic Development Division	City of Hayward, Business Incentive Program	\$ 75,000	\$ 100,000	\$ 100,000
Economic Development	Community Child Care Council (4-Cs) of Alameda County	Child Care Initiative Project	\$ 30,000	\$ 40,000	\$ 40,000
Economic Development	Downtown Streets, Inc. (2017)	Hayward Downtown Streets Team/Tennyson Corridor	\$ 234,999	\$ 236,414	\$ 236,414
Economic Development	Love Never Fails*	IT Biz Workforce Development	\$ -	\$ 104,370	\$ 104,370
Infrastructure	Friends of Hayward*	Sycamore Lodge Staircase Repair	\$ -	\$ 15,000	\$ 15,000
Infrastructure	St. Rose Hospital Foundation	Hospital Project	\$ -	\$ 150,000	\$ 150,000
Infrastructure	City of Hayward, Community Services Division	Home Repair with Habitat and Rebuilding Together	\$ 300,000	\$ 300,000	\$ 300,000
Infrastructure	City of Hayward, Community Services Division	Infrastructure Administration	\$ -	\$ 30,000	\$ 30,000
<b>TOTAL FY 2021 CDBG ECONOMIC DEVELOPMENT &amp; INFRASTRUCTURE</b>			<b>\$ 639,999</b>	<b>\$ 975,784</b>	<b>\$ 975,784</b>
<b>GENERAL FUND - ARTS &amp; MUSIC</b>					
Arts & Music	Hayward Area Forum for the Arts dba Sun Gallery	Sun Gallery Programs	\$ 29,654	\$ 33,000	\$ 18,000
Arts & Music	Hayward Area Historical Society*	Discovery Kids	\$ -	\$ 9,860	\$ 8,860
Arts & Music	Hayward Municipal Band	Hayward Municipal Band	\$ 11,231	\$ 15,000	\$ 7,072
Arts & Music	La Familia	Hayward Arts Council	\$ 20,000	\$ 27,000	\$ 16,000
Arts & Music	La Familia	Hayward Band/Orchestra	\$ 7,920	\$ 9,000	\$ 9,000
Arts & Music	Love Never Fails*	LNF 'Survivor' Dance Team	\$ -	\$ 49,446	\$ 10,473
Arts & Music	Pacific Chamber Orchestra	Discover Music educational assemblies for HUSD Elementaries	\$ 8,800	\$ 12,000	\$ 8,800
Arts & Music	Youth Orchestra of Southern Alameda County	Hayward Scholarships	\$ 3,795	\$ 3,795	\$ 3,795
<b>TOTAL FY 2021 ARTS &amp; MUSIC RECOMMENDATIONS</b>			<b>\$ 81,400</b>	<b>\$ 159,101</b>	<b>\$ 82,000</b>
<b>GENERAL FUND - SERVICES</b>					
Food Security	Alameda County Community Food Bank	Food Distribution - Food Purchase Program (Soc Svcs)	\$ 35,000	\$ 40,000	\$ 35,000
Economic Development	Centro Community Partners*	Technical Assistance Services for LMI women and minority entrepreneurs	\$ -	\$ 15,000	\$ -
Housing & Homelessness	Centro Legal de la Raza	Tenant Rights Consultation & Assistance	\$ 82,836	\$ 200,000	\$ 80,333
Housing & Homelessness	Community Resources for Independent Living (CRIL)	Hayward Housing Services	\$ 20,000	\$ 30,000	\$ 18,050
Housing & Homelessness	Covia Foundation*	Home Match Hayward	\$ -	\$ 32,000	\$ -
Youth & Family	East Bay Agency for Children (EBAC)	Hayward HUB Family Resource Center	\$ 30,000	\$ 50,000	\$ 20,000
Information & Referral	Eden I&R**	211	\$ 51,813	\$ 50,000	\$ 50,000
Youth & Family	Eden United Church of Christ*	Newcomer Navigation Center	\$ -	\$ 40,000	\$ 10,000
Youth & Family	Eden Youth and Family Center	Eden Youth and Family Center	\$ 20,000	\$ 50,000	\$ 20,000
Housing & Homelessness	Family Violence Law Center	Family Violence and Homelessness Prevention Project	\$ 45,000	\$ 60,000	\$ 36,100
Housing & Homelessness	First Presbyterian Church of Hayward dba South Hayward Parish	South Hayward Parish (SHP) Case Management	\$ 33,000	\$ 38,000	\$ 33,813
Youth & Family	Friends of Hayward*	Prospect Hill Neighborhood Association Garden	\$ -	\$ 15,000	\$ -
Housing & Homelessness	Gold Star Senior Shared Housing & Community Development, Inc*	Gold Star Senior Shared Housing & Community Development, Inc	\$ -	\$ 15,000	\$ -
Youth & Family	Hayward Adult School	Raising Leaders in Hayward-Workshops & Internships	\$ 35,000	\$ 52,539	\$ 10,000
Youth & Family	Horizon Services, Inc.	Lambda Project	\$ 20,000	\$ 50,000	\$ 15,000
Legal	Housing & Economic Rights Advocates (HERA)	Housing & Economic Rights Advocates (HERA)	\$ 12,000	\$ 15,000	\$ -
Legal	International Institute of the Bay Area	Legal Services for Immigrants	\$ 15,000	\$ 30,000	\$ 15,000
Housing & Homelessness	La Familia Counseling Service	FESCO Les Marquis House - Emergency Shelter	\$ 45,000	\$ 50,000	\$ 30,083
Legal	Legal Assistance for Seniors (LAS)	Legal Services & Education to Hayward Seniors	\$ 17,000	\$ 20,000	\$ 10,000
Housing & Homelessness	Ruby's Place	Shelter and Children	\$ 40,000	\$ 43,000	\$ 29,371
Youth & Family	SAVE/COPS*	SAVE/COPS	\$ -	\$ 13,680	\$ -
Food Security	Spectrum Community Services	Meal Program for Seniors	\$ 15,000	\$ 20,250	\$ 17,200
Youth & Family	St. Rose Hospital Foundation*	FACES for the Future	\$ -	\$ 20,500	\$ 10,000
Youth & Family	Tandem Partners in Early Learning*	StoryCycles	\$ -	\$ 27,979	\$ -
Health	Tiburcio Vasquez Health Center, Inc.	School-Based Health Centers at Tennyson & Hayward High Schools	\$ 12,137	\$ 50,000	\$ -
Health	Tri-City Health Center	HIV Program - Early Intervention Services	\$ 15,000	\$ 20,000	\$ 15,000
<b>TOTAL FY 2021 SOCIAL SERVICES RECOMMENDATIONS</b>			<b>\$ 543,786</b>	<b>\$ 1,047,948</b>	<b>\$ 454,950</b>

\*New agency applying for funds

\*\*Non-competitive award

All amounts are preliminary and subject to change. Final award amounts will be authorized by Hayward City Council in June 2020. CDBG awards are dependent upon FY 2021 federal funding allocations and GF awards are subject to available budgetary funding.



# CITY OF HAYWARD

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

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**File #:** PH 20-032

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Director of Finance

**SUBJECT**

Master Fee Schedule: Adopt a Resolution Amending the FY 2021 Master Fee Schedule

**RECOMMENDATION**

That Council approves a resolution (Attachment II) amending the City's Master Fee Schedule to include changes and updates as appropriate.

**SUMMARY**

Annually, City staff completes a review of the City's Master Fee Schedule to identify and determine necessary adjustments to fees charged for services. Approved fee changes will become effective July 19, 2020.

A complete and detailed listing of fees is reflected in the proposed FY 2021 Master Fee Schedule and can be found on the Master Fee website link found in Footnote 1 below. .

**ATTACHMENTS**

- |                |                                      |
|----------------|--------------------------------------|
| Attachment I   | Staff Report                         |
| Attachment II  | Resolution                           |
| Attachment III | Police-Tow Operation Fees            |
| Attachment IV  | Resolution 19-008                    |
| Attachment V   | Resolution 19-152                    |
| Attachment VI  | Proposed FY 2021 Master Fee Schedule |





**DATE:** May 19, 2020

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### **BACKGROUND**

The City's Master Fee Schedule identifies the fees for various City services. The fees in the Master Fee Schedule are based on recovery for the cost of delivering services (e.g., various building and fire inspections) and must comply with provisions of current legislation.

As part of a general cost recovery strategy, local governments have adopted user fees to fund programs and services that provide direct benefit to a specified user or have limited or no direct benefit to the overall community. To the extent that the City uses general tax monies to provide services that it could recover full cost for, but does not, a subsidy is provided, and this reduces funds that may be available to provide other community-wide benefits. Unlike most revenue sources, the City has more control over the level of user fees charged to recover costs. As the City works to balance levels of service and the variability of demand, Council has become increasingly aware of subsidies provided by the General Fund for fees which do not recapture full costs.

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<sup>1</sup> Master Fee Schedule [https://www.hayward-ca.gov/sites/default/files/pdf/Proposed-FY-2021-Master-Fee\\_0.pdf](https://www.hayward-ca.gov/sites/default/files/pdf/Proposed-FY-2021-Master-Fee_0.pdf)

A comprehensive user fee study conducted by Willdan Financial Services was adopted on October 25, 2016 by City Council. The study reviewed all costs associated with internal effort and third-party expenses to develop full cost recovery fees.

## **Legislative Requirements**

### Proposition 26 Review and Compliance

In November 2010, California voters approved Proposition 26, which amended Articles XIII A and XIII C of the State constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes are not disguised as fees: taxes must be approved by voters whereas legislative bodies, such as a City Council, can approve fees.

### Proposition 218 Review and Compliance

In November 1996, California voters passed Proposition 218, the “Right to Vote on Taxes Act.” This constitutional amendment protects taxpayers by limiting the methods by which local governments can create or increase taxes, fees, and charges without taxpayer consent. Proposition 218 requires voter approval prior to imposition or increase of general taxes, assessments, and certain user fees.

The proposed Master Fee Schedule has been reviewed for compliance with Propositions 26 and 218 and, in the City Attorney's opinion, is compliant.

## **DISCUSSION**

### **Summary of Changes in Fees by Program Area**

#### ***City Clerk***

1. Change in Express Mail Fees for Passport Services Express Mail from State to Customer is increased from \$16.48 to \$17.13; rate is set by and payable to the US Department of State.

Fee Type	Change From	Change To
Express Mail from US Department of State to customer	\$16.48	\$17.13

#### ***Development Services***

1. Substantial formatting changes in section “B. Planning” to present material in a more organized and efficient manner.

2. Affordable Housing Impact Fees

The increase reflects Resolution 17-167 to adopt Affordable Housing In-Lieu Fees to provide funds to the City to develop and construct affordable housing.

Fee Type	Old Fee	Proposed Fee
High Density Condominiums (35 units per acre or more)	\$15.12/Square Foot of Habitable Space	\$15.98/Square Foot of Habitable Space
All other Dwelling Unit Types	\$18.33/Square Foot of Habitable Space	\$19.37/Square Foot of Habitable Space

**Finance**

1. Revise “8. Customer Initiated Chargeback Fee” to “7. Chargeback/Returned Payment Fee” amended to reflect service fees charged.

Fee Type	Old Fee	Proposed Fee
Chargeback/Returned Payment Fee	\$25.00	\$35.00

**Fire**

**I. Hazardous Materials**

1. Format changes in order to present material in a more organized and efficient manner.
2. New fees proposed in Underground Storage Tanks The proposed fees reflect the cost recovery of staff time to conduct additional field inspections and installations.

Fee Type	Proposed Fee	Fee Calculation
System Installation VPH each tank over 3 tanks	\$247.50 per tank over 3 tanks	1.5 hours x \$165/hour=\$247.50
System Removal each tank over 3 tanks	\$247.50 per tank over 3 tanks	1.5 hours x \$165/hour=\$247.50
Spill Bucket Replacement/Overfill Protection	\$1320	8 hours x \$165/hour=\$1320.00

3. New fees proposed in Miscellaneous Fees The proposed fees reflect the new 2019 California Fire Code requirements for issuing mobile fueling operational permits.

Fee Type	Proposed Fee	Fee Calculation
Operational Permits- Mobile Fleet Fueling- Initial Permit and Verification Inspections	\$660 per site	4 hours x \$165/hour=\$660.00
Operations Permit- Mobile Fleet Fueling- Annual Permit Fee	\$165/year	1 hour x \$165=\$165.00

4. New fee proposed in California Environmental Reporting System (CERS) The proposed fee reflects the recovery of staff time for recalcitrant businesses who are not complying with the annual submittal requirements despite outreach and notifications including “Notices of Violation”.

Fee Type	Proposed Fee	Fee Calculation
California Environmental Reporting System (CERS) Non-Compliance Fee	\$495.00	3 hours x \$165=\$495.00

***Police (See Attachment III)***

1. Incorporate proposed Tow Fee Schedule. The rates are based from the City’s three currently contracted tow service providers who per HMC 6-8.20 are restricted to charging no more than the fees proposed in the Tow Fee Schedule. The proposed fee schedule applies to all tow service providers for tow services performed within the city limits.

***Public Works - Engineering & Transportation (See Attachment IV)***

**I. Airport**

- a) Updated Airport rates and charges for FY 2021 were adopted by City Council in 2019, Resolution 19-008.

**II. Engineering & Transportation**

- a) Increase Parcel Map Application deposit from \$2,000 to \$5,000
- b) Increase Final Map Application deposit from \$6,000 to \$15,000
- c) Upgrade Grading Permit Application deposit into two categories and increase deposit for larger disturbed area to accurately reflect the level of effort required for a typical plan review.
  1. Up to 1,000 cubic yards or 1,000 square feet disturbed area: \$4,000 (no change)
  2. At or over 1,000 cubic yards or 1,000 square feet disturbed area: from \$4,000 to \$8,000

**Utilities & Environmental Services (See Attachment V)**

1. Updated Water, Sewer, and Recycled Water rates for FY 2021 were adopted by City Council in 2019, Resolutions 19-152 and 19-153.
2. Revise “After-Hours Meter Activation Fee” to “After-Hours Meter Activation/Unlock Fee”
3. Adjust fees for the following services: Wastewater Discharge Permits, Compliance Schedule, Wastewater Sampling, Violation Follow-Up Inspection, Development Plan Review, and Stormwater Facility Inspections.
  - a. Fee adjustments are appropriate to incorporate updated levels of effort, hourly rate adjustments, and overhead charges. Staff are proposing that adjustments be reviewed annually and implemented as needed over several years in order to limit the impact on affected businesses. Fees for these services require higher increases; however, to reduce the impact on businesses, the adjustments have been capped at a maximum of 25%.

4. New Fee: Private Sewer Lateral Cleaning

Fee Type	Proposed Fee
Private Sewer Lateral Cleaning	Actual cost of labor, materials, and equipment

5. New Fee: Service Restoration/Unlock Fee

Fee Type	Proposed Fee
Service Restoration/Unlock Fee	\$50.00

**ECONOMIC IMPACT**

Approval of the attached resolution will have a minor economic impact on the Hayward community in that only certain fees will be increased or added.

**FISCAL IMPACT**

Adopting these fee changes will minimally impact overall City revenues and will offset the staff time spent performing the various activities supported by the fees.

**STRATEGIC ROADMAP**

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

## **PUBLIC CONTACT**

A public notice was published in The Daily Review on May 8, 2020 and May 15, 2020. The public notice contained the meeting date announcing the time, location, and subject matter of this public hearing.

## **NEXT STEPS**

Upon approval of the attached resolution, the fees will be effective as of July 19, 2020, to allow for the required sixty-day notice period.

*Prepared by:* Nicholas Mullins, Management Analyst

*Recommended by:* Dustin Claussen, Director of Finance

Approved by:

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

---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 20- \_\_\_\_

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

RESOLUTION ADOPTING THE FY 2021 MASTER FEE SCHEDULE THAT REFLECTS UPDATED FEES AND CHARGES FOR DEPARTMENTS IN THE CITY OF HAYWARD AND RESCINDING RESOLUTION NO. 19-059 AND ALL AMENDMENTS THERETO

WHEREAS, Section 15273 of the California Environmental Quality Act (CEQA) Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purposes of:

1. Meeting operating expenses, including employee wage rates and fringe benefits;
2. Purchasing or leasing supplies, equipment, or materials;
3. Meeting financial reserve needs and requirements;
4. Obtaining funds necessary for capital projects necessary to maintain service within existing service areas; or
5. Obtaining funds necessary to maintain intra-city transfers as are authorized by City Charter; and

WHEREAS, the City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions; and

WHEREAS, in November 2010, California voters approved Proposition 26, which amended Article XIII C of the State Constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes, which must be approved by the voters, are not disguised as fees, which can be approved by legislative bodies, such as a city council. The proposed Master Fee Schedule (MFS) is compliant.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby adopts with changes the Master Fee Schedule relating to fees and charges for all departments of the City of Hayward incorporated herein by reference and as outlined in the May 19, 2020 City Council report; either on its face or as applied, the invalidity of one provision shall not affect the other provisions of this Master Fee Schedule, and the applications thereof; and to that end the provisions of this Master Fee Schedule shall be deemed severable.

BE IT FURTHER RESOLVED that Resolution No. 19-059, and all amendments thereto are hereby rescinded.

BE IT FURTHER RESOLVED that this resolution shall become effective as of July 19, 2020.

IN COUNCIL, HAYWARD, CALIFORNIA May 19, 2020

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



<b>EXHIBIT B</b>	<b>Term 2019/2020</b>
<b>City of Hayward</b>	
<b>Fees to be charged for tow operations shall no be in excess of the following schedule:</b>	
1. Towing	
a) Towing of vehicles of others (From public and private property)	225.00
b) All other towing:	
1. Passenger vehicles	225.00
2. Motorcycles	225.00
3. Trucks to 10,000Lbs (unloaded)	225.00
4. Trucks 10,000 to 26,000 lbs.	250.00
5. Trucks over 26,000 lbs.	375.00
c) Extra labor charges on disabled vehicles.	190.00/hr
Applicable 1/2 hours after arrival of tow truck.	
(Per hour or portion thereof, at 15 minute increments)	
d) Gate fee request between 5:00 PM and 8:00 AM	120.00
On weekdays and all day Saturday, Sunday and Holidays	
2. STORAGE (Storage charges applicable after 8 hours)	
a) Passenger vehicles, motorcycles and trucks	90.00
(To 8,000 lbs., outside per 24 hour period)	
b) Passenger vehicles, motorcycles and trucks	90.00
(To 8,000 lbs., inside per 24 hour period)	

**TOW OPERATION FEES**

H.M.C. 6-8.30

c) Trucks over 8,000 lbs, buses, and trailers over 20 feet long	125.00
<b>3. MISCELLANEOUS SERVICE TO THE PUBLIC</b>	
a) Service charges on disabled vehicles where no tow is made	100.00
b) Release of vehicle from hook-up after authorization to tow	90.00
<b>4. COMPLICATED TOW</b>	
a) Trailer con gear (big rig dolly)	150.00
b) Air cushion, includes operator for 3 hours	1500.00
c) Lumper, or extra personnel 6am to 6pm	50.00/hr (2hr. Min)
<b>5. CITY OWNED VEHICLES</b>	
a) Removal or tow of vehicle	50.00
b) Service charge on disabled vehicle (no tow)	50.00
c) Tow from outside of City of Hayward	50.00/hr + 1.00 per mile
<b>**\$290 if 2 axle to portal** plus for Air cushion Towing, add \$174 for first three hours then \$400 after</b>	
<b>**\$454 if 3 axle to portal** plus for Air cushion Towing, add \$174 for first three hours then \$400 after</b>	

## HAYWARD CITY COUNCIL

RESOLUTION NO. 19-008Introduced by Council Member ZermeñoRESOLUTION AMENDING THE MASTER FEE SCHEDULE AND  
APPROVING AIRPORT RATES AND CHARGES

WHEREAS, Section 15273 of the California Environmental Quality Act Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares and other charges by public agencies which the public agency finds are for the purpose of:

1. Meeting operating expenses, including employee wage rates and fringe benefits,
2. Purchasing or leasing supplies, equipment or materials,
3. Meeting financial reserve needs and requirements, or
4. Obtaining funds for capital projects necessary to maintain service within existing service areas.

WHEREAS, the City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions; and

WHEREAS, a study conducted in 2017 indicated that rental rates for Airport-owned standard sized hangars were below market rate by up to 51%; and

WHEREAS, the same study conducted in 2017 indicated that rental rates for Airport-owned hangars other than standard sized were below market rate by between 0% and 26%; and

WHEREAS, the City approved a 10% rate increase for FY 2018 and initially considered City staff's recommendation for increasing all hangar rates by 10% per year for subsequent four years to bring hangar rents closer to market rates; and

WHEREAS, hangar tenants expressed concerns about the proposed future increases and requested a more gradual approach; and

WHEREAS, the City Council Airport Committee has recommended a 10% rate increase for FY 2019; and

WHEREAS, City staff met with hangar tenants to arrive at an equitable and fair resolution to address this matter; and

WHEREAS, after a series of meetings from April through November 2018, the City developed a rate structure that lessens the impact of the increases on the tenants, while allowing for the Airport to meet its rents-funded annual operating expenses, including needed capital improvements, over the next four years; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby amends the Master Fee Schedule and approves the Airport rates and charges as shown in the attached Exhibit "A", effective April 1, 2019, and July 1 of all subsequent years.

BE IT FURTHER RESOLVED that the rental rates for the next four fiscal years for all hangar types, are as shown:

<u>Hangar Type</u>	<u>Rental Rate by Fiscal Year</u>			
	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Row "A" T-Hangars	\$273	\$280	\$287	\$294
Standard T-Hangars	\$393	\$412	\$433	\$455
Large T-Hangars	\$526	\$539	\$553	\$566
Executive	\$912	\$935	\$958	\$982
Executive I Hangars	\$1,262	\$1,294	\$1,326	\$1,359
Executive II Hangars	\$1,377	\$1,411	\$1,447	\$1,483

BE IT FURTHER RESOLVED that all language pertaining to CPI and market adjustments as noted under Airport Services, Sections A.1.f and A.1.g of the FY 2019 Master Fee Schedule, are hereby rescinded through FY 2022.

IN COUNCIL, HAYWARD, CALIFORNIA January 15, 2019

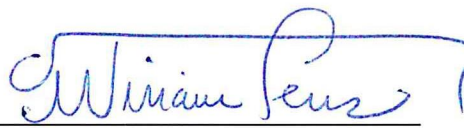
ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Zermeño, Márquez, Mendall, Wahab, Salinas  
MAYOR: Halliday

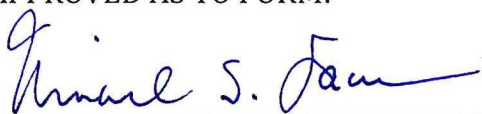
NOES: COUNCIL MEMBERS: Lamnin

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST:   
City Clerk of the City of Hayward

APPROVED AS TO FORM:

  
City Attorney of the City of Hayward

**Engineering and Transportation Services**

A. AIRPORT SERVICES

1 Monthly and Daily Fees for Aircraft Parking and Storage.

**Aircraft Hangar Waiting List Application Refundable Deposit of \$100.00**

	<u>Monthly Charges</u>
a. Hangar Space	
(1) Row "A" T-Hangars	\$273.00
(2) Standard T-Hangars	\$393.00
(3) Large T-Hangars	\$526.00
(4) Exec	\$912.00
(5) Executive I Hangars	\$1,262.00
(6) Executive II Hangars	\$1,377.00
b. Hangar Storage Rooms	
(1) Small	\$71.00
(2) Medium	\$99.00
(3) Large	\$191.00
(4) Extra Large	\$244.00
(5) Office Spaces	\$650.00
c. Tie Downs (Aircraft Gross Weight/Wing Span)	
(1) Single Engine 3,500 lb. and Single Engine Helicopters	\$60.00
(2) Twin Engine 12,500 lb. less than 50 ft and Twin-Engine Helicopters	\$75.00
(3) 12,501 - 25,000 lb. more than 50 ft	\$108.00
(4) 25,001 - 75,000 lb.	\$161.00
(5) Excess of 75,000 lbs.	\$216.00
d. Transient Overnight Tie Downs (Aircraft Gross Weight/Wing Span)	
First Four (4) Hours Free	
	<u>Daily Charge</u>
(1) Single Engine 3,500 lb. less than 40 ft	\$6.00
(2) Twin Engine 12,500 lb. less than 50 ft and all Helicopters	\$8.00
(3) 12,501 - 25,000 lb. more than 50 ft	\$12.00
(4) 25,001 - 75,000 lb.	\$23.00
(5) Excess of 75,000 lbs.	\$29.00



(6) Lighter-than air Airships \$20.00

- e. Effective July 1, 1997 a late charge of \$15.00 or 5% of the monthly rent per month, whichever is greater, shall be assessed if rent is not paid within ten (10) days of its due date (does not apply to daily rent).
- f. ~~Beginning July 1, 1999 and continuing every other year (biennially) on odd numbered years (e.g., July 2001, July 2003), all aircraft parking and storage charges, (excluding outside tiedowns), for the ensuing twenty-four (24) month period shall be adjusted proportionally upward seventy-five percent (75%) of the percentage increase in the All Urban Consumers Price Index (CPI) for the San Francisco-Oakland-San Jose area of the United States Department of Labor, Bureau of Labor Statistics, from December to two (2) years prior to December of the applicable year. The computed adjusted rates shall be rounded to the nearest dollar.~~
- g. ~~Every four (4) years, staff will conduct a market analysis to ensure that hangar rents are consistent with the prevailing market rates. If analysis demonstrates that hangar rents require modification, such shall be accomplished during the next hangar adjustment period. Such rates shall be charged unless otherwise directed by Council.~~
- h. Effective July 1, 1997, if the service of a member firm of the California Association of Photocopies and Process Servers must be utilized, a \$50 fee shall be charged to the individual or business necessitating said process service.
- i. The City shall charge a fee equal to the sum of the following: Five cents for each gallon of petroleum products delivered during the previous calendar month from the Leased Premises, or an amount equal to a 3 percent of the gross receipts (including fuel and gasoline taxes for which Lessee sold fuel products during the previous calendar month on or from the Airport, whichever amount is greater.
- j. All month-to-month Airport leases shall include a security deposit equal to one month's rent.

2 Permits


	<u>Annual</u>
a. Airport Annual Business Permit	\$120.00
b. Taxiway Access Permit	\$786.00

3	Airport Land Values Airport Land Value is on file in the Airport Administration Office and available for review.			
4	Gate Access Cards			
	Initial Issue for Airport Tenants			Free
	Initial Issue for non-direct Airport Tenants			\$35.00
	Replacement			\$25.00
5	Hangar Padlock Keys			
	Duplicate Key			\$5.00
	Re-key Padlocks			\$35.00
6	Chocks and Chains Replacement			\$60.00
7	Landing Fee Commercial aircraft operations (shall include landings of all non-based general aviation aircraft that conduct air taxi, charter or cargo operations under FAR Part 121 or Part 135) based on maximum certificated gross landing weight:			
		Per Landing	Daily	Monthly
	0 - 3,500 pounds	\$2	\$5	\$13
	3,501 - 6,250 pounds	\$4	\$10	\$26
	6,251 - 12,500 pounds	\$8	\$20	\$52
	12,501 - 25,000 pounds	\$16	\$40	\$104
	25,001 - 50,000 pounds	\$32	\$80	\$208
	50,001 pounds and above	\$64	\$160	\$416
8	Hangar Exchange Administration Fee for Exchange between Tenants (each Tenant)			\$60.00
	Administration Fee for Exchange into Vacant Hangar			\$60.00
9	Tie-Down Exchange Administration Fee to Exchange tie-down spaces			\$25.00
10	Vacated Hangar Cleanup Cleanup and disposal of items, minimum charge of 2 hours			\$150.00
	Additional hours, hourly rate			\$75.00

11	Ramp Sweeping Services, hourly rate	\$90.00	
12	Maintenance Staff Service Charge per hour	\$75.00	Plus, materials
13	Airport Administration Building Meeting Room		
	Non-profit Aviation organization charging no fee to the public	No Charge	
	For-profit Aviation organization charging a fee to the public	\$ 200.00	/day
14	Airport Project Administration Fee	\$5,000	





Date: February 20, 2020  
To: Dustin Claussen, Director of Finance  
From: Alex Ameri, Director of Public Works   
Subject: Proposed Revisions to Master Fee Schedule FY 2021 – Engineering Services:  
Development Plan Review

---

Department of Public Works and Utilities requests the following changes to the Master Fee Schedule FY 2021 regarding development plan review services in Engineering:

- 1. Increase Parcel Map Application deposit.**  
(a) From \$2,000 to \$5,000
  
- 2. Increase Final Map Application deposit.**  
(a) From \$6,000 to \$15,000
  
- 3. Update Grading Permit Application deposit into two categories and increase deposit for larger disturbed area.**  
(a) Up to 1,000 cubic yards or 1,000 square feet disturbed area: \$4,000 (no change)  
(b) At or over 1,000 cubic yards or 1,000 square feet disturbed area: from \$4,000 to \$8,000

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Staff has determined that the current deposits do not reflect the level of effort required for a typical plan review. The deposit is collected from customer to initiate the City's development plan review process. The final fee total is based on time and material, which varies by plan. The City refunds the difference to customer if the final fee total is lower than the deposit. However, the cost required for a typical plan review is higher than the deposit and staff frequently request additional amount from customer. This may lead to a delay in plan review due to time-lag and additional communication required between customer and payment. Staff recommend the above amount to reflect the required level of effort and to streamline the plan review process.

Staff surveyed three neighboring cities to compare the proposed improvement plan review deposit: City of Fremont; City of Walnut Creek; and City of Concord. These cities have noted that the amounts only represent initial deposits and the final expense for design review and inspection will be based on time and material. The results, which are summarized on the following table, indicate that the City's proposed fees are close to or well below for comparable services.






City	Parcel Map	Final Tract Map	Grading Permit
<b>Hayward</b> ( <i>proposed</i> )	\$5,000	\$15,000	<1,000 cu yds/sq ft disturbed area: \$4,000  ≥1,000 cu yds/sq ft disturbed area: \$8,000
<b>Hayward</b> ( <i>current</i> )	\$2,000	\$6,000	\$4,000
<b>Fremont</b>	\$5,000	\$15,000	\$12,500
<b>Concord</b>	\$7,500	\$15,000	\$1,500
<b>Walnut Creek</b>	\$4,000	\$10,000	-

\*Note: Initial deposits only, final fee amount is based on actual time and materials by staff

Please contact Kathy Garcia, Deputy Director of Public Works, if you have questions regarding these requested changes.





Date: February 19, 2020  
To: Dustin Claussen, Director of Finance  
From: Alex Ameri, Director of Public Works   
Subject: Proposed Revisions to Master Fee Schedule FY 2021 – Airport

---

Department of Public Works and Utilities requests the following changes to the Master Fee Schedule FY 2021 regarding airport services:

1. **Update Hangar Space monthly charges.** Hanger rates adjusted annually per Council Resolution 19-008.

<b>Hangar Space</b>	<b><u>Monthly Charges</u></b>
(1) Small T-Hangars	\$287.00
(2) Standard T-Hangars	\$433.00
(3) Large T-Hangars	\$553.00
(4) Small Executive Hangar	\$958.00
(5) Standard Executive Hangars	\$1,326.00
(6) Large Executive Hangars	\$1,447.00

2. **Increase Gate Access Cards fees.**
  - (a) Initial issue for non-direct Airport Tenants: from \$35 to \$41
  - (b) Replacement: from \$25 to \$41
3. **Increase Hanger Padlock Key fee.**
  - (a) Duplicate key: from \$5 to \$12
4. **Increase Vacated Hangar Cleanup fee.**
  - (a) Cleanup and disposal of items, minimum charges of 2 hours (per person): from \$150 to \$166
  - (b) Additional hours, hourly rate: from \$75 to \$83
5. **Increase Maintenance Staff Service Charge per hour.**
  - (a) From \$75 to \$83 plus materials.

Please contact Todd Strojny, Airport Business Supervisor, if you have questions regarding these requested changes.





HAYWARD CITY COUNCIL

RESOLUTION NO. 19-152

Introduced by Council Member Mendall

RESOLUTION AMENDING THE MASTER FEE SCHEDULE AND APPROVING  
WATER AND SEWER RATES

WHEREAS, Section 15273 of the California Environmental Quality Act Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares and other charges by public agencies which the public agency finds are for the purpose of:

1. Meeting operating expenses, including employee wage rates and fringe benefits,
2. Purchasing or leasing supplies, equipment or materials,
3. Meeting financial reserve needs and requirements, or
4. Obtaining funds for capital projects necessary to maintain service within existing service areas.

WHEREAS, the Council finds and determines that this action is exempt from CEQA based on the foregoing provisions.

WHEREAS, public education in the form of a water bill insert regarding water and sewer rates and fees will be distributed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby amends the Master Fee Schedule and approves the following water and sewer rates of the City of Hayward, a copy of which is on file in the Office of the City Clerk. The approved water and sewer rates shall be effective on October 1, 2019 and October 1, 2020, as shown.

Meter Service Charges

The bimonthly standard meter service charge for all meters inside the City (except temporary service for construction work), based on size of meter, shall be as follows:

	<u>Oct 1, 2019</u>	<u>Oct 1, 2020</u>
5/8" meter	\$28.00	\$32.00
3/4" meter	\$38.07	\$43.51
1" meter	\$57.67	\$65.91
1 1/2" meter	\$126.27	\$144.31
2" meter	\$222.25	\$254.00
3" meter	\$560.88	\$641.00
4" meter	\$1,111.08	\$1,269.80

6" meter	\$1,960.00	\$2,240.00
8" meter	\$2,713.38	\$3,101.00
10" meter	\$3,267.95	\$3,734.80

The bimonthly standard meter service charge for all meters outside the City (except temporary service for construction work), based on size of meter, shall include a 15% surcharge and be as follows:

	Oct 1, 2019	Oct 1, 2020
5/8" meter	\$32.20	\$36.80
3/4" meter	\$43.78	\$50.04
1" meter	\$66.32	\$75.80
1 1/2" meter	\$145.21	\$165.96
2" meter	\$255.59	\$292.10
3" meter	\$645.01	\$737.15
4" meter	\$1,277.74	\$1,460.27
6" meter	\$2,254.00	\$2,576.00
8" meter	\$3,120.39	\$3,566.15
10" meter	\$3,758.14	\$4,295.02

Meter Service Charge for Low Income Customers

Notwithstanding any other provision of the Hayward Municipal Code, Chapter 11, Article 2, the bimonthly meter service charge for Low Income Customers shall be applied by this subsection to any customer that:

- (a) Meets the City income guidelines as defined in the All City Departments section of the Master Fee Schedule; and
- (b) Files with the Revenue Division of the Finance Department a discount application and adequate documentary evidence showing that the applicant meets the provision of subparagraph (a).

The bimonthly meter service charge for Low Income Customers with a standard service (5/8") shall be as follows:

	Oct 1, 2019	Oct 1, 2020
5/8" meter, low income (inside city)	\$9.80	\$11.20
5/8" meter, low income (outside city)	\$11.27	\$12.96

Sewer Service Charges

<b>Residential Service</b>	Monthly Charge	Monthly Charge
	Oct. 1, 2019	Oct. 1, 2020
Standard Residential Unit	\$34.30	\$35.81
Duplex, Triplex, Fourplex (per unit)	\$34.30	\$35.81
Multi-Family (per unit)	\$30.53	\$31.87
Mobile Home (per unit)	\$24.00	\$25.06



Economy (5 to 8 units of metered water usage)	\$17.54	\$16.78
Lifeline (0 to 4 units of metered water usage)	\$8.77	\$8.39

<b>Non-Residential Service - Critical Users</b>		
Constituent/Unit	Sewer Service Charge Oct. 1, 2019	Sewer Service Charge Oct. 1, 2020
Flow - Cost per 100 cubic feet (ccf)	\$2.88165	\$3.08518
Biochemical Oxygen Demand - Cost per pound	\$0.71887	\$0.72029
Suspended Solids - Cost per pound	\$0.89564	\$0.96338

<b>Non-Residential Service - Coded Users</b>				
Customer Classification	Sewer Service Charge Per ccf (with irrigation meter)		Sewer Service Charge Per ccf (without irrigation meter)	
	Oct. 1, 2019	Oct. 1, 2020	Oct. 1, 2019	Oct. 1, 2020
Other/Commercial/Government	\$6.04	\$6.47	\$5.44	\$5.83
Restaurant (w/grease interceptor)	\$8.27	\$8.64	\$7.44	\$7.78
Restaurant (w/o grease interceptor)	\$10.74	\$11.20	\$9.67	\$10.08
Commercial Laundries	\$6.25	\$6.55	\$5.63	\$5.90
Industrial Laundries	\$9.70	\$10.19	\$8.73	\$9.17
Bakeries	\$10.74	\$11.20	\$9.67	\$10.08
Beverage Bottling	\$6.37	\$6.63	\$5.73	\$5.97
Food Manufacturing	\$23.98	\$24.74	\$21.58	\$22.27
Meat Products	\$12.14	\$12.53	\$10.93	\$11.27
Slaughterhouse	\$13.60	\$14.39	\$12.24	\$12.95
Dairy Product Processors	\$9.96	\$10.33	\$8.96	\$9.30
Canning and Packing	\$7.01	\$7.34	\$6.31	\$6.61
Grain Mills	\$9.15	\$9.68	\$8.24	\$8.71
Fats and Oils	\$6.61	\$6.96	\$5.95	\$6.26
Pulp and Paper Manufacturing	\$8.02	\$8.49	\$7.22	\$7.64
Inorganic Chemicals	\$11.01	\$11.80	\$9.91	\$10.62
Paint Manufacturing	\$17.63	\$18.42	\$15.87	\$16.58
Leather Tanning	\$23.35	\$24.27	\$21.02	\$21.85
Fabricated Metal	\$3.28	\$3.49	\$2.95	\$3.14

BE IT FURTHER RESOLVED THAT For the purposes of calculating non-residential sewer connection fees, carbonaceous biochemical oxygen demand (CBOD) and suspended solids (SS) will be reduced by 70% of the estimated actual concentrations in discharge, but not lower than the CBOD and SS for domestic wastewater, that is, 307 milligrams per liter and 258 milligrams per liter respectively. The property will be entitled to discharge CBOD and SS commensurate with the actual estimated concentrations. The volume component will not be reduced and will be charged at 100% of the estimated actual daily discharge. The CBOD and SS reduction is applicable only to an estimated daily discharge of 50,000 gallons or less. Discharge in excess of 50,000 gallons per day from a facility will be subject to a sewer connection fee based on full CBOD and SS concentrations. This provision will be in effect through September 30, 2021.

IN COUNCIL, HAYWARD, CALIFORNIA July 2, 2019

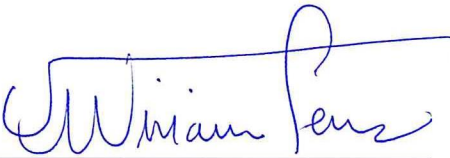
ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Zermeño, Márquez, Mendall, Wahab, Salinas  
MAYOR: Halliday


NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Lamnin

ATTEST:   
City Clerk of the City of Hayward

APPROVED AS TO FORM:

  
City Attorney of the City of Hayward



HAYWARD CITY COUNCIL

RESOLUTION NO. 19-153

Introduced by Council Member Salinas

RESOLUTION AMENDING THE MASTER FEE SCHEDULE  
AND APPROVING RECYCLED WATER RATES AND CONNECTION FEES

WHEREAS, Section 15273 of the California Environmental Quality Act Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares and other charges by public agencies which the public agency finds are for the purpose of:

1. Meeting operating expenses, including employee wage rates and fringe benefits,
2. Purchasing or leasing supplies, equipment or materials,
3. Meeting financial reserve needs and requirements, or
4. Obtaining funds for capital projects necessary to maintain service within existing service areas.

WHEREAS, the City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby amends the Master Fee Schedule and approves the following recycled water rates and connection fees of the City of Hayward, a copy of which is on file in the Office of the City Clerk. The approved recycled water rates and connection fees shall be effective on October 1, 2019 and October 1, 2020, as shown.

Recycled Water Meter Service Charges

The bimonthly standard recycled water meter service charge for all recycled water meters inside the City, based on size of meter, shall be as follows:

	<u>Oct 1, 2019</u>	<u>Oct 1, 2020</u>
5/8" meter	\$28.00	\$32.00
3/4" meter	\$38.07	\$43.51
1" meter	\$57.67	\$65.91
1 1/2" meter	\$126.27	\$144.31
2" meter	\$222.25	\$254.00
3" meter	\$560.88	\$641.00
4" meter	\$1,111.08	\$1,269.80
6" meter	\$1,960.00	\$2,240.00



8" meter	\$2,713.38	\$3,101.00
10" meter	\$3,267.95	\$3,734.80

Recycled Water Usage Rate

	Rate/CCF Oct. 1, 2019	Rate/CCF Oct. 1, 2020
Uniform Tier	\$5.16	\$5.16

Recycled Water Connection Fees

The recycled water connection fees for all new recycled water customers, who are required to connect to the recycled water system as required by the City's Recycled Water Use Ordinance, shall use the same the connection fee for potable water.

IN COUNCIL, HAYWARD, CALIFORNIA July 2, 2019

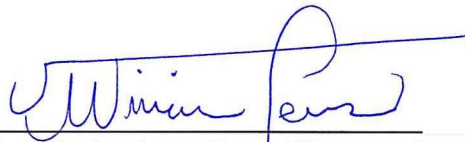
ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Zermeño, Márquez, Mendall, Wahab, Salinas  
MAYOR: Halliday


NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None


ABSENT: COUNCIL MEMBERS: Lammin

ATTEST:   
City Clerk of the City of Hayward

APPROVED AS TO FORM:

  
City Attorney of the City of Hayward



Date: January 29, 2020  
To: Dustin Claussen, Director of Finance  
From: Alex Ameri, Director of Public Works   
Subject: Proposed Revisions to Master Fee Schedule FY 2021 – Water Reconnection

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Department of Public Works and Utilities requests the following changes to the Master Fee Schedule FY 2021 regarding water reconnection services:

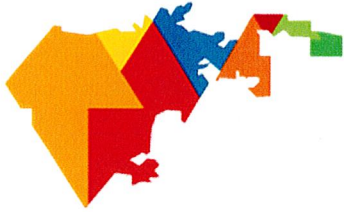
- 1. Revise “After-Hours Meter Activation Fee” to “After-Hours Meter Activation/Unlock Fee.”** No change is proposed to the \$72 fee. This revision clarifies that the fee is applicable to both after-hours activation of a new account and the after-hours unlocking of an account that has been shut off for non-payment. Staff has determined that the level of effort required for both services is similar. This fee is necessary to recover the City’s costs, including overtime personnel expenses, for providing meter unlocking service outside of normal working hours. Senate Bill 998 (SB 998) prohibits water agencies from charging more than \$150 for this service, so the proposed fee at \$72 is within the statutory limit.
- 2. Add “Service Restoration/Unlock Fee” at \$50.** This fee would be charged for reactivating water service, including unlocking the meter if necessary, when an account has been shut off for non-payment. Staff has determined that the level of effort for this service is similar to activation of a new account, for which a fee of \$70 is charged. However, SB 998 prohibits water agencies from charging more than \$50 for reconnection of water service, so staff recommends this amount in order to stay within the statutory limit.

Staff surveyed three neighboring water agencies to compare the proposed fees: East Bay Municipal Utility District (EBMUD); Dublin San Ramon Services District (DSRSD); and Alameda County Water District (ACWD). The results, which are summarized on the following table, indicate that the City’s proposed fees are close to or well below fees for comparable services.

Fee	Hayward	EBMUD	ACWD	DSRSD
<b>After-Hours Unlock Fee</b>	\$72	\$62	\$190	\$360
<b>Service Restoration/Unlock Fee</b>	\$50	\$49	\$109	\$44

Please contact Elli Lo, Management Analyst II, if you have questions regarding these requested changes.





# Memorandum

**DATE:** February 21, 2020

**TO:** Dustin Claussen, Director of Finance

**FROM:** Alex Ameri, Director of Public Works 

**SUBJECT:** Proposed Revisions to Master Fee Schedule FY 2021 – Stormwater Inspection Fees

The Department of Public Works and Utilities requests the following changes to the section of the Master Fee Schedule pertaining to Stormwater Inspection Fees.

The City’s Water Pollution Source Control (WPSC) staff are responsible for inspecting facilities to ensure compliance with all stormwater requirements and regulations. These regulations are intended to minimize the risk of polluted runoff to stormwater drains and ultimately the San Francisco Bay.

Staff has reviewed costs of providing these services and determined that adjustments are appropriate to incorporate updated levels of effort, hourly rate adjustments and overhead charges. In most cases, the recommended increases would not achieve full cost recovery in FY 2021. Staff is proposing that adjustments be reviewed annually and implemented as needed over several years in order to limit the impact on affected businesses.

Recommended adjustments are as follows:

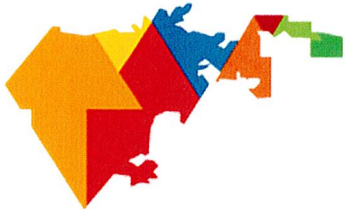
<b>Stormwater Facility Inspections</b>	Current	Proposed
Industrial (under State permit)*	\$303	\$379
Industrial (not under State permit)*	\$303	\$379
Restaurant*	\$196	\$245
Commercial*	\$165	\$206
Stormwater Treatment Measure*	\$352	\$440

\*Fees for these services require higher increases; however, to reduce the impact on businesses, the adjustments have been capped at a maximum of 25%. The need for further adjustments will be reviewed, and appropriate increases proposed, in future years.

The following table compares the City’s proposed fee for Industrial inspections for facilities under the State permit, which is the most common fee category. Staff selected comparable services in other Alameda County cities: Livermore, Oakland, San Leandro; and Dublin. The results indicate that the proposed fees are generally within a reasonable range of those charged by other agencies.

<b>Service</b>	<b>Hayward</b>	<b>Livermore</b>	<b>Oakland</b>	<b>San Leandro</b>	<b>Dublin</b>
Industrial (under State permit)	\$379	\$1,607	\$370	\$204	\$382






# Memorandum

**DATE:** February 21, 2020

**TO:** Dustin Claussen, Director of Finance

**FROM:** Alex Ameri, Director of Public Works 

**SUBJECT:** Proposed Revisions to Master Fee Schedule FY 2021 – Miscellaneous Wastewater Fees

The Department of Public Works and Utilities requests the following changes to the section of the Master Fee Schedule pertaining to Wastewater Discharge Permit Fees and Miscellaneous Charges.

The City’s Water Pollution Source Control (WPSC) staff are responsible for issuing permits and monitoring sanitary sewer discharges from significant industrial users to ensure compliance with all Federal, State, and Local requirements and limits. Depending on the nature and volume of discharge, the permits may be classified as “Categorical” or “Non-Categorical Significant.” Other permits may be issued for special purposes or short term durations. WPSC also monitors discharge from permitted industries and follows up as necessary to ensure compliance with all regulations.

Staff has reviewed costs of providing these services and determined that adjustments are appropriate to incorporate updated levels of effort, hourly rate adjustments and overhead charges. In most cases, the recommended increases would not achieve full cost recovery in FY 2021. Staff is proposing that adjustments be reviewed annually and implemented as needed over several years in order to limit the impact on affected businesses. Approximately 50 industrial customers would be subject to these fees.

Staff is further proposing to add language to the Master Fee Schedule to authorize the City to recover the costs of assisting customers with the cleaning of private sewer laterals. While the City does not have responsibility for maintaining private sewer lines, on occasion, City staff provides assistance in an emergency. The time and resources needed to respond to these situations varies greatly, so staff is recommending that the Master Fee Schedule provide authority to bill customers for actual costs.

Recommended adjustments and additions are as follows:

Wastewater Discharge Permits	New Permit		Permit Renewal		Amendment	
	Current	Proposed	Current	Proposed	Current	Proposed
Categorical*	\$3,103	\$3,879	\$2,131	\$2,664	\$761	\$951
Non-Categorical Significant*	\$2,101	\$2,626	\$1,525	\$1,906	\$594	\$743
Groundwater*	\$1,109	\$1,386	\$594	\$743	\$367	\$459
Non-Sewered Credit	\$334	\$179	\$334	\$179	N/A	N/A
Special Purpose (One-Time)*	\$600	\$750	N/A	N/A	N/A	N/A

Compliance Schedule	Current	Proposed
Compliance Schedule (for Correction of Violations)	\$695	\$695

<b>Wastewater Sampling</b>	Current	Proposed
Composite Sample with Lab Costs	\$580	\$641
Composite Sample without Lab Costs	\$300	\$306
Grab Sample	\$270	\$306
Violation Follow-up Sample with Lab Costs	\$585	\$641
Violation Follow-up Sample without Lab Costs	\$300	\$306
Sampling Equipment Fee	\$25	\$25

<b>Violation Follow-Up Inspection</b>	Current	Proposed
Violation Follow-Up Inspection	\$509	\$558

<b>Development Plan Review</b>	Current	Proposed
Industrial	\$338	\$412
Commercial	\$338	\$412
Residential*	\$206	\$258

<b>Private Sewer Lateral Cleaning</b>	
Assistance with Cleaning Private Sewer Laterals	Actual cost of labor, materials and equipment

\*Fees for these services require higher increases; however, to reduce the impact on businesses, the adjustments have been capped at a maximum of 25%. The need for further adjustments will be reviewed, and appropriate increases proposed, in future years.

The following table compares the City's proposed fees with those of nearby agencies: Oro Loma Sanitary District; East Bay Municipal Utility District (EBMUD); City of San Leandro; and Dublin San Ramon Services District (DSRSD). Each agency recovers these costs in different ways, so exact comparisons are difficult. We have selected the most common types of fees for purposes of this comparison and added notes as necessary to clarify. The results indicate that the proposed fees are generally within a reasonable range of those charged by other agencies.

<b>Service</b>	<b>Hayward</b>	<b>Oro Loma</b>	<b>EBMUD</b>	<b>San Leandro</b>	<b>DSRSD</b>
Categorical Permits – New	\$3,879	\$990 + \$12,464 annual monitoring fee	\$2,810 + \$1,490 monitoring fee	\$1,521+ minimum \$456 annual service charge	\$1,160
Violation Follow-Up Sample	\$585	\$369 + actual lab cost	Based on actual tests	\$1,515	\$395
Violation Follow-Up Inspection	\$558	\$369	\$700	\$314	\$455



# Proposed Master Fee Schedule Fiscal Year 2021

Director of Finance: Dustin Claussen

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## **Introduction**

The Master Fee Schedule Resolution reports fees for services that are provided to our citizens. Fees that do not recover the full cost of providing the service result in a subsidy which shifts funds away from the critical, high priority needs of job creation, public safety initiatives, utility services, and neighborhood programs.

Before a fee increase was considered the Department responsible for the service demonstrated that the services are being provided as efficiently and effectively as possible. There are a minimal number of fees that were considered for an increase in this year's amendment. For these fees, each respective department demonstrated that services are provided in a best practices manner, and that all reasonable opportunities for savings have been exhausted. As a result of this critical analysis, only fees for new programs or services have been added. Additionally, other fees have been lowered, deleted, or to clarify actual fees charged for services.

## **Proposition 26 Review and Compliance**

In November 2010, California voters approved Proposition 26, which amended Article's XIII A and XIII C of the state constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes, which must be approved by the voters, are not disguised as fees, which can be approved by legislative bodies, such as a city council. The proposed Master Fee Schedule (MFS) has been reviewed for compliance with Proposition 26, and in the City Attorney's opinion, the MFS is compliant.



## All City Departments

- A. ADMINISTRATIVE CITATIONS** – Authorized by Hayward Municipal Code (HMC) Article 7 - Administrative Citations have fines set pursuant to Government Code (GC) Section 53069 and 36900. Unless otherwise specified by Ordinance, Fee Schedule or Code, the fine amount for any violation of any section of the Municipal Code shall be:
- |                                    |          |
|------------------------------------|----------|
| 1. First Violation                 | \$100.00 |
| 2. Second Violation                | \$200.00 |
| 3. Third and Subsequent Violations | \$500.00 |
- B. ADMINISTRATIVE HEARING FEE** \$761.00
- C. CD-ROM or DVD** \$20.00 each
- D. DISHONORED OR RETURNED PAYMENT FROM BANK OR CREDIT CARD**
- |  |  |
|--|--|
| 1. <u>If paid within 30 days of notification</u>   | \$25.00 + check amount   |
| 2. <u>If paid after 30 days of notification, subject to forgiveness of all or a portion of the fee by the Director of Finance.</u> | As authorized by California Civil Code 1719, but not less than \$25.00 |

**E. GROSS HOUSEHOLD INCOME**

The State of California annually publishes an Official State Income Limits guideline for each county. This document is available through the California Department of Housing and Community Development website at <http://housing.hcd.ca.gov>. Municipal programs offering income based discounts will use the 'Alameda County - Very Low Income' figures to determine eligibility.

**F. LATE AND DELINQUENT PAYMENTS**

Unless specifically provided otherwise, the manner of payment, delinquency status, and assessment and collection of penalties for delinquent payment of the fees imposed or reflected by this master fee schedule shall be as follows:

- DAILY FEE:** Due on its effective date and delinquent at 5:00 PM on due date.
- MONTHLY FEE:** Due on the first day of each month for which licenses, permits, fees are sought and delinquent at 5:00 PM on the tenth day of the month.
- QUARTERLY FEE:** Due on the first day of the yearly quarter period and delinquent at 5:00 PM on the tenth day of the first month in which the quarterly fee is due.
- ANNUAL FEES:** Due on the first day of the established annual period and delinquent at 5:00 PM on the tenth day of the first month in which the annual fee is due.

A late payment fee of \$5.00 per month shall be applied to all accounts paid after the established due date.

The delinquent account(s) shall be assessed an interest charge of one percent (1%) per month of the unpaid delinquent balance and related interest charge. The interest charge shall be applied to all accounts delinquent for any calendar month or portion of such month, and shall not be prorated.

If the delinquent payment is paid within 30 days of notification, the interest fee may be subject to forgiveness based on hardship. The Director of Finance shall review and document all interest fees not collected.

**G. PHOTOCOPYING OF FILE MATERIALS:**

- |   |  |
|---|--|
| 1. <u>Black and White Copy</u> - 8½ x 11 inches or 8½ x 14 inches | \$0.50 per page for first ten (10) pages of each document<br>\$0.10 each additional page of same document          |
| 2. <u>Black and White Copy</u> – 11 inches x 17 inches            | \$1.00 per page for first ten (10) pages of each document<br>\$0.20 per page each additional page of same document |
| 3. <u>Color Copy</u> - 8½ x 11 inches or 8½ x 14 inches           | \$0.75 per page  |
| 4. <u>Color Copy</u> – 11 inches x 17 inches                      | \$1.50 per page  |

**H. RESEARCH OR ANALYSIS OF RECORDS (involving more than 15 minutes)** \$76.00 per hour (minimum charge \$20.00)

**I. SMOKING ORDINANCE**

- |  |                       |
|--|-----------------------|
| 1. Smokers Violating the Ordinance                                 | \$50.00 per violation |
| 2. Fines for businesses that fail to enforce the smoking ordinance |                       |
| (1) First Offense  | \$1,000.00            |
| (2) Second Offense   | \$1,500.00            |
| (3) Third Offense  | \$2,000.00            |

**J. TOBACCO ORDINANCE**

1. Offense Fees

- |     |                |   |
|-----|----------------|---|
| (1) | First Offense  | \$1,500.00<br>penalty/30 day TRL<br>suspension                  |
| (2) | Second Offense | \$3,000.00<br>penalty/30 day TRL<br>suspension                  |
| (3) | Third Offense  | \$5,000.00<br>penalty/30 day TRL<br>suspension or<br>revocation |
2. Reinspection Fee
- \$117 per visit

## City Clerk

### A. GENERAL SCHEDULE OF CHARGES

1.	Certification of Documents	\$ 13.00	for first page
		\$ 7.00	each succeeding pages
2.	Certificate of Residency	\$ 15.00	per issuance
3.	Photocopying of Public Records		
a.	Black and White Copy	\$ 0.50	per page for the first ten pages
	8½ x 11 inches or 8½ x 14 inches	\$ 0.10	per page for each additional page of same document
b.	Black and White Copy	\$ 1.00	per page for the first ten pages
	11 inches x 17 inches	\$ 0.20	per page for each additional page of same document
c.	Color Copy - 8½ x 11 inches or 8½ x 14 inches	\$ 0.75	per page
d.	Color Copy - 11 inches x 17 inches	\$ 1.50	per page
e.	Photocopying of FPPC Forms/Statements GC 81008	\$ 0.10	per page
4.	Reproduction of DVD of Meetings	\$ 20.00	per DVD
a.	City Council		
b.	Planning Commission		
5.	Publication of "Notice of Intent to Circulate a Petition for Municipal Initiative" (refundable if a sufficient petition is filed within one year) EC 9202 (b)	\$ 200.00	
6.	Candidate Statement (Election Year)		
a.	Publication cost of the candidate's statement in the sample ballot pamphlet		Cost of printing, handling, set by Alameda County Registrar of Voters
7.	Notary Service - G.C. 8211 and 8223	\$ 15.00	per signature

8. Passport Service
- a. Passport Fee
    - \$ 110.00 (age 16 and over);
    - set by and payable to US Department of State \$ 80.00 (under 16)
    - (note: additional \$60 for expedited service)
  - b. Passport Execution Fee \$ 35.00
    - set by US Department of State, payable to City of Hayward
  - c. Express Mail from City of Hayward to US Department of State \$ 24.70
    - set by USPS, payable to City of Hayward
  - d. Express Mail from US Department of State to \$17.13 ~~\$16.48~~
    - Customer set by and payable to US Department of State
  - e. Passport Photo \$ 7.50

## City Manager

### A. ADMINISTRATIVE SERVICES

1. Economic Development Committee Agenda	\$ 4.00 per year
2. Economic Development Committee Minutes	\$ 4.00 per year
3. Economic Profile or Plan	\$ 5.00 each
4. Community Services Commission Agenda	\$ 15.00 per year
5. Community Services Commission Minutes	\$ 15.00 per year
6 . Annual Bonds Issue Fees	1/8 of 1% of bond amount
7. Low Income Mortgage Credit	2% of first year's credit payable as part of State Fee

### B. ECONOMIC DEVELOPMENT

#### Hayward Film Permit

1. Film Permit applications	\$ 125.00 per day
2. Expedited Film Permit (3-5 days)	\$ 250.00 (excludes larger productions)
3. Film Permit (TV series, movies, feature films, pilots)	\$ 175.00 per day
4. Minor Encroachment Permit (filming) – excluding work to be performed by Public Works, i.e. no traffic control plan provided, just review	\$ 834.00 flat fee
5. Major Encroachment Permit (filming) – includes work from Public Works, - traffic control plan	\$ 1,507.00 flat fee
6. Police clearance (filing)	\$ 105.00 hourly
7. Fire Permit (filming)	\$ 100.00 flat fee (does not include cost if presence is required at event)
8. Filming on City Property/ Facilities/Hangars (varies) Airport Property and Hangars- filming and photography requests will be authorized at the discretion of the Airport Manager provided that the requested activity will in no way interfere with the safe, orderly and uninterrupted use of Airport facilities by Airport users or portrays the Airport in a negative manner.	\$ 1,500.00 Daily fee (extra labor, security, engineering or comparable cost are not included)
9. Filming at City Hall	\$ 575.00 Daily fee (does not include cost of guard, janitorial and insurance).

**C. RENT STABILIZATION ADMINISTRATION**

1. Annual Fee per Rental Unit	\$19.00
2. Annual Fee per Covered Rental Unit	\$40.00
3. Annual Fee per Mobilehome Space	\$ 5.00

The fees set forth herein shall be payable immediately and shall be delinquent if not received by the Housing Division on or before 5 p.m., August 31, 2019 for Residential and Mobilehome.

## Development Services Department

### A. Building Permit Fees

#### BUILDING PERMIT FEES CALCULATED BY VALUATION

This includes all new buildings, facilities, additions, tenant improvements and residential remodels

- Valuation is defined as the fair market value of materials and labor for the work.
- Valuation shall be the higher of the stated valuation or the figure from the current International Code Council valuation table below.
- The current ICC Valuation data table below is adjusted with a regional construction cost modifier for the San Francisco Bay Area of 16%\*. *\*Source: The local modifier is 1.16 times the cost per square foot as published in the Building Standards Journal, April 2002 edition.*
- The valuation for tenant improvements, residential remodels or other projects that do not involve new square footage, shall be a minimum of **60%** of the cost per square foot in the valuation table below.

International Building Code Group <small>Building Division staff will help determine the valuation for occupancies or construction types not listed in this table. The values below are based on the February 2015 ICC Building Valuation Data with the Building Standards Journal 16% local cost modifier included.</small>	Construction Type and Minimum Cost Per Square Foot							
	IA	IB	IIA	IIB	IIIA	IIIB	VA	VB
<b>A-1</b> Assembly, theaters, with stage	265.67	256.95	250.68	240.19	225.83	219.32	206.42	198.60
<b>A-1</b> Assembly, theaters, without stage	243.45	234.73	228.45	217.96	203.72	197.21	184.31	176.49
<b>A-2</b> Assembly, nightclubs	205.19	200.51	200.51	194.96	176.30	171.42	159.70	154.27
<b>A-2</b> Assembly, restaurants, bars, banquet halls	205.19	199.35	192.64	186.17	173.98	170.26	157.39	153.11
<b>A-3</b> Assembly, churches	245.86	237.14	230.86	220.38	206.42	199.91	187.02	179.20
<b>A-3</b> Assembly, general, community halls, libraries	205.18	199.46	189.02	179.70	164.41	159.06	145.00	138.34
<b>A-4</b> Assembly, arenas	242.29	233.57	226.13	216.80	201.40	196.05	181.99	175.33
<b>B</b> Business	212.15	204.36	197.57	187.78	171.16	164.72	150.21	143.56
<b>E</b> Educational	223.06	215.15	208.97	199.66	186.44	176.96	162.93	157.97
<b>F-1</b> Factory and industrial, moderate hazard	126.42	120.63	113.48	109.24	97.87	93.45	80.62	75.91
<b>F-2</b> Factory and industrial, low hazard	125.26	119.47	113.48	108.08	97.87	92.29	80.62	74.75
<b>H-1</b> High Hazard, explosives	118.33	112.54	106.56	101.15	91.18	85.60	73.93	N/A
<b>H-2 H-3 H-4</b> High Hazard	118.33	112.54	106.56	101.15	91.18	85.60	73.93	68.06
<b>H-5</b> (HPM) semiconductor fabrication	212.15	204.36	197.57	187.78	171.16	164.72	150.21	143.56
<b>I-1</b> Institutional, supervised environment	211.73	204.02	198.33	188.77	174.64	169.92	156.62	151.64
<b>I-2</b> Institutional, hospitals	357.87	350.07	343.28	333.50	315.69	N/A	294.74	N/A
<b>I-2</b> Institutional, nursing homes	247.74	239.94	233.15	223.37	207.90	N/A	186.95	N/A
<b>I-3</b> Institutional, restrained	241.71	233.93	227.13	217.35	202.47	194.86	181.52	172.54
<b>I-4</b> Institutional, day care facilities	211.73	204.02	198.33	188.77	174.64	169.92	156.62	151.64
<b>M</b> Mercantile	153.83	147.98	141.28	134.80	123.37	119.65	106.78	102.50
<b>R-1</b> Residential, hotels	213.57	205.85	200.16	190.60	176.76	172.04	158.75	153.76
<b>R-2</b> Residential, multiple family	179.08	171.37	165.67	156.11	142.97	138.25	124.96	119.97
<b>R-3</b> Residential, one- and two-family	166.95	162.36	158.35	154.08	148.42	144.55	138.89	130.68
<b>R-4</b> Residential, care	211.73	204.02	198.33	188.77	174.64	169.92	156.62	151.64
<b>S-1</b> Storage, moderate hazard	117.17	111.38	104.24	99.99	88.86	84.44	71.61	66.90
<b>S-2</b> Storage, low hazard	116.01	110.22	104.24	98.83	88.86	83.28	71.61	65.74
<b>U</b> Utility, miscellaneous	90.27	85.23	80.09	76.01	68.70	64.16	54.32	51.77



## **BUILDING PERMIT FEES CALCULATED BY VALUATION**

**This includes all new buildings, facilities, additions, tenant improvements and residential remodels**

*\*All sub-permits (plumbing, mechanical and electrical) are included in the plan check and inspection fees for valuation based projects.*

- Once the valuation for the project is established, use the table below to determine the Building Inspection Fee. Several other fees are based on the Building Inspection Fee and this is outlined on the nextpage.

<b>TOTAL VALUATION (Materials and Labor)</b>	<b>BUILDING INSPECTION FEE</b>
\$1 to \$500	\$29.77
\$501 to \$2000	\$29.77 for the first \$500 plus \$3.87 for each additional \$100 or fraction thereof, to and including \$2000
\$2,001 to \$25,000	\$87.82 for the first \$2000 plus \$17.74 for each additional \$1000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$495.68 for the first \$25,000 plus \$12.80 for each additional \$1000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$815.70 for the first \$50,000 plus \$8.87 for each additional \$1000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$1259.15 for the first \$100,000 plus \$7.09 for each additional \$1000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$4097.18 for the first \$500,000 plus \$6.02 for each additional \$1000 or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$7109.14 for the first \$1,000,000 plus \$4.00 for each additional \$1000 or fraction thereof

## BUILDING PERMIT FEES CALCULATED BY VALUATION\*

This includes all new buildings, facilities, additions, tenant improvements and residential remodels.

\*All sub-permits (plumbing, mechanical and electrical) are included in the plan check and inspection fees for valuation based projects.

### INSPECTION FEES

\*\*Fire re-inspection fees are \$387

\*Hazardous Materials Inspection Fees vary on complexity of project (see Hazardous Materials comments below in Plan Review Fee Section for examples and contacts for estimates.)

<b>BUILDING INSPECTION FEE</b>	Based from Fee Table	\$ _____
<b>**FIRE INSPECTION FEE</b>	Flat Rate	\$221
<b>*HAZ-MAT INSPECTION FEE</b>	Minimum	\$330/inspection
<b>PLANNING + LANDSCAPE INSPECTION FEE</b>	Flat Rate	\$212

### PLAN REVIEW FEES

The Building Plan Check Fee applies to all permits. Other review fees will be applied based on the specific scope of work.

\*Hazardous Materials Review and Inspection fees generally range from \$1,319 for small projects, such as cellular communication sites to \$3,969 for larger or more complex projects, such as those that may have H-Occupancies. Please contact the Hayward Fire Department at (510) 583-4900 for an estimate for your specific project.

<b>BUILDING INSPECTION FEE x 1.0 = BUILDING PLAN CHECK FEE:</b>		\$ _____
<i>Plan Check fees for master plans shall be 1.25 x the BUILDING INSPECTION FEE</i>		
<b>BUILDING INSPECTION FEE x .35 = PLANNING REVIEW FEE:</b>		\$ _____
<b>BUILDING INSPECTION FEE x .35 = FIRE REVIEW FEE:</b>		\$ _____
<b>*HAZ-MAT REVIEW FEE</b>	Minimum	\$165/hour
<b>SOLID WASTE REVIEW FEE</b>	Flat Rate	\$80
<b>BUILDING PLOT PLAN REVIEW FEE</b>	Flat Rate per Plot	\$294
<i>This only applies to production homes.</i>		
<b>PLANNING PLOT PLAN REVIEW FEE</b>	Flat Rate per Plot	\$491
<i>This only applies to production homes.</i>		
<b>FIRE PLOT PLAN REVIEW FEE</b>	Flat Rate per Plot	\$110
<i>This only applies to production homes.</i>		

### ADMINISTRATIVE FEES

Administrative fees apply to all permits. This includes the individual permits not calculated by valuation on the following pages.

<b>BUILDING INSPECTION FEE x .06= TECHNOLOGY FEE:</b>	\$ _____
<b>BUILDING INSPECTION FEE x .16 = POLICY PLANNING FEE:</b>	\$ _____
<b>PERMIT ISSUANCE FEE (Flat Rate Applies to All Permits)</b>	\$147

SMIP FEE RESIDENTIAL: .00013% OF VALUATION	CA BUILDING STANDARDS FEE: \$1.00 (Valuation \$1-25k) \$2.00 (Valuation \$25-50k) \$3.00 (Valuation \$50-75k) \$4.00 (Valuation \$75-100k) Add \$1 per every 25k over 100k	SMIP: \$ _____
SMIP FEE COMMERCIAL: .00028% OF VALUATION		CA BLDG. STANDARDS FEE \$ _____

**BUILDING PERMIT FEE: \$ \_\_\_\_\_**

The Building Permit Fee is defined as the sum of the plan check, inspection, and administrative fees. Some projects will also have impact fees which are calculated separately.

## FLAT RATE PERMIT FEES

These items will also have administrative fees added to the permit. In some cases, hourly plan review fees will also be required.

<b><u>Miscellaneous Permit Fees – Not Calculated by Valuation</u></b>	<b>Unit</b>	<b>Fee</b>
<b>1. Standard Hourly Rate</b> (or fraction thereof) for plan check, inspections or other administrative services	hourly	\$147/hour
a. Overtime Rate for Plan Check or Inspection Services	hourly	\$220.50
<b>2. Revision</b> (permit issuance fee and hourly plan check will also be charged)	hourly	\$147
<b>3. Permit Issuance Fee</b> (applies to all permits)	each	\$147
<b>4. Miscellaneous Items</b> (for items that do not have a set fee)	each	\$147
<b>5. Plot Plan Review</b>		
a. Planning Division Plot Plan Review	each plot	\$441
b. Building Division Plot Plan Review and processing	each plot	\$294
<b>6. Address Assignment</b>		
a. New address	each	\$220.50
b. Accessory Dwelling Unit Address	each	\$73.50
		<b><u>Inspection Fee</u></b>
<b>7. Demolition</b>		
a. Commercial/Residential demolition up to 3,000 square feet	0-3000 sf	\$294
b. Each additional 3,000 square feet	each	\$147
<b>8. Equipment Installation</b>	first piece	\$294
a. Additional Equipment at Same Site	each	\$147
b. Equipment Pad	each	\$220.50
<b>9. Voluntary Residential Seismic Retrofit</b> Using "Plan Set A" Only applies to single family homes with a crawlspace less than or equal to 4 feet high.	each	\$147 Flat Rate - no admin fees
<b>10. Damaged Building Survey</b> Fire, flood, vehicle or similar damage		\$588
<b>11. Patio Covers</b>		
a. Patio Cover (requires drawings and hourly plan check)	each	\$294
b. Enclosed Patio (requires drawings and hourly plan check)	each	\$588
<b>12. Photovoltaic Systems</b>		
a. Residential (for systems that are not flush mounted, hourly plan check fees apply)	each system	\$300 Flat Rate – no admin fees
b. Commercial, up to 50 kilowatts (hourly plan check fees apply)	each system	\$1,000
c. Commercial, each additional kilowatt 51kw-250kw (hourly plan check fees apply)	each kw	\$7
d. Commercial, each additional kilowatt over 250kw (hourly plan check fees apply)	each kw	\$5
<b>13. Residential Package Permits</b>		
a. Tub / Shower Enclosure (includes trades)		\$147
b. Remodel- Complete Bathroom (includes trades)		\$220.50
c. Remodel- Kitchen (includes trades)		\$441
<b>14. Storage Racks</b>		
a. Up to 100 linear feet	first 100 lf	\$441
b. Each additional 100 linear feet	each 100 lf	\$147

## FLAT RATE PERMIT FEES

These items will also have administrative fees added to the permit. In some cases, hourly plan review fees will also be required.

### Plumbing Mechanical & Electrical Fees – Not Calculated by Valuation

#### Unit

#### Inspection Fee

#### 15. Plumbing Permits – Residential (single-family and duplexes)

a. Water Heater	each	\$73.50
b. Fixtures – covers 2 Inspections for any type or number of fixtures	2 site visits	\$147
c. Water Service Repair / Replacement	each	\$73.50
d. Water Pipe (Repair or Replacement)	each	\$147
e. Sewer on private property or Cleanout Installation	each	\$147
f. Sewer Ejector System	each	\$147
g. Solar Water Heating System - <i>Hourly plan check fees may apply for systems that are not flush mounted or have other structural issues.</i>	each	\$147
h. Residential Gas Piping		\$147
i. Residential Gas Test or Meter Reset	each	\$147

#### 16. Plumbing Permits – Commercial + Multi-Family

a. Water Heater (Repair or Replacement)	each	\$147
b. Water Service (Repair or Replacement)	each	\$147
c. Sewer Ejector System	each	\$147
d. Industrial / Commercial Process Piping System	Each 100 linear feet or fraction thereof	\$147/ 100 feet
e. Gas Piping	Each 100 linear feet or fraction thereof	\$147/ 100 feet
f. Gas Test / Meter Reset	each	\$147
g. Sewer on private property or Cleanout Installation	each	\$147
h. Grease Trap	each	\$147
i. Grease Interceptor	each	\$147
j. Vacuum Breaker, Backflow Preventer or Pressure Regulator	each	\$147

#### 17. Mechanical Permits – Residential (single-family and duplexes)

a. Heating and/or Cooling Equipment (including ducts)	each	\$147
b. Wall Furnace	each	\$147
c. Kitchen Hood and Bathroom Vents	each	\$73.50

#### 18. Mechanical Permits – Commercial + Multi-Family

*\*For units over 400 pounds or for replacements that are not in the same location, hourly plan review fees apply.*

a. *HVAC unit (includes all associated sub-permits)	each	\$220.50
b. *Air Handler Unit	each	\$147
c. Vent System	each	\$147
d. Exhaust Hood Replacement (additional hourly plan check may apply)	each	\$147

#### 19. Electrical Permits – Residential (single-family and duplexes)

a. General Electrical Permit - Residential (rough and final)	each	\$220.50
b. Residential E.V. charger	each	\$73.50
c. Service Upgrade – Residential	each	\$73.50
d. Meter Reset	each	\$73.50
e. Temporary Power Installation	each	\$147
f. Minor Residential Electrical Permit (final only- no rough)	each	\$147

## FLAT RATE PERMIT FEES

These items will also have administrative fees added to the permit. In some cases, hourly plan review fees will also be required.

### 20. Electrical Permits – Commercial + Multi-Family

		<u>Inspection Fee</u>
a. General Electrical Permit – Commercial + Multi-Family (rough and final)	each	\$441
b. Commercial E.V. charger (may require additional hourly plan review)	each	\$294
c. Commercial Service Upgrade	each	\$147
d. Commercial Meter Reset	each	\$73.50
e. Minor Commercial Electrical Permit (final only- no rough)	each	\$220.50
f. Signs (illuminated exterior signage)	each	\$147

### Additional Services and Violations – Not Calculated by Valuation

**Unit**                      **Fee**

#### 21. Special Review Services

a. Expedited Hourly Plan Review	hour	\$220.50/hour
b. Expedited Plan Review	each	200% of Plan Review Fee
c. Phased Approval Permits	each	\$588
d. Temporary Certificate of Occupancy	each	\$588
e. Alternate Materials and Methods Review	each	\$588

#### 22. Copies, Re-Print + Change of Contractor

a. Printing Scanned / Archived Drawings	each	\$10 per sheet
b. Job Card / Permit Re-Print	each	\$73.50
c. Change of Contractor	each	\$147

#### 23. Special Inspector Qualification Review

a. Initial Review for Approved Inspector List	each	\$588
b. Renewal Review (after 3 years)	each	\$294

#### 24. Violation Fees

a. Investigation Fee for work done without Permits (in addition to the regular permit fees)	Each project	205% of the Building Permit Fee
b. Filing of Notice of Substandard or Hazardous Structure	hourly	\$147 per hour
c. Removal of Notice of Substandard or Hazardous Structure	hourly	\$147 per hour
d. Placards for Condemnation	hourly	\$147 per hour
e. Notice and Order	hourly	\$147 per hour
f. Stop Work Order / Red Tag	hourly	\$147 per hour

**B. PLANNING**

<b>1. Conceptual Development Review Meeting <del>Pre-Application Meeting</del><sup>1</sup></b>	No charge for 1st meeting.	Subsequent meetings** billed at \$328 per hour
**Subsequent meetings related to same project/project site.		
<b>2. SB330 Preliminary Application</b>	\$ No Charge	1000 Time & Material; Initial Deposit <sup>2</sup>
<b>3. Code Assistance Meeting <sup>1</sup></b>		
<b>4. Review of Business License</b>	\$	82 Per License
<b>5. Annexation Proceedings</b>		
Costs shall also include, but not be limited to, current annexation filing fees established by the Board of Equalization in manner provided by the State Government Code Section 54902.5.	\$	15,000 Time & Material; Initial Deposit <sup>2</sup>
<b>6. LAFCO Utility Service Agreement</b>		
(Preparation and processing of documents in connection with utility service to property outside of the City limits)	\$	5,000 Time & Material; Initial Deposit <sup>2</sup>
<b>7. Environmental/Technical Analysis (Contract) Consultant</b>	\$	5,000 Time & Material; Initial Deposit <sup>2</sup>
<b>8. General Plan Amendment<sup>1</sup></b>	\$	12,000 Time & Material; Initial Deposit <sup>2</sup>
<b>9. Text Change to Zoning Ordinance<sup>1</sup></b>	\$	12,000 Time & Material; Initial Deposit <sup>2</sup>
<b>10. Rezoning and Prezoning (Including New or Major Modification to a Planned Development) <sup>1</sup></b>	\$	12,000 Time & Material; Initial Deposit <sup>2</sup>
<b>11. Rezoning (Planned Development Precise Plan or Preliminary Plan Minor Modification)</b>	\$	6,000 Time & Material; Initial Deposit <sup>2</sup>
<b>12. Conditional Use Permit<sup>1</sup></b>	\$	6,000 Time & Material; Initial Deposit <sup>2</sup>
<b>13. Administrative Use Permit<sup>1</sup></b> a. Livestock		b. Food Vendors

c. Processed Administratively

\$ 500 Per Application

d. Involving Public Hearing

\$ 700 Per Application

\$ 2,000 Time & Material;

Initial Deposit<sup>2</sup>

\$ 6,000 Time & Material;

Initial Deposit<sup>2</sup>

<b>14. Site Plan Review<sup>1</sup></b>	\$	2,000 Time & Material; Initial Deposit <sup>2</sup>
a. Processed Administratively	\$	6,000 Time & Material; Initial Deposit <sup>2</sup>
b. Involving Public Hearing		
<b>15. Variance/Warrants - Processed Administratively</b>	\$	2,000 Time & Material; Initial Deposit <sup>2</sup>
<b>16. Variance/Warrants &amp; Exceptions – Involving Public Hearing</b>	\$	6,000 Time & Material; Initial Deposit <sup>2</sup>
<b>17. Modification of Approved Development Plan – Processed Administratively</b>	\$	2,000 Time & Material; Initial Deposit <sup>2</sup>
<b>18. Modification of Approved Development Plan – Involving Public Hearing</b>	\$	6,000 Time & Material; Initial Deposit <sup>2</sup>
<b>19. Extension of Approved Development Plan/Applications</b>	\$	1,000 Time & Material; Initial Deposit <sup>2</sup>
<b>20. Designation of Historical or Architectural Significance<sup>1</sup></b>	\$	6,000 Time & Material; Initial Deposit <sup>2</sup>
<b>21. Development Agreement</b>		
a. Review of application, negotiation of agreements, processing through Planning Commission and City Council	\$	12,000 Time & Material; Initial Deposit <sup>2</sup>
b. Amendment Processing	\$	6,000 Time & Material; Initial Deposit <sup>2</sup>
c. Annual Review	\$	1,000 Time & Material; Initial Deposit <sup>2</sup>
<b>22. Written Verification of Zoning Designation or Similar Request</b>	\$	500 Per Application
<b>23. Research</b>	\$	164 per hour after first 15minutes
<b>24. Zoning Conformance Permit</b>		
a. Tier One: Apiaries, Unattended Collection Boxes		
		b. Tier Two: Household Pets (when required)
		c. Tier Three: Accessory Dwelling Unit



	\$	210 Per Application
<b>25. Sign Permits</b>	\$	53 Per Application
a. Sign Permit (one business)	\$	328 Per Unit
	\$	327

b. Sign Permit (each additional business – same application)	\$	327
	\$	100 Fee Plus
c. Temporary Sign Permit (Banners, Flags, Streamers, Pennants, Bunting, Searchlights, Inflatable Signs, Human Signs)	\$	200 Deposit*
		*Temporary sign deposits to be refunded upon removal of signage
d. Portable/A-Frame Signs	\$	50 Encroachment Permit
e. Mural Art	\$	50

Note: Revocable Encroachment Permit also applies to Human signs in the public right of way, see Engineering and Transportation section for applicable fee(s).

<b>26. Sign Program</b>	\$	817
<b>27. Appeal Fee for Applicant</b>	\$	6,000 Time & Material; Initial Deposit <sup>2</sup>
<b>28. Appeal Fee Other Than Applicant</b>	\$	400
<b>29. Tentative Tract or Tentative Parcel Map</b>		
a. Processed Administratively	\$	4,000 Time & Material; Initial Deposit <sup>2</sup>
b. Involving Public Hearing	\$	6,000 Time & Material; Initial Deposit <sup>2</sup>
<b>30. Landscape Lighting Assessment District Benefit Zone Annexation &amp; Formation</b>	\$	15,000 Time & Material; Initial Deposit <sup>2</sup> ; plus Consultant Fees
<b>31. Lot Line Adjustment</b>	\$	4,000 Time & Material; Initial Deposit <sup>2</sup>
<b>32. Certificate of Merger or Certificate of Compliance</b>	\$	4,000 Time & Material; Initial Deposit <sup>2</sup>

**33. Security Gate Application**

**34. Street Event Permit**

\$ 1,635

\$ 2,944

The Development Services Director or designee may reduce or waive this fee for certain events. (See *Fee Reduction, Waiver, and Sponsorship for Special Events Policy*)

**35. Tree Preservation**

- a. Annual Pruning Certification \$ 817
- b. Tree removal/pruning\* \$ 490

\*A Minor Encroachment Permit may also be required - see Engineering Services Section

- c. Investigation and Violation Fee for work done without Permits 200% of Tree Permit Fee  
(in addition to the regular permit fees)

**36. Mobilehome Park Closure/Change of Use** \$ 9,814

**37. Inspections - Planning and Landscape**

- a. Code Enforcement Compliance Inspection Fee \$ 125
- b. Landscape Inspection and/or re-inspection fee \$ 164 Per Hour

**38. Policy Planning Fee** 16% of Building Permit Fee

**39. Park Dedication In Lieu Fees**

- a. Single-Family Detached \$ 11,953
- b. Single-Family Attached \$ 11,395
- c. Multi-Family (including accessory dwelling units) \$ 9,653

**40. Affordable Housing Impact Fees**

- 1. Residential Development Projects Ten Units or More
  - a. High-Density Condominiums (35 units per acre or more) \$15.98 ~~\$15.12~~/Square Foot of Habitable Space\*
  - b. All other Dwellings Unit Types \$19.37 ~~\$18.33~~/Square Foot of Habitable Space\*

\*Note: Affordable housing in -lieu fees shall be paid either prior to issuance of a building permit or prior to approval of a final inspection or issuance of an occupancy permit. Fees paid at occupancy shall be increased by 10 percent to \$ 17.58/sq. ft. of habitable space for high density condominiums and to \$21.31/sq. ft. of habitable space for all other dwelling unit types.

- 2. Residential Development Projects-Two to Nine Units  
Projects of two to nine units shall pay the following

<u>Number of Units in the Project</u>	<u>Percentage of Calculated Fee</u>
2	50%
3	67%
4	75%
5	80%
6	83%
7	86%
8	88%
9	89%

- 3. Fractional Units

If an applicant provides on-site Affordable Units under Chapter 10, Article 17 of the Hayward Municipal Code

Fractional Unit/Total Affordable Unit Requirement x Per Square Foot Fee x Total Habitable

4. Applications for Residential Development Projects of Two or More Units Deemed Complete as of November 28, 2017

Projects receiving all discretionary approvals by February 1, 2018: Affordable Housing Impact Fees in effect on December 20, 2017.

Projects not receiving all discretionary approvals by February 1, 2018, provided that all discretionary approvals and building permit(s) are obtained within two (2) years of December 20, 2017: 50% of the Affordable Housing In-Lieu Fee calculated under either Section 3(1) or Section 3(2) of RES 17-167, as applicable

b. depending on the size of the project.

<sup>1</sup> It is recommended that major projects be reviewed at a Pre-Application Meeting prior to submittal of a Development Review Application. A Code Assistance Meeting is also recommended involving project design to allow professionals to address technical code questions.

<sup>2</sup> This is an initial deposit only to cover staff labor hours and materials. The hourly rate may vary by department; the hourly rate of Planning staff is \$164. Materials being deducted from deposits may include costs associated with the distribution of required public noticing, such as legal ads and post cards; an overhead charge of \$0.10 per post card (in addition to applicable postage costs) will be applied to cover material and administrative costs. If during the review of the project the Planning Director estimates that the charges will exceed the deposit, additional deposit(s) will be required. Also, the Planning Director may authorize a lesser initial deposit than shown if he/she determines that processing of an application will not entail need for the full initial deposit. Prompt payments of deposits or outstanding fees owed in association with the application will assure continued staff review of the project. Any surplus deposit remaining shall be refunded promptly upon project completion.

**C. CODE ENFORCEMENT – COMMUNITY PRESERVATION PROGRAM**

**1. Request for Postponement of Inspection**

- a. First Request No Charge
- b. Second Request No Charge + \$400 penalty
- c. Third Request No Charge + \$800 penalty
- d. "No Show" for Inspection Appointment \$ 392 + \$1,600 penalty

**2. Violation of Community Preservation, Sign, Vehicle, Weed Abatement, Building, Public Nuisance, Zoning Ordinances, and HMC Code violations**

- a. First Violation
  - (1) Initial inspection No Charge
  - (2) Reinspection shows violation eliminated No Charge
  - (3) Reinspection shows violation still exists \$ 626 + \$400 penalty
  - (4) Second inspection violation still exists \$ 626 + \$800 penalty
  - (5) Third, Fourth, Fifth and Subsequent inspection shows violation still exists \$ 626 + \$1,600 penalty
- b. Subsequent violation(s)
  - (1) Initial inspection and notices \$ 743 + \$800 penalty
  - (2) Each subsequent inspection violation still exists \$ 626 + \$1,600 penalty
- c. Abatement costs (per parcel) \$ 1,325 plus contractor costs
- d. Lien/Special Assessment (per parcel) \$ 1,811 per parcel

**3. Hearing Fee: (Administrative, Special Assessment, Administrative Citation, and Lien Hearings)**

\$ 946 per Hearing

**4. Egregious Violation(s) Penalties**

On-going health and safety violations, public nuisances and illegal uses, including but not limited to: garage conversion, room additions, accessory structures, construction without permits, home occupation, use permits or site plan review, unpermitted uses related to environmental hazards.

- a. Tier 1 for first verified violation(s) \$ 1,500
- b. Tier 2 for second verified violation(s) \$ 3,000
- c. Tier 3 for third and subsequent verified violation(s) \$ 5,000

**5. Tobacco Retailer License, Initial or Renewal Fee**

- a. First Offense \$ 400 annual fee
- b. Second Offense \$ 1,500 penalty/30-day TRL suspension
- c. Third Offense \$ 3,000 penalty/30-day TRL suspension
- Resinspection Fee** \$ 5,000 penalty/30-day TRL suspension
- \$ 117 Per visit

**6. Cannabis Licensing Program, License Renewal, Inspection, Penalties Fees**

- a. Annual Commercial Cannabis Permit Fee:
- b. Program Fees:
  - 1) Initial Inspection, no violation found
  - 2) Initial Inspection, violations found
  - 3) 2nd reinspection, no violations found
  - 4) 2nd reinspection, violations found
  - 5) 3rd & subsequent reinspection, no violations
  - 6) 3rd & subsequent reinspection, violations found
  - 7) Subsequent Violations
  - 8) Subsequent reinspection, no violations found
  - 9) Subsequent reinspection, violations found

\$ 15,000  
 \$ -  
 \$ 5,000  
 \$ 500  
 \$ 10,000  
 \$ 500  
 \$ 15,000  
 \$ 10,000  
 \$ 500  
 \$ 15,000

minimum  
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+ \$500 reinspection fee



10) Any required inspections after the initial inspection greater than three hours will be assessed an hourly code enforcement inspection fee of \$200/hr.

c. Work Permit Application Fee		
Initial Application Fee (Including, but not limited to, Fingerprints, Live Scan, and Badge)	\$	299
d. Renewal Fee w/o Live Scan	\$	160

**7. Grading or Encroachment Permit**

a. Code violation illegal project, penalty fee may be applied daily	\$	125
b. Code Enforcement Investigations fees, for permit not yet obtained	\$	2,000

**8. Building Violation Fees**

a. Investigation Fee for work done without Permits (in addition to the regular permit fees)		200% of Building Permit Fee
b. Filing of Notice of Substandard or Hazardous Structure	\$	164 per hour
c. Removal of Notice Substandard or Hazardous Structure	\$	164 per hour
d. Placards for Condemnation	\$	164 per hour
e. Notice and Order	\$	164 per hour

**D. CODE ENFORCEMENT - RENTAL HOUSING & HOTEL INSPECTION PROGRAM**

**1. Annual fee for rental housing, hotel or motel**

- a. Single-family, duplex, triplex, or fourplex \$ 88
- b. Five or more units \$ 22 Per Unit

**2. First request for postponement of initial inspection or progress check No Charge**

**3. Inspection, report and enforcement actions pursuant to HMC, Ch. 9, Art. 5, rental unit parcels**

- a. Initial inspection, no violations found Included in Annual Fee
- b. Initial inspection, violations found \$ 350
- c. First Progress Check, violations corrected No charge
- d. First Progress Check, violations not corrected \$ 350
- e. Second Progress Check \$ 350 + \$400 penalty
- f. Third Progress Check \$ 350 + \$800 penalty
- g. Fourth and Subsequent Progress Check \$ 350 + \$1,600 penalty

**4. Initial Inspection or Progress Check, No Access or Re-schedule**

- a. First Site Visit \$ 116 + \$400 penalty
- b. Second Site Visit \$ 116 + \$800 penalty
- c. Third and Subsequent Site Visit \$ 116 + \$1,600 penalty

**5. Rent Control De-regulation Inspection pursuant to Ordinance No. 83-023 as amended.**

- a. Initial inspection/survey and One Re-inspection \$ 700
- b. Additional Re-inspections \$ 350 per inspection

**6. Lien/Special Assessment \$ 1,811 per parcel**

**7. Administrative Hearing Fee \$ 946**

## Engineering and Transportation Services

### A. AIRPORT SERVICES

#### 1 Monthly and Daily Fees for Aircraft Parking and Storage.

#### **Aircraft Hangar Waiting List Application Refundable Deposit of \$100.00**

	<u>Monthly Charges</u>
a. Hangar Space	
(1) Small T-Hangars	\$287.00 <del>\$280.00</del>
(2) Standard T-Hangars	\$433.00 <del>\$412.00</del>
(3) Large T-Hangars	\$553.00 <del>\$539.00</del>
(4) Small Executive Hangar	\$958.00 <del>\$935.00</del>
(5) Standard Executive Hangars	\$1,326.00 <del>\$1,294.00</del>
(6) Large Executive Hangars	\$1,447.00 <del>\$1,411.00</del>
b. Hangar Storage Rooms	
(1) Small	\$73.00
(2) Medium	\$101.00
(3) Large	\$196.00
(4) Extra Large	\$250.00
c. Office Spaces	\$650.00
d. Tie Downs (Aircraft Gross Weight/Wing Span)	
(1) Single Engine 3,500 lb and Single Engine Helicopters	\$60.00
(2) Twin Engine 12,500 lb. less than 50 ft and Twin Engine Helicopters	\$75.00
(3) 12,501 - 25,000 lb. more than 50 ft	\$108.00
(4) 25,001 - 75,000 lb	\$161.00
(5) Excess of 75,000 lbs	\$216.00
e. Transient Overnight Tie Downs (Aircraft Gross Weight/Wing Span)	
First Four (4) Hours Free	
	<u>Daily Charge</u>
(1) Single Engine 3,500 lb. less than 40 ft	\$6.00
(2) Twin Engine 12,500 lb. less than 50 ft and all Helicopters	\$8.00
(3) 12,501 - 25,000 lb. more than 50 ft	\$12.00
(4) 25,001 - 75,000 lb	\$23.00
(5) Excess of 75,000 lbs	\$29.00
(6) Lighter-than air Airships	\$20.00

Effective July 1, 1997 a late charge of \$15.00 or 5% of the monthly rent per month, whichever is greater, shall be assessed if rent is not paid within ten

f. (10) days of its due date (does not apply to daily rent).

- i. Effective July 1, 1997, if the service of a member firm of the California Association of Photocopies and Process Servers must be utilized, a \$50 fee shall be charged to the individual or business necessitating said process service.
- j. The City shall charge a fee equal to the sum of the following: Five cents for each gallon of petroleum products delivered during the previous calendar month from the Leased Premises, or an amount equal to a 3 percent of the gross receipts (including fuel and gasoline taxes for which Lessee sold fuel products during the previous calendar month on or from the Airport, whichever amount is greater.
- k. All month-to-month Airport leases shall include a security deposit equal to one month's rent.

2 Permits

	<u>Annual</u>
a. Airport Annual Business Permit	\$120.00
b. Taxiway Access Permit	\$786.00

3 Airport Land Values

Airport Land Value is on file in the Airport Administration Office and available for review.

4 Gate Access Cards

Initial Issue for Airport Tenants	Free
Initial Issue for non-direct Airport Tenants	\$41.00 <del>\$35.00</del>
Replacement	\$41.00 <del>\$25.00</del>

5 Hangar Padlock Keys

Duplicate Key	\$12.00 <del>\$5.00</del>
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6 Chocks and Chains Replacement

\$60.00

7 Landing Fee

Commercial aircraft operations (shall include landings of all non-based general aviation aircraft that conduct air taxi, charter or cargo operations under FAR Part 121 or Part 135) based on maximum certificated gross landing weight:

	Per Landing	Daily	Monthly
0 - 3,500 pounds	\$2	\$5	\$13
3,501 - 6,250 pounds	\$4	\$10	\$26
6,251 - 12,500 pounds	\$8	\$20	\$52
12,501 - 25,000 pounds	\$16	\$40	\$104
25,001 - 50,000 pounds	\$32	\$80	\$208
50,001 pounds and above	\$64	\$160	\$416

8 Hangar Exchange		
Administration Fee for Exchange between Tenants (each Tenant)		\$60.00
Administration Fee for Exchange into Vacant Hangar		\$60.00
9 Tie-Down Exchange		
Administration Fee to Exchange tie-down spaces		\$25.00
10 Vacated Hangar Cleanup		
Cleanup and disposal of items, minimum charge of 2 hours (per person	\$166.00	<del>\$150.00</del>
Additional hours, hourly rate	\$83.00	<del>\$75.00</del>
11 Ramp Sweeping Services, hourly rate		\$90.00
12 Maintenance Staff Service Charge per hour		\$83.00 <del>\$75.00</del> plus materials
13 Airport Administration Building Meeting Room		
Non-profit Aviation organization charging no fee to the public	No Charge	
For-profit Aviation organization charging a fee to the public	\$	200.00 /day
14 Airport Project Administration Fee		\$5,000

**B. ENGINEERING SERVICES**

1.	Publication		
	a. Standard Detail	\$	34.00
	b. "No Parking" Signs	\$	25.00
	c. Copy and print full size prints (24x36) first 10 pages (fee is per page)	\$	5.00
	d. Copy and print full size prints (24x36) 11+ pages (fee is per page)	\$	2.00
2.	Survey		
	a. Curb and gutter staking, up to 100 linear ft.	\$	851.00
	b. Curb and gutter staking: after 100 linear feet – each additional 50 linear feet	\$	372.00
	c. Grade calculations and cut sheets per location	\$	372.00
	d. Form checking: up to 100 linear feet	\$	761.00
	e. Form checking: after 100 linear feet – each additional 50 linear feet	\$	190.00
3.	Sidewalk Rehabilitation Program		
	a. Single Family Residential lots	\$	550.00
	b. Multi Family with 1 or 2 damaged locations	\$	550.00
	c. Additional locations	\$	550.00
4.	Major Street Improvement Plan Review	\$ 2,520.00	(Deposit – T&M)
5.	Encroachment Permit Application - Minor Work	\$ 327.00	Plus Public Works inspection fee
	a. Concrete		
	(1) Curb, gutter, and/or sidewalk (including driveway) first 100 linear feet	\$	425.00
	(2) Each additional 100 linear feet or fraction thereof	\$	425.00
	(3) Driveway, handicapped ramp, curb return	\$	309.00
	(4) Planter strip fill (each property)	\$	154.00
	b. Drainage		
	(1) Drainage system and appurtenance, first 100 linear feet	\$	541.00
	(2) Each additional 100 linear feet or fraction thereof	\$	425.00
	(3) Drainage tie-in to existing structures	\$	425.00
	(4) Non-standard structures (other than above)	\$	541.00
	(5) Manholes, vaults, area drains, storm water inlets, other standard structures	\$	541.00
	(6) Storm Water Interceptors	\$	541.00
	c. Street Work & Miscellaneous		
	(1) Street trenches or bores up to 100 linear feet	\$	425.00
	(2) Each additional 100 linear feet or fraction thereof	\$	309.00

(3) Street cuts, other, up to 100 square feet	\$	425.00
(4) Each additional 100 sq. feet or fraction thereof	\$	309.00
(5) Temporary placement of Debris Box or Storage Container within public right-of-way. (cost per month)	\$	270.00
(6) Sidewalk area obstruction fee, first week only	\$	579.00
a. Sidewalk area obstruction fee, each additional week or fraction thereof	\$	115.00
(7) Compaction tests - each test as required per hour		
(8) Temporary lane closure only (no construction), first week only	\$	309.00
a. Temporary lane closure only (no construction), each additional week or fraction thereof	\$	115.00
d. Monitoring well inspection and plan review		
(1) First well		
(a) Inspection	\$	425.00
(b) Plan Review	\$	534.00
(2) Each additional well within same general location		
(a) Inspection	\$	193.00
e. Utility Services – New or Repaired		
(1) Each new or replaced utility pole location, guy wire, etc	\$	309.00
(2) Each utility service connection in sidewalk or street (gas, electric, telephone, etc.)	\$	425.00
f. Sanitary Sewers		
(1) Sanitary Sewer Laterals		
(a) From main in street or easement to building up to 100 linear feet	\$	541.00
(b) Each additional 100 linear feet or fraction thereof	\$	309.00
(c) Add for monitoring structure if required	\$	541.00
(d) From existing stub at right-of-way to building up to 100 linear feet	\$	425.00
(e) Each additional 100 linear feet or fraction thereof	\$	309.00
(f) Each building sewer repair or replacement		
(i) In public right-of-way, complete	\$	541.00
(ii) In private property (no street evacuation)	\$	425.00
(2) Sanitary Sewer Building Court Mains		
(a) Each building court main when plan, profile and cut sheet are required, initial	\$	541.00
(b) Each additional 100 feet or fraction thereof	\$	309.00
(c) Each building court main when plan only is required for initial 100 feet or less	\$	483.00
(d) Each additional 100 feet or fraction thereof	\$	309.00
g. Additional Inspections		
For any public works encroachment permit on which an unreasonable number of inspections are required, an additional fee per inspection will be charged for each inspection over and above the number deemed reasonable by the City Engineer.		



h. Permit Amendment Fee (extensions for expired permit, additional permits not originally obtained, etc.)	\$ 147.00 (Per Occurrence)
6. Encroachment Permit Application – Major Work (road closures, traffic control, more than 500 linear feet of work, etc.)	\$ 4,000 (Deposit – T&M)
7. Development Plan Review	
a. Parcel Map Application	\$ 5,000.00 <del>\$2,000.00</del> (Deposit – T&M)
b. Final Map Application	\$ 15,000.00 <del>\$6,000.00</del> (Deposit – T&M)
c. Grading Permit Application	\$ 4,000.00 (Deposit – T&M)
d. Geologic Investigation and Report Peer Review	\$ 4,000.00 (Deposit – T&M)
8. Penalties	
Failure to comply with this notice will result in further enforcement action by the Code Enforcement Division including, but not limited to; additional permit, inspection and penalty fees, and/or other available legal remedies.	
a. Public Works penalty for work in public right-of-way or grading without a permit	\$ 2,000.00
b. Code violation illegal project, penalty fee may be applied daily	\$ 125.00
c. Code Enforcement Investigation fees for permit not yet obtained	\$ 2,000.00
9. Dig-Once Policy	
a. Engineering Plan Review	\$ 2,500.00 (Deposit – T&M)
b. Moratorium Override Request Fee	\$ 5,000.00 (Deposit – T&M)
10. Section 7-4 Wireless Communication Facilities	
a. Wireless Communication Facilities in the Public Right of Way (WCR PROW)	
(1) WCF PROW Permit Application Fee	\$ 2,000.00 (Deposit – T&M)
(2) Renewal Fee	100% of Application Fee
(3) Appeal Fee	\$ 400.00
(4) Application Pre-Submittal Review Fee	No Charge
b. Small Cell Master License Agreement (MLA)	
(1) MLA Processing	\$ 4,000.00 (Deposit – T&M)
(2) Pole License Administrative Fee	\$ 2,500.00 (Deposit – T&M)

## Finance

### A. ASSESSMENT DISTRICT FEES

1. Establishment Fee (applicable to all districts petitioned or requested after September 9, 1988) \$3,084.00
2. Annual Administration Fee (applicable to all districts) \$2,934.00
3. Bond Call Fee (applicable to all districts) \$302.00
4. Annual Adjustment: The 3 fees listed above shall be adjusted annually. Each fee shall increase by the lesser of: (1) 5% or (2) the percentage of increase, if any, in the San Francisco Bay Area Consumer Price Index (CPI-U) or (3) the City's actual incremental cost. When the 3 fees are adjusted, the adjusted fees shall become the new base. The for the San Francisco Bay Area in effect at the time of each annual updating of the Master Fee Resolution shall be used in determining each set of annual adjustments. Calculated Adjustment
5. Irrevocability of the Establishment Fee: Whether or not a proposed local improvement district becomes legally established, the Establishment Fee applies as the City's charge for initiating the transaction. Same as amount paid in A (1)
6. Special Assessment Inquiries \$26.00 each
7. Secondary Disclosure Reporting \$256.00/  
District

**B. OPERATING PERMITS**

1.	<u>Bingo Permit</u> (Reference HMC 4-3)	
a.	Initial or renewal Fee	\$28.00
2.	<u>Card Club Permit</u> (Reference HMC 4-3)	
a.	Application Fee	\$94.00
b.	Annual Table Fee	\$8,693.00 per table
3.	<u>Closeout Sale Permit</u> (Reference HMC 6-4)	
a.	Initial Fee	\$24.00
b.	Renewal	\$24.00
4.	<u>Cabarets and Dance Licenses and Permits</u> (Reference HMC 6-2)	
a.	Annual License (payable quarterly in advance)	\$315.00 per year
b.	Single Event Permit	\$105.00
5.	<u>Preferential Parking Permit</u> (Reference Hayward Traffic Regulations Section 3.95 and Hayward Traffic Code 6.36)	
a.	Initial Fee and Biennial Renewal Fee (for up to two residential or visitor permits)	\$47.00
b.	Each additional residential permit	\$23.00
c.	Each additional visitor permit	\$23.00
d.	Permit Replacement fee	\$23.00
6.	<u>Peep Show Permit</u> (Reference HMC 6-9)	
a.	Peep Show Device	Time & Material
b.	Investigation Fee	Time & Material
7.	<u>Tobacco Retailer License</u> (Reference HMC 10-1.2780)	
a.	Initial or renewal Fee	\$400.00

**C. MISCELLANEOUS FEES**

1.	Monthly Listing of New Hayward Based Businesses	\$15.00 per month
2.	Business Verification/Ownership Research	\$23.00 per business
3.	Parking Tax Offset Fee	\$2.50
4.	Online Credit/Debit Card Payment Transaction Fee	\$3.95 per transaction
5.	Business License Application Fee	\$25.00 per application
6.	Business License Technology Fee	\$10.00 per business
7.	Chargeback/Returned Payment Fee	\$35.00 <del>\$25.00</del> per chargeback

## Fire Department

### A. FIRE PREVENTION

Standard Hourly Rate	per hour	\$221.00
OVERTIME (AFTERHOUR INSPECTION)	per hour	\$331.00
Expedited Plan Review (2 hour minimum)	per hour	\$331.00

#### New Fire Sprinkler Systems PLUS Hydraulic Calculation Fee\* (See Below)

1-29 Heads	per floor or system	\$1,548.00
30-100 Heads	per floor or system	\$1,880.00
101-200 Heads	per floor or system	\$2,101.00
201-350 Heads	per floor or system	\$2,433.00
351+ Heads	per floor or system	\$2,986.00

#### Fire Sprinkler — Tenant Improvements (PLUS Hydraulic Calculation Fee\*, if applicable)

LESS THAN 30 HEADS W/ NO HYDRO - Minor plan check required-only one inspection		\$663.00
LESS THAN 30 HEADS WITH HYDRO - Minor plan check required-only one inspection		\$885.00
Minor plan check required-only one inspection		
30-100 Heads	per floor or system	\$1,659.00
101-200 Heads	per floor or system	\$2,101.00
201-350 Heads	per floor or system	\$2,433.00
351+ Heads	per floor or system	\$2,986.00

#### Tract Review – Fire Sprinkler Master Plan Check PLUS Hydraulic Calculation Fee\*

Duplicate TRACT Plan Check 13D SYSTEM (SFD/TOWNHOUSE)	See above	
Duplicate TRACT Plan Check 13 SYSTEM (BUILDING) - 200 Heads and Below	per floor or system	\$885.00
Duplicate TRACT Plan Check 13 SYSTEM (BUILDING) - 201 – 350 Heads	per floor or system	\$1,106.00
Duplicate TRACT Plan Check 13 SYSTEM (BUILDING) - 351+ Heads	per floor or system	\$1,327.00
	per floor or system	\$1,548.00

#### Additional Fire Sprinkler Review Items

Hydraulic Calculation*	per remote area	\$885.00
Antifreeze System	per system	\$1,659.00
Dry Pipe Valve	per valve	\$1,770.00
Deluge/Pre Action	per valve	\$2,101.00
Pressure Reducing Station	per valve	\$2,433.00
Fire Pump	per pump	\$2,876.00

#### Water Storage Tank

Gravity	per tank	\$1,659.00
Pressure	per tank	\$1,659.00

#### Fire Standpipe System

Class I, II, III & Article 81	per standpipe	\$1,991.00
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#### Fire Alarm System -New

0-15 Devices*	per system	\$1,106.00
16-50 Devices	per system	\$1,548.00
51-100 Devices	per system	\$1,991.00
101-500 Devices	per system	\$2,433.00
Each additional 25 devices up to 1,000	per system	\$1,106.00
1001+	per system	\$4,425.00
Each additional 100 devices	per system	\$2,212.00

\*Devices=All Initiating and indicating appliances, including Dampers

Existing system under 8 devices		\$663.00
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#### Additional Fire Alarm Review Items

Hi/Lo Alarms	each	\$1,216.00
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Low Air/Temp Alarms	each	\$1,216.00
Graphic Annunciator Review	each	\$1,216.00
<b>Hazardous Activities or Uses</b>		
Installation Permits		
Clean Agent Gas Systems	each	\$1,216.00
Dry Chemical Systems	each	\$1,216.00
Wet Chemical/Kitchen Hood	each	\$1,216.00
Foam Systems	each	\$1,216.00
Paint Spray Booth	each	\$1,216.00
Vehicle Access Gate	each	\$553.00
Monitoring	each	\$663.00
Aboveground—Flammable/Combustible Liquid Tank and/or Pipe	per site	\$1,106.00
Underground—Flammable/Combustible Liquid Tank and/or Pipe	per site	\$1,106.00
Fuel Dispensing System Complete	per site	\$1,216.00
High Piled/Rack/Shelf Storage	each	\$1,438.00
Smoke Control CFC	each	\$1,438.00
Medical Gas Alarms	per system	\$1,216.00
Refrigerant System	each	\$1,106.00
Refrigerant Monitoring System	each	\$1,216.00
<b>AMMR Review</b>		
Activity Permits (Single Event/One-Time)	each	\$663.00
Open Flames and Candles (105.6.32)	per permit	\$885.00
Carnivals and Fairs (105.6.4)	per permit	\$1,106.00
Seasonal Lots (Christmas Tree/Pumpkin Lot)	per permit	\$221.00
Special Events (Haunted House/Camps)	per permit	\$221.00
Explosives (105.6.14)	per permit	\$1,106.00
Fireworks; Displays (105.6.14)	per permit	\$1,106.00
Hot-Works Operations (105.6.23)	per permit	\$885.00
LP-Gas (105.6.27)	per permit	\$1,106.00
Liquid or Gas-Fueled Vehicles or Equipment in Assembly Buildings (105.6.26)	per permit	\$1,106.00
Covered Mall Buildings (105.6.9)	per permit	\$1,106.00
Open Burning (105.6.30)	per permit	\$1,106.00
Pyrotechnical Special Effects Material (105.6.36)	per permit	\$1,106.00
Temporary Membrane Structures, Tents and Canopies (105.6.43)		
Small Tent Structure ( 750 Sq. Ft. or less)	per permit	\$526.00
Large Tent Structure (751 Sq. Ft. or above)	per permit	\$647.00
Fire Safety Inspections	per application	\$885.00
Non-Compliance Inspections	per inspection	\$885.00
Outside Agency	per inspection	\$885.00
<b>Facility Inspections</b>		
Annual State-Mandated Pre-Inspections (6 or less Occupants)	per facility	\$50.00
Annual State-Mandated Pre-Inspections (7 or more Occupants)	per facility	\$100.00
Apartments		
16-100 units More	per facility	\$885.00
than 100 units	per facility	\$1,106.00
24 Hour Community Care Facilities		
7 to 49	per facility	\$414.00
50 or More	per facility	\$885.00
Day Care Centers		
Residential 9-14	per facility	\$221.00
Commercial 15+	per facility	\$442.00
High Rise Building	per facility	\$1,327.00
Homes for the Mentally Impaired (7 or more Occupants)	per facility	\$885.00
Hospital and Jail	per facility	\$1,991.00

Hotels/Motels	per facility	\$885.00
School	per facility	\$995.00
<b>Reports</b>		
Life Safety Report	per report	\$0.50/page for first ten (10) pages of each document \$0.10 each additional page of same document
Life Safety Report Photographs	per photograph set	Direct cost of Duplication
Subpoenaed Reports	per report	\$0.50/page for first ten (10) pages of each document \$0.10 each additional page of same document
<b>Other Fire Fees</b>		
Underground Fire Service Plan Check	each	\$1,991.00
Emergency Underground Repair	each	\$663.00
Hydrant Flow Test (existing Hydrants)	each	\$774.00
Fire Plans Examiner Miscellaneous	each	\$331.00
Re-Inspection Fee	per hour	\$387.00
False Alarm Response *	per billed incident	\$995.00
Fire Hydrants	per hydrant	\$221.00
Re-roofing Permits /Siding/Windows (Applicable only in Wildland/Urban Interface)	per application	\$110.00
Fire Permit Extension Fee	per 6-monthextensio	\$110.00
Pre-Application/General Plan Review/Code Assistance	per meeting	\$885.00
Planning/Engineering Referrals (HWD)	per application	\$885.00
Business License Reviews	each	\$774.00
Fairview Planning Referrals	each	\$331.00
Fairview New Construction	per application	\$995.00
<b>Annual Permits</b>		
Aerosol Products (105.6.1)	per year	\$1,106.00
Amusement Buildings (105.6.2)	per year	\$885.00
Aviation Facilities (105.6.3)	per year	\$885.00
Carnivals and Fairs (105.6.4)	per year	\$885.00
Cellulose Nitrate Film (105.6.5)	per year	\$885.00
Combustible Dust-Producing Operations (105.6.6)	per year	\$885.00
Combustible Fibers (105.6.7)	per year	\$885.00
Compressed Gases (105.6.8)	per year	\$885.00
Covered Mall Buildings (105.6.9)	per year	\$2,433.00
Cryogenic Fluids (105.6.10)	per year	\$885.00
Cutting and Welding (105.6.11)	per year	\$885.00
Dry Cleaning Plants (105.6.12)	per year	\$885.00
Exhibits and Trade Shows (105.6.13)	per year	\$885.00
Explosives (105.6.14)	per year	\$885.00
Fire Hydrants and Valves (105.6.15)	per year	\$885.00
Flammable and Combustible Liquids (105.6.16)	per year	\$885.00
Floor Finishing (105.6.17)	per year	\$885.00
Fruit and Crop Ripening (105.6.18)	per year	\$885.00
Fumigation or Thermal Insecticide Fogging (105.6.19)	per year	\$885.00
Hazardous Materials (105.6.20)	per year	\$885.00
HPM facilities (105.6.21)	per year	\$1,106.00
High-Piled Storage < 12000 SF (105.6.22)	per year	\$885.00

High-Piled Storage > 12000 SF (105.6.22)	per year	\$1,106.00
Hot-Works Operations (105.6.23)	per year	\$885.00
Industrial Ovens (105.6.24)	per year	\$885.00
Lumber Yards and WoodWorking Plants (105.6.25)	per year	\$885.00
Liquid or Gas-Fueled Vehicles or Equipment in Assembly Buildings (105.6.26)	per year	\$885.00
LP-Gas (105.6.27)	per year	\$885.00
Magnesium (105.6.28)	per year	\$885.00
Miscellaneous Combustible Storage (105.6.29)	per year	\$885.00
Open Burning (105.6.30)	per year	\$885.00
Open Flames and Torches (105.6.31)	per year	\$885.00
Open Flames and Candles (105.6.32)	per year	\$885.00
Organic Coatings (105.6.33)	per year	\$885.00
Places of Assembly < 300 (105.6.34)	per year	\$885.00
Places of Assembly > 300 (105.6.34)	per year	\$1,106.00
Private Fire Hydrants (105.6.35)	per year	\$885.00
Pyrotechnical Special Effects Material (105.6.36)	per year	\$885.00
Pyroxylin Plastics (105.6.37)	per year	\$885.00
Refrigeration Equipment (105.6.38)	per year	\$885.00
Repair Garages and Motor Fuel-Dispensing Facilities (105.6.39)	per year	\$885.00
Rooftop Heliports (105.6.40)	per year	\$885.00
Spraying or Dipping (105.6.41)	per year	\$885.00
Storage of Scrap Tires and Tire Byproducts (105.6.42)	per year	\$885.00
Technology Fee	per year	6% of annual permit fee
Tire-Rebuilding Plants (105.6.44)	per year	\$885.00
Waste Handling (105.6.45)	per year	\$885.00
Wood Products (105.6.46)	per year	\$885.00
Essential City Facilities	per year	\$885.00

**Miscellaneous Fees - Building Permits**

Minor Tenant Improvement	per permit	\$663.00
Revision-minor changes to (E) permit	per permit	\$331.00
Cellular Sites		
Existing Site	per permit	\$663.00
New Site	per square footage	VARIABLE - SEE CHART
Equipment Installations	per permit	\$663.00
HVAC/air units		
If over 2,000 cfm	per permit	\$221.00

## B. HAZARDOUS MATERIALS OFFICE

### Annual Certified Unified Program Agency (CUPA) Program Permit and Registration Fees

#### 1. Hazardous Materials Storage Permit

Annual permit per facility for storage and/or handling of hazardous materials as defined in Hayward Municipal Code, Chapter 3, Article 8.

1A	Storage of one (1) or more types Solid - up to 500 pounds Liquid - up to 55 gallons Gaseous - up to 2,000 cubic feet at STP	\$234.00 per year
2A	Storage of one (1) or more types Solid - over 500 & up to 5,000 pounds Liquid - over 55 & up to 550 gallons Gaseous - over 200 & up to 2,000 cubic feet at STP	\$247.00 per year
3A	Storage of one (1) to five (5) types Solid - over 5,000 & up to 25,000 pounds Liquid - over 550 & up to 2,750 gallons Gaseous - over 2,000 & up to 10,000 cubic feet at STP	\$261.00 per year
3B	Storage of six (6) or more types Solid - over 5,000 & up to 25,000 pounds Liquid - over 550 & up to 2,750 gallons Gaseous - over 2,000 & up to 10,000 cubic feet at STP	\$289.00 per year
4A	Storage of one (1) to five (5) types Solid - over 25,000 & up to 50,000 pounds Liquid - over 2,750 & up to 5,000 gallons Gaseous - over 10,000 & up to 20,000 cubic feet at STP	\$302.00 per year
4B	Storage of six (6) or more types Solid - over 25,000 & up to 50,000 pounds Liquid - over 2,750 & up to 5,000 gallons Gaseous - over 10,000 & up to 20,000 cubic feet at STP	\$316.00 per year
5A	Storage of one (1) to five (5) types Solid - over 50,000 pounds Liquid - over 5,000 gallons Gaseous - over 20,000 cubic feet at STP	\$357.00 per year
5B	Storage of six (6) to ten (10) types Solid - over 50,000 pounds Liquid - over 5,000 gallons	\$399.00 per year



	Gaseous - over 20,000 cubic feet at STP	
5C	Storage of eleven (11) or more types Solid - over 50,000 pounds Liquid - over 5,000 gallons Gaseous - over 20,000 cubic feet at STP	\$413.00 per year
2.	Hazardous Waste Generator Program	
	a. Conditionally Exempt Small Quantity Generator (CESQG) - Up to an including 100 kilograms per month (approximately up to and including 27 gallons or 220 pounds per month) or less than or equal to 1 kilogram of acutely hazardous waste per month	\$178 per year
	b. Small Quantity Generator (SQG) - Over 100 kilograms up to an including 1000 kilograms per month (approximately over 27 gallons up to and including 270 gallons or over 220 pounds up to and including 2,220 pounds per month)	\$330 per year
	c. Large Quantity Generator (LQG) - Greater than 1000 kilograms per month (approximately over 270 gallons or 2,220 pounds per month) or greater than 1 kilogram of acutely hazardous waste per month	\$440 per year
3.	Hazardous Waste Treatment (Tiered Permit) Program	
	a. Permit by Rule (Fixed Units)	\$440.00 per facility per year
	b. Permit by Rule (Transportable units)	\$440.00 per facility per year
	c. Conditional Authorization	\$247.00 per facility per year
	d. Conditional Exemption, Specified Waste	\$220.00 per facility per year
	e. Conditional Exemption, Small Quantity Treatment	\$220.00 per facility per year
	f. Conditional Exemption, Commercial Laundry	\$220.00 per facility per year
	g. Conditional Exemption, Limited	\$220.00 per facility per year
4.	Hazardous Materials Business Plan (HMBP)	\$247.00 per facility per year
5.	Underground Storage Tank (UST) Program	\$1,239.00 for 1st UST per year \$536.00 per add'l UST per year
6.	Aboveground Petroleum Storage Act Program (APSA) - Spill Prevention Control and Countermeasure Plan (SPCC)	\$302.00 per facility per year
7.	California Accidental Release Prevention (CalARP) Program	
	a. Small CalARP facility	\$2,560.00 per facility per year
	b. Large CalARP facility	\$2,643.00 per facility per year
8.	Annual State Surcharges*	
	a. CUPA Program Oversight	Current State Fee*
	b. Underground Storage Tanks (UST) Program	Current State Fee*
	c. CalARP Program	Current State Fee*

- d. California Electronic Reporting System (CERS) Current State Fee\*
- e. Aboveground Petroleum Storage Act (APSA) Current State Fee\*

*\*These fees are established through a regular fee adoption process by the State of California and are required to be collected at the current State of California rate by the Hayward Fire Department's Certified Unified Program Agency (CUPA). The fees are then required to be remitted by the City of Hayward Fire Department to the State of California on a quarterly basis. The fees are set by the State of California per Title 27 California Code of Regulations Section 15240.*

9. Technology Fee 6% of annual permit fee

**New Construction Permits and Fees**

10. New Construction

- a. Large, Tenant Improvement – New Facility \$3,969.00
- b. Medium, Tenant Improvement – New Facility \$2,605.00
- c. Small, Tenant Improvement – New Facility \$1,319.00

11. New Facility – No Construction

- a. Medium to Large \$1,982.00
- b. Small \$991.00

12. Underground Storage Tank

- a. System Installation – VPH\* up to 3 tanks \$4,171.00
- System Installation – VPH\* each tank over 3 tanks \$990.00
- b. Piping Installation \$1,445.00
- c. Piping Installation – VPH\* \$1,775.00
- d. UDC/Sump Installation \$1,445.00
- e. UDC/Sump Installation – VPH\* \$1,775.00
- f. System Removal up to 3 tanks \$1,817.00
- System Removal each tank over 3 tanks \$247.50
- g. Piping Removal \$1,156.00
- h. UDC/Sump Removal \$1,156.00
- i. EVR Phase I Installation or Upgrade \$660.00
- j. EVR Phase II Installation or Upgrade \$1,197.00
- k. Monitoring System Installation or Upgrade \$1,073.00
- l. System Tank/Piping Repair \$1,899.00
- m. System Tank/Piping Repair – VPH\* \$2,230.00
- n. System Miscellaneous Component Repair - Major \$1,899.00
- o. System Miscellaneous Component Repair – Major – VPH\* \$2,230.00
- p. System Miscellaneous Component Repair - Minor \$784.00
- q. System Miscellaneous Component Repair – Minor – VPH\* \$1,115.00
- r. Spill Bucket/Overflow Protection Replacement \$1,320.00
- s. Temporary Closure \$1,486.00

\*VPH - Vacuum, Pressure, and Hydrostatic Continuously Monitored Systems

13. Aboveground Storage Tanks

- a. System Installation \$1,239.00
- b. System Removal \$1,073.00
- c. System Repair or Modification \$949.00

- 14. California Accidental Release Prevention (CalARP) Program
  - a. Large - Risk Management Plan Review \$7,103.00
  - b. Small - Risk Management Plan Review \$4,460.00
  - c. Other costs incurred, including but not limited to third-party review, laboratory work, public notice, communication and correspondence \$165.00 per hour or cost

- 15. Meetings
  - a. Code Assistance Meeting \$413.00
  - b. Pre-Application Meeting \$330.00

- 16. Request for Alternate Means of Protection (AMP)
  - a. Review \$660.00

**Miscellaneous Fees**

- 17. Operational Permits
  - a. Mobile Fueling Operation
    - a. Initial Permit and Verification Inspection \$660.00 per site
    - b. Annual Permit Fee \$165.00 per year

- 18. Facility Closure
  - a. 3A and above – full facility closure \$1,817.00
  - b. 3A and above – partial facility closure \$1,032.00
  - c. Below 3A – full facility closure \$619.00
  - d. Below 3A – partial facility closure \$413.00

- 19. Contamination
  - a. Staff oversight \$165.00 per hour

- 20. Site Clearance
  - a. New construction/use – large \$413.00
  - b. New construction/use – small \$247.00
  - c. Property transfer – large \$413.00
  - d. Property transfer – small \$247.00

- 21. Other Inspections and Compliance Verification
  - a. Re-inspection (CUPA and non-CUPA) \$165.00 per hour
  - b. Re-inspection beyond allowed by permit \$330.00 per insp.
  - c. After-hours inspection \$247.00 per hour
  - d. Miscellaneous Inspections and Activities \$165.00 per hour
  - e. Compliance verification \$82.00 per notice

- 22. Plan Review/Checking Fees - General
  - a. Planning Review Fee \$165.00 per hour
  - b. Plan Checking Fee \$330.00 per insp.
  - c. Expedited Plan Checking Fee (two hours minimum) \$247.00 per hour

- 23. California Environmental Reporting System

- a. Assistance Fee \$165.00 per hour
- b. Assistance Fee (after hours) \$247.00 per hour
- c. Non-Compliance Fee \$495.00

**Information Technology**

**A. Video Technician**

Video services, including editing and duplication, provided for events

\$ 98.00 per hour

**B. GIS Map Printing**

\$ 76.00 per hour

## Library and Community Services

### A. GENERAL SCHEDULE OF CHARGES:

1	Overdue Fines:		
a.	Print material, videotapes and sound recordings	\$ 0.25	per day (maximum cost of item)
b.	DVD's	\$ 0.25	per day (maximum cost of item)
c.	Reference materials (return within 7 days)	\$ 3.00	per day (maximum cost of item)
d.	Billing Fee – reference materials (returns after 7 days)	\$ 75.00	
e.	Billing Fee – all others	\$ 20.00	
f.	Fine Limit (non-returns)		Original cost of item plus Billing and Processing Fees
2	Replacement of Lost/Damaged Pamphlet (includes \$0.50 for Barcode Replacement)	\$ 2.00	
3	Replacement of Lost/Damaged Audio/Visual Case		
a.	Multiple Cassettes/CD/DVD Cases	\$ 9.00	
b.	Cassette Bags	\$ 3.00	
c.	Single Compact Disc and DVD Cases	\$ 3.00	
d.	Video Cassette Cases	\$ 4.00	
e.	Video Booklet	\$ 3.00	
4	Agendas and Minutes – Library Commission	\$ 30.00	per year
	Inter-Library Loan (+ any charges imposed by the lending library)	\$ 5.00	
5			
6	Processing fee for lost item in addition to original cost of item	\$ 6.00	
7	Replacement of lost library card (borrower's card)	\$ 2.00	
8	Replacement lost/damaged bar codes	\$ 1.00	
9	Teacher Loan Box (includes \$0.50 for Barcode Replacement)	\$ 10.00	
10	Mailing of library materials		Cost of mailing
11	"Fines-Free" Library Loan Program Membership Fees		
a.	Extended loan of up to 3 items at-a-time	\$ 2.99	per month
b.	Extended loan of up to 5 items at-a-time	\$ 4.99	per month
c.	Extended loan of up to 10 items at-a-time	\$ 8.99	per month

### B. ADMINISTRATIVE SERVICES

1	Community Services Commission Agenda	\$ 15.00	per year
2	Community Services Commission Minutes	\$ 15.00	per year

## Maintenance Services Department

### A. HAYWARD CITY HALL RENTAL

1. Fees for the use of Hayward City Hall, attached hereto and by this reference made a part hereof:

#### RENTAL RATES:

Rotunda**	\$880.00	Per Event
Pre-function Area**	\$408.00	Per Event
Plaza – Half Day Rental	\$470.00	4-Hour Rental
Plaza – Full Day Rental	\$517.00	All Day Rental
Council Chambers	\$470.00	Per Event
Security Admin Fee (plus security contract cost)	\$57.00	Per Event
Janitorial Admin Fee (plus janitorial contract cost)	\$57.00	Per Event
Portable Bar	\$76.00	Per Event
Sound System	\$133.00	Per Event
Insurance Admin Fee – City Purchased	\$79.00	Per Issuance
Insurance Admin Fee – Third Party	\$86.00	Per Issuance

\*\*Rental fee includes the use of a maximum of 20 tables and 150 chairs. Additional tables and chairs will be the responsibility of the user.

#### Application Procedures

- File application with Facilities Management at least 60 days in advance.

#### Days/Hours of Use

- **DAYS:** Friday, Saturday, Sunday **only**. Rental is not available Monday thru Friday.
- **CITY HALL INDOOR EVENT HOURS:** Friday (5 pm – 10 pm), Saturday and Sunday (8 am – 10 pm.)
- **PLAZA EVENT HOURS:** From 8 am until 30 minutes before sundown, or 8pm at the latest.

#### Equipment & Cleanup

- Any equipment needed will be the responsibility of the user, including, staging, and audio-visual equipment. The City must approve any equipment, apparatus, or materials utilized. The user must setup their equipment and remove all equipment after event. **All equipment and cleanup must end prior to 11 pm.**
- If dancing is desired, a dance floor will be required at the expense of the user. Users are responsible for rental, set-up and removal of the dance floor.
- Users will pay for all cleanup and janitorial services associated with the event.

- The City will arrange for trash containers and portable restrooms at Plaza events at the expense of the user.

Insurance Requirements

- Users will be responsible for providing a certificate of **general liability insurance of \$1,000,000 coverage** naming the city as additional insured.

Security & Staffing Requirements

- Events may require security guards; the City will determine the number. Users will pay for all guard services.
- Certain events may require Police and Facilities Attendant services, cost of which will be the responsibility of the user. The City will determine if these services are necessary.

Prohibited Uses

- Cooking or heating with gas-fired equipment, i.e., natural gas, propane, butane, etc.
- Flaming food, beverages, liquids or gases
- Pyrotechnic displays
- Gas or liquid fueled appliances, tools or apparatus
- Hazardous or toxic Materials

Chaffing dishes fueled by Sterno are allowed

Deposits

- A cleaning and damage deposit is required per event. This deposit will range from \$250 upwards, depending on the size and nature of the event.
- The lessee will be responsible for any damages to the buildings, furniture or equipment accruing through occupancy or use of the City Hall/Plaza by the lessee. Any, and all, lost equipment or damages sustained to the above, and that exceeds the original rental deposit, shall be compensated within five (5) days.

Other Charges and Fees (note all equipment fees are for one setup and per day)

- Additional Chairs \$3.00 per chair
- Additional Tables
  - 60" round (seats 8-10) \$11.00 per table
  - 24" round (Bistro Table) \$9.00 per table
  - 8 Feet Long Table \$9.00 per table
  - 8 Feet Long Class Room Table \$9.00 per table
- Indoor Dance Floor (12' x 12') – Set Up and Take-Down Fee: \$259.00

- Table Linens: By size (below): Set Up, Take-Down, Laundry, and Replacement/Damage Fees:

Linen: Rental Fees: Fully draped (table legs covered):	Fee:
White, poly cotton - round tables	\$11.00
White, Poly cotton – Small Round Cocktail Tables	\$11.00
White, poly cotton – Square – (for pie shaped tables)	\$11.00
White, poly cotton - banquet drapes (5ft.)	\$15.00
White, poly cotton - banquet drapes (6ft.)	\$17.00
White, poly cotton - banquet drapes (8ft.)	\$21.00

## **B. 21<sup>ST</sup> CENTURY LIBRARY MEETING ROOM FEES**

### **1. Fees for the use of 21<sup>st</sup> Century Library meeting rooms:**

#### **RENTAL RATES:**

##### **User Groups**

Users are classified into the following groups for determining scheduling priority and the applicable fees and charges.

- A. City of Hayward departments or governmental agencies directly serving residents of Hayward, i.e., HUSD, HARD, County of Alameda, etc.
- B. Nonprofits under IRS Code 501(c)(3) and open membership group that are co-sponsored by the Library Department.
- C. Nonprofit groups under IRS Code 501(c)(3) based in and directly serving residents of Hayward, whose purpose is the betterment of the community.
- D. Other organized clubs or special interest group that have been granted IRS Code 501(c)(3, 4 or 6) nonprofit status with open membership, formal organization, and officers.
- E. Other public or private civic, cultural, educational, or charitable groups not previously mentioned above.
- F. Hayward businesses with company facilities located within the Hayward City limits.
- G. All other businesses, commercial groups, private functions and other groups not previously mentioned above.



	<b>FEE RATES BY USER GROUP ** all rates hourly **</b>						
<b>LIBRARY FACILITY</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
<b>Large Room (whole)</b>	-	-	\$35	\$50	\$75	\$100	\$150
<b>Large Room (subdivided ½)</b>	-	-	\$20	\$35	\$50	\$75	\$100
<b>Medium Room</b>	-	-	\$20	\$35	\$50	\$75	\$100
<b>Conference Room</b>	-	-	\$10	\$20	\$30	\$50	\$75
<b>Warming Kitchen (*flat rate)</b>	-	-	-	\$50*	\$50*	\$100*	\$150*

<b>OTHER LIBRARY MEETING ROOM FEES</b>	<b>RATES - all user groups</b>
<b>Application Fee</b>	\$6 non-refundable processing fee at time of application
<b>Janitorial Service Fee (when needed)</b>	\$57 per event, plus janitorial hourly service fee
<b>Room Setup Fee (when needed)</b>	\$50 - \$100
<b>Attendant on Duty (when needed)</b>	\$75/hr.
<b>Opening/Closing Fee (when needed)</b>	\$50
<b>Liability Insurance</b>	Fees determined for each use.
<b>Hayward Police Dept. Security</b>	Fee determined by current overtime rates for police personnel
<b>Private Vendor Security</b>	Fee determined by current hourly rates, nature of event, number of attendees
<b>Utilities</b>	Fee determined by average current hourly costs
<b>Meeting Room Damage Deposit</b>	\$50 - \$1,000 depending upon room and group size and use

**Notes: ALL MEETING ROOM APPLICATIONS MUST BE SUBMITTED VIA THE ONLINE SCHEDULING**

**SYSTEM.** Paper applications will not be accepted. Meeting room fees vary according to the organization booking the room (see definitions in User Groups). Operational costs, liability insurance, janitorial, and security fees may also be applicable. Minimum rental is two hours. Hourly rates are not prorated for parts of an hour. A non-refundable application fee is due and payable at the time of application. All other applicable fees are due and payable in full at the time of schedule confirmation. Meeting room refunds are not available

**C. STREET MAINTENANCE**

1.	<u>Cart Retrieval Fee</u>	\$91.00	
2.	<u>Sign Fabricated &amp; Installed by City Crew</u>	\$566.00	
3.	<u>Illegal Dumping on Public Right-of-Way</u>	<b><u>Fee</u></b>	<b><u>Penalty</u></b>
	a. First Violation		
	Initial Inspection	No Charge	No Penalty
	First follow-up inspection shows violation eliminated	No Charge	No Penalty
	First follow-up inspection shows violation still exists,	-	-
	City abates illegal dumping	\$1,181.00	\$100.00
	b. Subsequent Violation within 12 Months <i>(same property owner)</i>		
	Initial Inspection	No Charge	No Penalty
	First follow-up inspection shows violation eliminated	No Charge	No Penalty
	First follow-up inspection shows violation still exists, City abates illegal dumping	\$1,181.00	\$800.00
	Each subsequent inspection shows violation still exists	\$1,181.00	\$1,000.00
	c. Special Assessment Per Parcel	\$342.00	
4.	<u>Special Events Per Hour</u>	\$115.00	

## Police Department

### ANIMAL CONTROL

#### (Ref. Hayward Municipal Code, Chapter 4, Article 4)

For those fees designated to RTO (Refer To Office), the Animal Services Manager shall determine a reasonable fee or charge, basing that determination on the nature of the service; time spent; consistency with fees and charges specified for other services; actual costs incurred, including overhead and other indirect cost; and any other relevant factors.

- 1 Impounding Charges
  - a. For each dog and cat
    - (1) 1st impoundment \$50.00 penalty
    - (2) 2nd impoundment within one year \$75.00 penalty
    - (3) 3rd impoundment within one year \$149.00 penalty
    - (4) Impound dangerous animal \$148.00 penalty
    - (5) Field Impound \$125.00
  - b. For any unsterilized dog or cat impounded, an additional fee is assessed as mandated by the State of California Food & Agricultural Code.
    - (1) 1st Impoundment \$35.00 penalty
    - (2) 2nd Impoundment \$50.00 penalty
    - (3) 3rd Impoundment \$100.00 penalty
  - c. For each horse, bull, cow, steer, calf, colt, sheep, lamb, goat or hog
    - (1) 1st impoundment RTO (minimum \$40.00)  
Charge will be total direct cost
    - (2) 2nd impoundment within one year RTO (min. \$40.00)
    - (3) 3rd impoundment within one year RTO (min. \$40.00)
  - d. For each non-specified animal (rabbit, monkey, rat, etc.) RTO (min. \$40.00)
- 2 Feeding and Boarding Charges Per Day. Boarding charges shall be levied as of the first day of impoundment. Charges shall be waived where the animal is redeemed "off the truck."
  - a. For each dog, cat or small domestic pet \$15.00
  - b. Special needs animal (medications given, treatment) \$39.00 per day
  - c. For each horse, bull, cow, hog, steer, lamb, sheep, goat, colt, or calf. \$10.00 min. (RTO)
  - d. For each non-specified animal: \$19.00 min. (RTO)
- 3 Special Services
  - a. \$27.00 per animal  
Owner surrender of adult unlicensed animals (boarding fees for the State mandated period additional)

For those fees designated to RTO (Refer To Office), the Animal Services Manager shall determine a reasonable fee or charge, basing that determination on the nature of the service; time spent; consistency with fees and charges specified for other services; actual costs incurred, including overhead and other indirect cost; and any other relevant factors.

b. Owner surrender of additional animals less than ten weeks of age. Boarding fees for the State mandated holding period will also be charged.	\$13.00 per animal
c. Owner surrenders – small animals/bird	\$46.00 per animal
d. Owner brings dead animal to shelter for disposal	
(1) Under 50 lbs.	\$37.00 per animal
(2) Over 50 lbs.	\$42.00 per animal
(3) Transportation of disposal	\$96.00 per animal
e. Transportation of stray injured or sick animal to a veterinarian, where owner is later identified.	RTO
f. Veterinary treatment provided to an animal housed in the Shelter where the owner is later identified.	Actual Vet Costs
g. Rabies vaccination certificate	Actual Vet Costs
h. Para-influenza type vaccine	Actual Vet Costs
i. Medical Testing	\$17.00 /min
j. Microchip Insertion	\$50.00 /max
(1) Animal adopted from the Shelter	\$15.00
(2) Animals not adopted from the Shelter	\$29.00
4 Animal License and Permit Fees	
a. Unsterilized dog or cat	
(1) Flat fee is for 1, 2 or 3 years depending on Rabies Vaccination Certificate (not to exceed 3 years)	\$17.00
(2) Unsterilized animal	\$35.00 penalty
(3) Unsterilized license renewal	\$17.00 plus penalty
The Animal Services Manager is authorized to reduce dog license fees by one half of the amount set forth above	
b. Sterilized dog or cat license	\$17.00
(1) Flat Fee is for 1, 2 or 3 years depending on Rabies Vaccination Certificate duration (not to exceed 3 years)	
(2) Sterilized, license renewal	\$17.00
c. Late Penalty	\$5.00
d. Replacement/Duplicate License	\$13.00
e. Seeing or hearing dog	No Charge
f. Fancier's Permit	\$243.00
Pick-up and Disposal of Dead Animals from Veterinarian	
5 a. For 1 to 5 animals	\$107.00
b. For each additional	\$12.00

For those fees designated to RTO (Refer To Office), the Animal Services Manager shall determine a reasonable fee or charge, basing that determination on the nature of the service; time spent; consistency with fees and charges specified for other services; actual costs incurred, including overhead and other indirect cost; and any other relevant factors.

6 Observation Fees

All observation fees are assessed at the full rate and are not refundable, either in part or in full.

- a. For each dog, cat or small domestic pet for quarantine, evidence and protective custody. \$4.00 per day
  - b. Other Animals Actual Costs per inspection
- Property inspections (required prior to home quarantines and for the private retention of all animals declared dangerous outside a City of Hayward hearing). \$72.00

7 Adoption Fees

RTO (minimum \$5.00)

The fees charged for dogs and cats offered for adoption shall be set by the Animal Services Manager. In no case

- a. shall this amount be less than \$5.00.

In no case shall animals listed as "Owner Surrendered" be adopted by the previous owner without payment of all fees and charges (as specified in the schedule) for shelter service in impounding and caring for the animal.

\$20.00

- b. All Other Animals Market Value
- c. Spaying and neutering (mandated for dogs and cats prior to adoption) Veterinary contract cost

- d. Administrative processing fee for the return of animals adopted from the shelter

\$11.00

- 8 Hearing Fee: Hearing and inspection of property of owners of animals declared dangerous or potentially dangerous. \$150.00

## POLICE ADMINISTRATION

Any charges not specified below shall be established by State and/or Federal statutes.

1	Photocopying of Reports:		
a.	Traffic Accident Reports	\$16.00 per report	
b.	Other Reports	\$16.00 per report	
2	Photographs	\$24.00 each	
3	Fingerprinting	\$26.00 each	
	(Fingerprint processing fees established by Federal or State agencies shall be additional charge.)		
4	Traffic & Police Security Services		
a.	Traffic control and police security services for pre-planned, non-city sponsored events		Time & Motion
b.	Planned traffic control for contractors and utilities		Time & Motion
5	Permit Processing		
	(Fees are for processing only, fingerprint and Department of Justice fees are not included)		
a.	Taxi Drivers		
(1)	Initial Permit	\$609.00	
(2)	Annual renewal	\$304.00	
(3)	Annual taxi operating sticker	\$152.00	
(4)	Lost permit replacement	\$26.00	
b.	Tow Permits		
(1)	Company 1st License	\$304.00	
(2)	Company Annual Renewal	\$40.00	
(3)	Driver 1st License	\$304.00	
(4)	Driver Annual Renewal	\$40.00	
(5)	Lost Permit Replacement	\$40.00	
c.	Massage Establishments		
1	Initial Inspection/application and processing of new massage establishment	\$761.00	
2	Annual Renewal fee for massage establishment	\$241.00	
3	Badge Replacement	\$80.00	
4	Massage Out-Call initial inspection /application	\$761.00	
5	Massage Out-Call Renewal	\$241.00	
d.	Card clubs employee permit		
	) Initial permit		
b)	Annual renewal		
	) Lost permit replacement		
e)	Auto Sales/Repair Permit	\$160.00	
f)	Background investigation		Time & Motion
g)	Firearm dealers annual permit		

**Any charges not specified below shall be established by State and/or Federal statutes.**

h) Other permit processing		Time & Motion
i) Alcohol Sales-Special Event Permits	\$304.00	
e. Cannabis business employee permit		
a) Initial permit / Renewal with Live Scan	\$299.00	vice
b) Annual renewal without Live Scan	\$160.00	vice
c) Lost permit replacement	\$80.00	vice
6 Alarm Permit Fee		
a. new and annual renewal:	\$16.00	
b. for Low income or persons in a temporary or permanent disabled status who:	\$12.00	
(1) meet the City income guidelines as defined in the All City Department section of the Master Fee Schedule and		
(2) file with the Revenue Division of the Finance Department a discount application and adequate documentary evidence showing that the Permit applicant comes within the provision of subparagraph (a).		
7 False Alarm Fees (for instances of false alarms within any one-year period):		
a. First False Alarm Fee	\$0.00	records
b. Second False Alarm Fee	\$185.00	
c. Third False Alarm Fee	\$185.00	
Penalty	\$50.00	
d. Fourth False Alarm Fee	\$185.00	
Penalty	\$200.00	
e. Fifth and Each Fee	\$185.00	
Subsequent False Alarm Penalty	\$400.00	
8 Vehicle Release Fee	\$235.00	
9 Vehicle Verification or Administrative Fee		
a. Onsite verification	\$76.00	
b. Offsite verification	\$152.00	
10 Communication Tapes	\$98.00	per tape
11 Clearance Letters	\$43.00	per letter
12 Vehicle Abatement	\$160.00	per vehicle
13 Prisoner Booking Fee		per prisoner

**Any charges not specified below shall be established by State and/or Federal statutes.**

	a. Cite & Release	\$89.00	
	b. Hold for Court	\$180.00	
	c. Transfer to Santa Rita	\$199.00	
14	Social Host Accountability Ordinance		
	The following penalties and/or cost recovery are authorized by Chapter 4, Article 11 of the HMC. Penalties for violations and cost recovery are separate and distinct charges.		
	Penalties for Violation - The following is authorized by sec 4-11.20 HMC		
	a. First Violation	\$750.00	
	b. Second Violation	\$1,500.00	
	c. Third & Subsequent Violations	\$2,500.00	
	Public Safety Services/Response Cost - The following is authorized by sec 4-11.25 HMC		
	Recovery of the cost of the public safety response to a "Social Host" ordinance violation using the fully burdened		Time & Motion
	d. cost allocation rate.		
15	Firearms Range Maintenance Fees – apportions the upkeep of the firearms range among user law enforcement agencies over a fiscal year period	\$1,250.00	
16			
	a. Level I – Alcoholic Beverage Establishment Retail License Fee – Full service restaurants, wine shops, breweries, distilleries; and retail stores using no more than 5% of their floor area for alcohol sales, storage and display.	\$280.00	
	b. Level II – Alcoholic Beverage Establishment Retail License Fee – All alcoholic beverage outlets other than Level I.	\$1,120.00	
	c. Critical Incident Fee		Time & Motion
	d. Violation of Alcoholic Beverage Outlets Ordinance		
	(1) First Offense	\$750.00	
	(2) Second Offense	\$1,500.00	
	(3) Third and subsequent Offenses	\$2,500.00	
	e. Reinspection Fee		Time & Motion
	f. Alcohol Sales – Special Event Permit	\$304.00	



## C. Tow Operation Fee

Term 2020/2021

Fees to be charged for tow operations shall no be in excess of the following schedule:

### 1. Towing

a) Towing of vehicles of others (From public and private property)	\$225.00
b) All other towing:	
1. Passenger vehicles	\$225.00
2. Motorcycles	\$225.00
3. Trucks to 10,000Lbs (unloaded)	\$225.00
4. Trucks 10,000 to 26,000 lbs.	\$250.00
5. Trucks over 26,000 lbs.	\$375.00
c) Extra labor charges on disabled vehicles. Applicable 1/2 hours after arrival of tow truck. (Per hour or portion thereof, at 15 minute increments)	\$190.00/hr
d) Gate fee request between 5:00 PM and 8:00 AM On weekdays and all day Saturday, Sunday and Holidays	\$120.00

### 2. STORAGE (Storage charges applicable after 8 hours)

a) Passenger vehicles, motorcycles and trucks (To 8,000 lbs., outside per 24 hour period)	\$90.00
b) Passenger vehicles, motorcycles and trucks (To 8,000 lbs., inside per 24 hour period)	\$90.00
c) Trucks over 8,000 lbs, buses, and trailers over 20 feet long	\$125.00

### 3. MISCELLANEOUS SERVICE TO THE PUBLIC

a) Service charges on disabled vehicles where no tow is made	\$100.00
b) Release of vehicle from hook-up after authorization to tow	\$90.00

4. COMPLICATED TOW

- a) Trailer con gear (big rig dolly) \$150.00
- b) Air cushion, includes operator for 3 hours \$1500.00
- c) Lumper, or extra personnel 6am to 6pm \$50.00/hr (2hr. Min)

5. CITY OWNED VEHICLES

- a) Removal or tow of vehicle \$50.00
- b) Service charge on disabled vehicle (no tow) \$50.00
- c) Tow from outside of City of Hayward \$50.00/hr + 1.00 per mile

**\*\*\$290 if 2 axle to portal\*\* plus for Air cushion Towing, add \$174 for first three hours then \$400 after**  
**\*\*\$454 if 3 axle to portal\*\* plus for Air cushion Towing, add \$174 for first three hours then \$400 after**

## Utilities & Environmental Services

### 1. SANITARY SEWER SERVICE CHARGES AND FEES

#### a. Sewer System Connection Charge (Reference Hayward Municipal Code, Chapter 11, Article 3, Section 11-3.255)

(1) Single family, duplex, triplex, and fourplex residential units, townhouses, and planned developments	\$7,700.00
(2) ADUs (where applicable), high density residential, and mobile homes, each residential unit	\$6,853.00
(3) Commercial, industrial, institutional and all other connections:	
Per gallon of daily capacity required to serve the user	\$21.51
Per pound per year of biochemical oxygen demand (BOD).	\$8.53
Per pound per year of suspended solids (SS).	\$9.17
Minimum charge	\$7,700.00

For the purposes of calculating non-residential sewer connection fees, carbonaceous biochemical oxygen demand (CBOD) and suspended solids (SS) will be reduced by 70% of the estimated values in the actual discharge, but not lower than the CBOD and SS for domestic wastewater, that is, 307 milligrams per liter and 258 milligrams per liter respectively. The property will be entitled to discharge CBOD and SS concentrations commensurate with the estimated actual concentrations. The volume component will not be reduced and will be calculated at 100% of the estimated discharge. The CBOD and SS reduction is applicable only to estimated daily discharge of 50,000 gallons or less. Discharge in excess of 50,000 gallons per day from a facility will be subject to a sewer connection fee based on full CBOD and SS concentrations. This provision will be in effect only from October 1, 2017 through September 30, 2019.

#### b. Interest Rates on Sewer Connection Fee Payment Agreements (Reference Hayward Municipal Code, Chapter 11, Article 3, Section 11-3.255)

- 12-month agreement – 1%
- 24-month agreement – 2%
- 36-month agreement – 3%
- 48-month (or longer) agreement – To be determined, with 4% minimum

c.

Sewer Service Charges (Reference Hayward Municipal Code, Chapter 11, Article 3, Section 11-3.450)  
Eff. Oct 1, 2019

- |     |   |   |
|-----|---|---|
| (1) | Single Family Home, Duplex, Triplex, Fourplex   | \$35.81 <del>\$34.30</del> per month<br>\$71.62 <del>\$68.60</del> payable bi-monthly           |
| (2) | Lifeline Rate<br>(water consumption of 400 cubic feet or less)  | \$8.39 <del>\$8.77</del> per month<br>\$16.78 <del>\$17.54</del> payable bimonthly              |
| (3) | Economy Rate<br>(water consumption of more than 400 cubic feet but less than 800 cubic feet)  | \$16.78 <del>\$17.54</del> per month<br>\$33.56 <del>\$35.08</del> payable bi-monthly           |
| (4) | Multiple Residential Living<br>(each multiple residential living unit shall be considered as eighty nine hundredths (0.89) of service unit per month for the purposes of determining the applicable sewer charge) | \$31.78 <del>\$30.53</del> per month, per unit<br>\$63.74 <del>\$61.06</del> payable bi-monthly |
| (5) | Mobile Home Unit  | \$25.06 <del>\$24.00</del> per month<br>\$50.12 <del>\$48.00</del> payable bi-mo                |

Commercial and Industrial Coded Users: The following service units shall apply to the corresponding User Classification Code (UCC) categories of usage:

Effective Oct 1, 2019

UCC	User Classification	Service Units *per 100 cu.ft.of water used (with irrigation meter)	Service units *per 100 cu ft. of water used (without irrigation meter)
2010	Meat Products	0.350 <del>0.339</del>	0.315 <del>0.305</del>
2011	Slaughterhouse	0.402 <del>0.380</del>	0.362 <del>0.342</del>
2020	Dairy Products Processor	0.288 <del>0.278</del>	0.260 <del>0.250</del>
2030	Canning and Packing	0.205 <del>0.196</del>	0.185 <del>0.176</del>
2040	Grain Mill	0.270 <del>0.255</del>	0.243 <del>0.230</del>
2050	Bakery	0.313 <del>0.300</del>	0.281 <del>0.270</del>
2070	Fats and Oils	0.194 <del>0.185</del>	0.175 <del>0.166</del>
2080	Beverage Bottling	0.185 <del>0.178</del>	0.167 <del>0.160</del>
2090	Food Manufacturing	0.691 <del>0.669</del>	0.622 <del>0.602</del>
2600	Pulp and Paper Product Manufacturer	0.237 <del>0.224</del>	0.213 <del>0.202</del>
2810	Inorganic Chemicals	0.329 <del>0.307</del>	0.296 <del>0.277</del>
2850	Paint Manufacturer	0.514 <del>0.492</del>	0.463 <del>0.443</del>
3110	Leather Tanning	0.678 <del>0.652</del>	0.610 <del>0.587</del>
3410	Fabricated Metal	0.098 <del>0.092</del>	0.088 <del>0.082</del>
5812	Eating Place (without interceptor)	0.313 <del>0.300</del>	0.281 <del>0.270</del>
5813	Eating Place	0.241 <del>0.231</del>	0.217 <del>0.208</del>
7210	Commercial Laundry	0.183 <del>0.174</del>	0.165 <del>0.157</del>
7218	Industrial Laundry	0.285 <del>0.271</del>	0.256 <del>0.244</del>
9999	All other UCC, including motels, hotels, and rooming houses	0.189 <del>0.169</del>	0.170 <del>0.152</del>

\* One service unit = \$32.85 ~~\$35.82~~

All non-critical commercial and industrial users will be included in the above UCC classification that most closely represents the wastewater discharge strength and characteristics in comparison with the domestic wastewater definition in the Regulations, as determined by the Director of Utilities & Environmental Services. The UCC designation of a particular industry may not necessarily correspond to the Standard Industrial Classification (SIC) which may be assigned for other purposes.

The following service charge shall apply to the corresponding User Classification Code (UCC) categories of usage:

Effective Oct 1, 2020

UCC	User Classification	Service Units *per 100 cu.ft.of water used (with irrigation meter)	<del>Service Units *per 100 cu.ft.of water used (with irrigation meter)</del>	Service units *per 100 cu ft. of water used (without irrigation meter)	<del>Service units *per 100 cu ft. of water used (without irrigation meter)</del>
2010	Meat Products	\$12.53	<del>\$12.14</del>	\$11.27	<del>\$10.93</del>
2011	Slaughterhouse	\$14.39	<del>\$13.60</del>	\$12.95	<del>\$12.24</del>
2020	Dairy Products Processor	\$10.33	<del>\$9.96</del>	\$9.30	<del>\$8.96</del>
2030	Canning and Packing	\$7.34	<del>\$7.01</del>	\$6.61	<del>\$6.31</del>
2040	Grain Mill	\$9.68	<del>\$9.15</del>	\$8.71	<del>\$8.24</del>
2050	Bakery	\$11.20	<del>\$10.74</del>	\$10.08	<del>\$9.67</del>
2070	Fats and Oils	\$6.96	<del>\$6.61</del>	\$6.26	<del>\$5.95</del>
2080	Beverage Bottling	\$6.63	<del>\$6.37</del>	\$5.97	<del>\$5.73</del>
2090	Food Manufacturing	\$24.74	<del>\$23.98</del>	\$22.27	<del>\$21.58</del>
2600	Pulp and Paper Product Manufacturer	\$8.49	<del>\$8.02</del>	\$7.64	<del>\$7.22</del>
2810	Inorganic Chemicals	\$11.80	<del>\$11.01</del>	\$10.62	<del>\$9.91</del>
2850	Paint Manufacturer	\$18.42	<del>\$17.63</del>	\$16.58	<del>\$15.87</del>
3110	Leather Tanning	\$24.27	<del>\$23.35</del>	\$21.85	<del>\$21.02</del>
3410	Fabricated Metal	\$3.49	<del>\$3.28</del>	\$3.14	<del>\$2.95</del>
5812	Eating Place (without interceptor)	\$8.64	<del>\$10.74</del>	\$7.78	<del>\$9.67</del>
5813	Eating Place (with interceptor)	\$11.20	<del>\$8.27</del>	\$10.08	<del>\$7.44</del>
7210	Commercial Laundry	\$6.55	<del>\$6.25</del>	\$5.90	<del>\$5.63</del>
7218	Industrial Laundry	\$10.19	<del>\$9.70</del>	\$9.17	<del>\$8.73</del>
9999	All other UCC, including motels, hotels, and rooming houses	\$6.47	<del>\$6.04</del>	\$5.83	<del>\$5.44</del>

All non-critical commercial and industrial users will be included in the above UCC classification that most closely represents the wastewater discharge strength and characteristics in comparison with domestic wastewater definition in the Regulations, as determined by the Director of Utilities & Environmental Services. The UCC designation of a particular industry may not necessarily correspond to the Standard Industrial Classification (SIC) which may be assigned for other purposes.

(6) Unclassified and Critical Users

(1) "Critical Users" and those whose discharge does not respond to any UCC because of variations in wastewater constituents or treatment costs shall pay an amount calculated in accordance with the following formula where,

$$C = V/M (160 C_v + C_B \times BOD + C_S \times SS)$$

C = Sewer service charge during period for which billing is calculated.

V= Volume of water consumed per hundred cubic feet (CCF) during period for which the billing is calculated (total of public water service, metered flow and all private sources, except those meters or services specifically identified for irrigation purposes only).

BOD= Average Biochemical Oxygen Demand, in milligrams per liter, from user during period for which the billing is calculated.

SS= Average Suspended Solids, in milligrams per liter, from user during period for which the billing is calculated.

	Eff. Oct 1, 2020
Cv = Treatment cost per hundred cubic feet of water	\$3.08518 <del>\$2.88165</del>
CB = Treatment cost per pound of BOD	\$0.72029 <del>\$0.71887</del>
CS = Treatment cost per pound of SS	\$0.96338 <del>\$0.89564</del>
M = 160 for users with separate irrigation meters; and 178 for users without separate irrigation meters.	

(2) The minimum fee for each user shall be that established for one (1) Service Unit per month

d. Wastewater Discharge Permit Fees and Miscellaneous Charges

(1) Wastewater Discharge Permit Fees

<u>Typo of Permit</u>	<u>New Permit</u>		<u>Permit Renewal</u>		<u>Amendment</u>	
Categorical	\$3,879.00	<del>\$3,103.00</del>	\$2,664.00	<del>\$2,131.00</del>	\$951.00	<del>\$761.00</del>
Non-Categorical Significant	\$2,626.00	<del>\$2,101.00</del>	\$1,906.00	<del>\$1,525.00</del>	\$743.00	<del>\$594.00</del>
Groundwater	\$1,386.00	<del>\$1,109.00</del>	\$743.00	<del>\$594.00</del>	\$459.00	<del>\$367.00</del>
Nonn-Sewered Credit	\$179.00	<del>\$334.00</del>	\$179.00	<del>\$334.00</del>	N/A	
Special Purpose (one-time discharge)	\$750.00	<del>\$600.00</del>	N/A		N/A	

(2) Compliance Schedule (for correction of violations) \$695.00

(3) Wastewater Sampling

(a) Composite Sample with Lab Costs	\$641.00	<del>\$580.00</del>
(b) Composite Sample without Lab Costs	\$306.00	<del>\$300.00</del>
(c) Grab Sample	\$306.00	<del>\$270.00</del>
(d) Violation Follow-Up Sample with Lab Cost	\$641.00	<del>\$585.00</del>
(e) Violation Follow-Up Sample without Lab Cost	\$306.00	<del>\$300.00</del>
(f) Sampling Equipment Fee	\$25.00	

(4) Violation follow-up inspection \$558.00 ~~\$509.00~~

(5) Development Plan Review

(a) Industrial	\$412.00	<del>\$338.00</del>
(b) Commercial	\$412.00	<del>\$338.00</del>
(c) Residential	\$258.00	<del>\$206.00</del>



2. WATER SERVICE CHARGES AND INSTALLATION FEES

a. Water Services charges for labor and materials (Reference: Hayward Municipal Code, Chapter 11, Article 2, Section 11-2.02 and 11-2.04)

(1) Single Services. (Also see (4) below)

<u>Meter Size and Service Size</u>	<u>Fee</u>
(a) 5/8" x 3/4"	\$3,500.00
(b) 3/4" x 3/4"	\$3,500.00
(c) 3/4" x 1"	\$3,500.00
(d) 1" x 1"	\$3,500.00
(e) 1" x 1 1/2"	\$4,140.00
(f) 1 1/2" x 1 1/2"	\$4,580.00
(g) 1 1/2" x 2"	\$4,580.00
(h) 2" x 2"	\$4,870.00
(i) Larger than 2" x 2"	Actual cost of labor, materials, & equipment

(2) Manifold Service. (Also see (4) below)

<u>Meter Size</u>	<u>Service Size</u>	<u>Fee</u>
(a) 5/8" x 5/8"	1"	\$4,450.00
(b) 3/4" x 3/4"	1"	\$4,450.00
(c) 1" x 1"	1 1/2"	\$4,450.00
(d) 1" x 1 1/2"	2"	\$4,740.00
(e) 1 1/2" x 1 1/2"	2"	\$5,020.00
(f) 1 1/2" x 2"	2"	\$5,180.00
(g) 2" x 2"	2"	\$5,360.00
(h) More than two meters or larger than 2" service line		Actual cost of labor, materials, & equipment

(3) Meters Set on Existing Service. (Also see (4) below)

<u>Meter Size</u>	<u>Fee</u>
(a) 5/8"	\$180.00
(b) 3/4"	\$200.00
(c) 1"	\$310.00
(d) 1 1/2"	\$530.00
(g) 2"	\$660.00
(f) Larger than 2"	Actual cost of labor, materials, & equipment

(4) All meters in new developments shall have remote radio read capability. The cost for remote read capability is \$200 per meter, which is in addition to the fees listed above.

b. Water Service, Construction Work, Temporary Service (Reference: Hayward Municipal Code, Chapter 11, Article 2, Section 11-2.22)

(1) The monthly meter service charge on all hydrant and construction meters shall be as follows:

(a) 3/4" meter	\$6.00 per month
(b) 3" meter	\$62.00 per month
(c) 4" meter	\$97.00 per month
(d) 6" meter	\$194.00 per month

(2) All hydrant and construction meter accounts will accrue charges for minimum monthly consumption on the following amounts, whether or not this amount of water is actually used.

(a) 3/4" meter	1,000 cu ft.
(b) 3" meter	2,800 cu ft.
(c) 4" meter	4,000 cu ft.
(d) 6" meter	6,000 cu ft.

(3) Failure to Report Hydrant or Construction Meter Reading shall cause a \$60.00 charge for each month that a reading is not reported (Hayward Municipal Code, Chapter 11, Article 2, Section 11-2.22). This charge is in addition to service charges and water usage charges.

c. Water System Facilities Fee (Reference Hayward Municipal Code, Chapter 11, Article 2, Section 11-2.54)

Facilities Fees shall be as follows:

(1) Residential

The facilities fee will be based on the water meter size required to meet the indoor demand (excluding fire service demand) and outdoor demand of the residence as determined by the City. The meter that is installed may be larger than the meter facilities fee that is charged if the service is combined with a private fire service. For multi-family complexes, the facilities fee will be based on the water meter size required to meet the indoor demand for each dwelling unit, as determined by the City, regardless of the arrangement of water meters or meter sizes at the premises.

(a)	5/8" meter	\$6,484.00
(b)	3/4" meter	\$9,730.00
(c)	1" meter	\$16,210.00

(2) Non-residential, each separate irrigation service, and each residential unit with meter size larger than 1"

(a)	5/8" meter	\$6,484.00
(b)	3/4" meter	\$9,730.00
(c)	1" meter	\$16,210.00
(d)	1 1/2" meter	\$32,420.00
(e)	2" meter	\$51,870.00
(f)	3" meter	\$103,740.00
(g)	4" meter	\$162,100.00
(h)	6" meter	\$324,200.00
(i)	8" meter	\$518,720.00
(j)	10" meter	\$745,660.00

(3) Fire Service, per service regardless of size \$6,484.00

d. Meter Services Charges Inside City (Reference: Hayward Municipal Code, Chapter 11, Article 2, Section 11-2.60)

(1) The bimonthly standard meter service charge for all meters (except temporary service for construction work) inside the City, based on size of meter, shall be as follows:

Eff. Oct 1, 2020

(a)	5/8" meter	\$32.00	<del>\$28.00</del>
(b)	3/4" meter	\$43.51	<del>\$38.07</del>
(c)	1" meter	\$65.91	<del>\$57.67</del>
(d)	1 ½" meter	\$144.31	<del>\$126.27</del>
(e)	2" meter	\$254.00	<del>\$222.25</del>
(f)	3" meter	\$641.00	<del>\$560.88</del>
(g)	4" meter	\$1,269.80	<del>\$1,111.08</del>
(h)	6" meter	\$2,240.00	<del>\$1,960.00</del>
(i)	8" meter	\$3,101.00	<del>\$2,713.38</del>
(j)	10" meter	\$3,734.80	<del>\$3,267.95</del>

The bimonthly standard meter service charge for all meters outside the City (except for temporary service for construction work), based on size of meter, shall include a 15% surcharge and be as follows:

Eff. Oct 1, 2020

(a)	5/8" meter	\$36.80	<del>\$32.20</del>
(b)	3/4" meter	\$50.04	<del>\$43.78</del>
(c)	1" meter	\$75.80	<del>\$66.32</del>
(d)	1 ½" meter	\$165.96	<del>\$145.21</del>
(e)	2" meter	\$292.10	<del>\$255.59</del>
(f)	3" meter	\$737.15	<del>\$645.01</del>
(g)	4" meter	\$1,460.27	<del>\$1,277.74</del>
(h)	6" meter	\$2,576.00	<del>\$2,254.00</del>
(i)	8" meter	\$3,566.15	<del>\$3,120.39</del>
(j)	10" meter	\$4,295.02	<del>\$3,758.14</del>

## Recycled Water

(a) The bimonthly standard recycled water meter service charge for all recycled water meters inside the City, based on size of meter, shall be as follows:

Eff. Oct 1, 2020

(a)	5/8" meter	\$32.00
(b)	3/4" meter	\$43.51
(c)	1" meter	\$65.91
(d)	1 ½" meter	\$144.31
(e)	2" meter	\$254.00
(f)	3" meter	\$641.00
(g)	4" meter	\$1,269.80
(h)	6" meter	\$2,240.00
(i)	8" meter	\$3,101.00
(j)	10" meter	\$3,734.80

(b) Recycled Water usage charge based on the number of cubic feet of water supplied during each billing period shall be as follows:

Cost Per CCF of Metered Water Consumption \$5.16

Note: hundred cubic feet = approximately 748 gallons of water

- (2) Exemption for Low Income: Notwithstanding any other provision of Hayward Municipal Code, Chapter 11, Article 2, the low income meter service charge shall be imposed by this subsection upon any customer that:
- (a) meets the City income guidelines as defined in the All City Department section of the Master Fee Schedule and
  - (b) files with the Revenue Division of the Finance Department a discount application and adequate documentary evidence showing that the applicant comes within the provision of subparagraph (a).

The bimonthly low income meter service charge for 5/8" meters inside the City, shall be as follows:

Eff. Oct 1, 2020

(a)	5/8" meter, low income	\$11.20 <del>\$9.80</del>
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The bimonthly low income meter service charge for 5/8" meters outside of the City, shall include a 15% surcharge and be as follows:

Eff. Oct 1, 2020

(a)	5/8" meter, low income	\$12.96 <del>\$11.27</del>
-----	------------------------	----------------------------

(3) The water usage charge based on the number of cubic feet of water supplied during each billing period shall be as follows:

**Single Family Residential**

Cost Per CCF of Metered Water Consumption

Inside City of Hayward

1 – 8 ccf (hundred cubic feet)	\$5.80
9 – 25 ccf	\$7.14
Over 25 ccf	\$8.41

Outside City of Hayward  
(includes 15% surcharge)

1 – 8 ccf	\$6.67
9 – 25 ccf	\$8.21
Over 25 ccf	\$9.67

**2 – 4 Dwelling Units.** Per dwelling unit, based on average usage per dwelling unit

Cost Per CCF of Metered Water Consumption

Inside City of Hayward

1 – 8 hundred cubic feet (ccf)	\$6.43
9 – 25 ccf	\$7.15
Over 25 ccf	\$8.52

Outside City of Hayward  
(includes 15% surcharge)

1 – 8 ccf	\$7.39
9 – 25 ccf	\$8.22
Over 25 ccf	\$9.80

**Multi-Family Residential (five or more dwelling units per account).** Per dwelling unit, based on average usage per dwelling unit

Cost Per CCF of Metered Water Consumption

Inside City of Hayward

1 – 8 hundred cubic feet (ccf)	\$6.97
9 – 20 ccf	\$7.23
Over 20 ccf	\$7.94

Outside City of Hayward  
(includes 15% surcharge)

1 – 8 ccf	\$8.02
9 – 20 ccf	\$8.31
Over 20 ccf	\$9.13

**Non-Residential**

Cost Per CCF of Metered Water Consumption

Inside City of Hayward

1 – 200 ccf	\$6.95
Over 200 ccf	\$8.29

Outside City of Hayward  
(includes 15% surcharge)

1 – 200 ccf	\$7.99
Over 200 ccf	\$9.53

Note: hundred cubic feet = approximately 748 gallons of water

- e. Fire Service Connections Inside City (Reference: Hayward Municipal Code, Chapter 11, Article 2, Section 11-2.39)

The fire service charge per each billing period shall be as follows:

1. 2" and smaller fire service connection	\$25.00
2. 4" fire service connection	\$29.00
3. 6" fire service connection	\$42.00
4. 8" fire service connection	\$42.00
5. 10" fire service connection	\$50.00

- f. Fire Service Connections Outside City (Reference: Hayward Municipal Code, Chapter 11, Article 2, Section 11-2.41)

The fire service charge per each billing period shall include a 15% surcharge and be as follows:

1.	2" and smaller fire service connection	\$28.75
2.	4" fire service connection	\$33.35
3.	6" fire service connection	\$48.30
4.	8" fire service connection	\$48.30
5.	10" fire service connection	\$57.50

- g. Fire Flow Test. A charge of \$326 shall be applied for each fire flow test.

- h. A 50% surcharge on water usage and a domestic sewer service charge shall be applied in the event that a fire service connection is used for any purpose other than those specifically identified in the Hayward Municipal Code, Chapter 11, Article 2, Section 11-2.20, that is, for extinguishing fires or authorized testing of the fire protection system(s).

- i. Other Water System Fees and Charges

Account Establishment Fee	\$70.00
After-Hours Meter Activation Fee	\$72.00
Meter Lock Fee	\$92.00
Meter Removal Fee	\$90.00
Meter Test Fee (up to 1-inch meter)	\$223.00
Meter Test Fee (1 1/2-inch to 2-inch meter)	\$295.00
Meter Test Fee (3-inch meter and larger)	\$367.00
Noticing Fee	\$6.00
Service Restoration/Unlock Fee	\$50.00

- j. Special Billings

1. Special Requests for Water Billing	
(a) Base Rate Services	\$26.00
(b) Each Additional Meter	\$9.00

- k. Development Plan Review

Residential	\$67.00
Commercial	\$112.00
Industrial	\$179.00



(b) Each Additional Meter \$9.00

k. Development Plan Review  
 Residential \$33.00  
 Commercial \$56.00  
 Industrial \$89.00

Land Use Category Description	Minimum Parcel Size (Acre)	Runoff Factor	Service Charge/Runoff Acre/Year
Commercial/Industrial	0.25	0.80	\$338.32
Parking Lots	0.25	0.80	\$285.60
Utilities	0.25	0.80	\$285.60
Institutional/Apartments	0.25	0.60	\$285.60
Condominium	#	0.60	\$285.60
Single Family up to 4 -Plex	0.25	0.40	\$285.60
Single Family Ranches	0.25	0.40	\$285.60
Vacant Land (Utilized)	10	0.01	\$285.60
Vacant Land (Non-utilized)	17	0.00	\$285.60
Owned by Government	0.25	0.40*	\$285.60
Parcels w/o Valuation			
Utilities on Leased Land			
Cemeteries			
Common Area			

NOTES:

- (1) LUF = Land Use Factor coding system utilized by Alameda County Flood Control
- (2) Minimum Parcel Size is the minimum size on which charges are calculated
- (3) Runoff Factor is the ratio between impervious surface area and total surface area as determined by the Alameda County Flood Control District
- # Condominium parcel size is determined by dividing the parcel size by the total number of units.

\* Or as determined

Rate Formula: Service Charge per year = PARCEL SIZE x RUNOFF FACTOR x SERVICE CHARGE/RUNOFF ACRE/YEAR

b. Stormwater Treatment Measure Inspection \$440.00 ~~\$352.00~~

c. Stormwater Facility Inspection

Industrial (under State Permit)	\$379.00	<del>\$303.00</del>
Industrial (not under State Permit)	\$379.00	<del>\$303.00</del>
Restaurant	\$245.00	<del>\$196.00</del>
Commercial	\$206.00	<del>\$165.00</del>

The stormwater facility inspection fee will be waived if the inspection does not result in an adverse finding for the property and the potential for pollutant discharge is nonexistent.

4. LOW INCOME REFUSE SERVICE RATES

A residential subscriber shall receive a discount in the amount of \$8.22 per month for refuse service for a single-unit dwelling based on the following:

- a. The subscriber meets the City income guidelines as defined in the All City Department section of the Master Fee Schedule and
- b. The subscriber files with the Revenue Division of the Department of Finance a discount application and adequate documentary evidence showing that the subscriber comes within the provision of subparagraph (a).

5. SOLID WASTE PLAN REVIEW FEES

a. Development Plan Review

Single Family or Remodel	\$	50.00
Tract Development	\$	160.00

Commercial/Industrial

Tenant Improvement w/ Trash Enclosure	\$	120.00
Tenant Improvement w/o Trash Enclosure	\$	80.00

Mixed Use (Commercial & Residential) Actual cost

## **Glossary of Terms**

The following description of fee charges has been prepared for your convenience. If you have any questions regarding fee charges, please feel free to discuss them with a member of the City staff.

### **Annexation Fees:**

Charges for time and material costs involved in processing applications for the annexation of property to the City.

### **Compliance Services Fees:**

Charges imposed to defray the City's labor and materials cost of assuring compliance with specific City ordinances such as weed abatement.

### **Inspection Fees:**

Charges related to the physical inspection of facilities, buildings, sites, equipment, etc.

### **Licenses and Permit Fees:**

Charges imposed to defray the cost incurred in processing applications for licenses and permits which authorize the holder to engage in a specific function or activity, and include the costs of assuring compliance with related conditions and regulations.

### **Penalty Fees and Fines:**

Charges imposed for non-compliance with specific City requirements.

### **Plan Check Fees:**

Charges for time and materials costs for the detailed inspection of plans submitted to the City for review.

### **Rental Fees:**

Charges for use of City facilities and services.

### **Service Fees:**

Charges for time and materials costs incurred by the City in the course of providing those services for which fees or charges are not otherwise specifically set forth.

### **Special Services Fees:**

Charges for time and materials costs incurred by the City in the course of providing extraordinary services.



# CITY OF HAYWARD

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

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**File #:** LB 20-022

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Assistant City Manager/Interim Director of Human Resources

**SUBJECT**

Adopt Resolutions Amending the Employment Agreement Between the City Manager and the City of Hayward to Eliminate the City Manager's July 2020 Scheduled 2% Cost of Living Adjustment and Authorizing the Mayor to Execute the Agreement and Reducing the Mayor and City Council's Salary by 2% and the Mayor and Council's Travel and Miscellaneous Budget by 50% for Fiscal Year 2021

**RECOMMENDATION**

That Council adopts a Resolution (Attachment II) authorizing a single amendment to the employment agreement between the City of Hayward and the City Manager, Kelly McAdoo, to eliminate the City Manager's July 2020 scheduled 2% Cost of Living Adjustment (COLA) and authorizing the Mayor to execute the agreement on behalf of the City Council, and that Council adopts a resolution (Attachment III) reducing the Mayor and Council's salary by 2% and the City Council's travel and miscellaneous budget by 50% for Fiscal Year 2021.

**SUMMARY**

If the attached Resolutions are approved, the City Manager's five-year contract will be amended to reflect the elimination of a 2% COLA scheduled for July 1, 2020. Furthermore, the Mayor and Council's salary will be reduced by 2% and the Council's travel and miscellaneous budget will be reduced by 50% for Fiscal Year 2021.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution: Amending City Manager's Employment Agreement
Attachment III	Resolution: Mayor and Council Reduction of Salary and Budget for FY 2021



**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Assistant City Manager/Interim Human Resources Director

**SUBJECT:** Adopt Resolutions Amending the Employment Agreement Between the City Manager and the City of Hayward to Eliminate the City Manager's July 2020 Scheduled 2% Cost of Living Adjustment and Authorizing the Mayor to Execute the Agreement and Reducing the Mayor and City Council's Salary by 2% and the Mayor and Council's Travel and Miscellaneous Budget by 50% for Fiscal Year 2021

#### **RECOMMENDATION**

That Council adopts a Resolution (Attachment II) authorizing a single amendment to the employment agreement between the City of Hayward and the City Manager, Kelly McAdoo, to eliminate the City Manager's July 2020 scheduled 2% Cost of Living Adjustment (COLA) and authorizing the Mayor to execute the agreement on behalf of the City Council, and that Council adopts a resolution (Attachment III) reducing the Mayor and Council's salary by 2% and the City Council's travel and miscellaneous budget by 50% for Fiscal Year 2021.

#### **SUMMARY**

If the attached Resolutions are approved, the City Manager's five-year contract will be amended to reflect the elimination of a 2% COLA scheduled for July 1, 2020. Furthermore, the Mayor and Council's salary will be reduced by 2% and the Council's travel and miscellaneous budget will be reduced by 50% for Fiscal Year 2021.

#### **BACKGROUND AND DISCUSSION**

In response to the COVID-19 pandemic and the rapid spread of the disease, on March 16, 2020, the Health Officer of the County of Alameda, along with the Health Officers of Contra Costa, Marin, Santa Clara, San Mateo, and Santa Cruz counties, issued an Order for the public to shelter-in-place of residence, limiting the public's ability to leave their homes except to perform essential work and obtain essential services. The County has extended this order, which is currently in effect through May 31, 2020. On March 19, 2020, Governor Newsom also issued a state-wide Order to shelter-in-place of residence, followed by state

guidance on a phased reopening of businesses if certain quantifiable indicators are met to demonstrate progress in the battle to quell the spread of the virus.

As a result of these Shelter in Place Orders and the closure of all but non-essential businesses and services, City revenues have been severely impacted. Based on updated revenue projections, by the close of Fiscal Year 2020, the revenue decline resulting from COVID-19 is projected to require the use of approximately \$17 million of the City's \$36 million General Fund operating reserve (or savings account).

As a result, the City has implemented a number of cost saving measures. First, a vast majority of temporary staff were released from their positions. Second, City-wide non-emergency expenses have been limited to \$250,000 per month (previously averaged around \$750,000 per month) for the entire organization, with the Director of Finance and the City Manager closely reviewing all City expenditures. Third, the City Manager and Executive team have agreed to forego the value of their cost-of-living (COLA) increases scheduled for July 1, 2020, either by forgoing the COLA itself or agreeing to an 80 hour furlough obligation in Fiscal Year 2021. The City Council has asked all bargaining groups in the City to forego the value of their cost-of-living (COLA) increases scheduled for July 1, 2020, either by forgoing the COLA itself or agreeing to an 80 hour furlough obligation in Fiscal Year 2021. The City Manager, Finance Director, HR Director, and City negotiating team have been negotiating with all bargaining groups to try to implement cost savings that can be implemented as part of the FY2021 budget. Cost savings contributed by bargaining groups are critical to the City's fiscal health as labor costs make up approximately 85% of the General Fund budget and these labor cost savings help avoid layoffs and reductions in services to the community. Currently, the City has not laid off any permanent City employees and has paid full salary and benefits to all employees during the shelter-in-place order time period.

Earlier this evening on the consent calendar, the Council considered a sideletter agreement with Hayward Firefighters Local 1909 that would eliminate the July 1, 2020 2% salary adjustment. This report asks the Council to take similar actions with respect to the City Manager's employment agreement and the Council salary and other Council expenses. To assist with improving the cash flow projection, the City Manager volunteered to forego the July 1, 2020 scheduled 2% COLA currently provided for in her employment agreement. Additionally, the City Council volunteered to reduce their salary by 2% and reduce the travel and miscellaneous budget by 50% for FY 2021. City Councilmembers do not receive annual cost of living salary adjustments so a salary reduction is the only way to achieve similar cost savings.

## **FISCAL IMPACT**

The savings from the City Manager foregoing the 2% COLA is approximately \$6,506. The approximate savings from the City Council reducing their salary by 2% and their travel and miscellaneous budget to 50% for Fiscal Year 2021 is approximately \$11,800.

These two actions will save a total \$18,306 in the General Fund in FY 2021.

### **STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate to the City Council's Strategic Roadmap.

### **NEXT STEPS**

If Council approves these actions, staff will work to implement the employment agreement amendment and adjust the FY 2021 budget to reflect these changes.

*Prepared by:* Anthony Phillip, Human Resources Analyst

*Recommended by:* Maria A. Hurtado, Assistant City Manager/Interim Director of Human Resources

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-\_\_\_\_\_

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

RESOLUTION AMENDING THE CITY MANAGER'S EMPLOYMENT AGREEMENT  
AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF  
OF THE COUNCIL

WHEREAS, the impact of the COVID-19 pandemic has rapidly decreased Hayward's revenue; and

WHEREAS, The City Manager volunteered to forego a scheduled two percent (2%) Cost of Living Adjustment scheduled for July 1, 2020 to assist the City with declining revenues; and

WHEREAS, the employment agreement between the City Manager and the City has been amended solely to eliminate a scheduled cost of living adjustment of two percent (2%) effective July 1, 2020; and

WHEREAS, the employment agreement between the City of Hayward and the City Manager Kelly McAdoo will expire on June 30, 2023 unless renewed by the parties; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby approves the amendment of the City Manager's employment agreement which will be on file in the office of the City Clerk and authorizes the Mayor to execute the agreement on behalf of the City Council.



IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-\_\_\_\_\_

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

RESOLUTION REDUCING THE MAYOR AND COUNCIL’S SALARY BY 2% AND THE TRAVEL AND MISCELLANEOUS BUDGET BY 50% FOR FISCAL YEAR 2021

WHEREAS, the impact of the COVID-19 pandemic has rapidly decreased Hayward’s revenue; and

WHEREAS, the Mayor and Council volunteered to a 2% salary reduction for fiscal year 2021 to contribute to the expenditure reduction efforts; and

WHEREAS, the City Council agreed to reduce the Mayor and Council travel and miscellaneous budget by 50% for fiscal year 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby approves the reduction of the Mayor and Council’s salary by 2% and the Mayor and City Council’s travel and miscellaneous budget by 50% for Fiscal Year 2021.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020

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

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**File #:** RPT 20-052

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**DATE:** May 19, 2020

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT**

Receive Informational Report Addressing Extended Timeframes to Reestablish Nonconforming Uses Due to COVID-19 Crisis

**RECOMMENDATION**

That Council receives this informational item. Staff intends to administratively extend the timeframe to reestablish a nonconforming use at 30736-30760 Wiegman Road due to the COVID-19 crisis, as requested, and to review similar requests on an individualized basis consistent with the approach outlined in the attached informational memo.

**SUMMARY**

Per the Nonconforming Ordinance, a nonconforming use may be re-established within six months of the prior use vacating a commercial or industrial building without approval of discretionary permits provided that the nonconforming use is similar to or less intensive than the one that vacated the space and that the nonconforming use will not adversely affect or be materially detrimental to adjoining properties.

The attached informational memo provides a process to administratively allow a six-month extension beyond that provided by the Nonconforming Ordinance to give property owners additional time to re-tenant buildings with the same use without having to go through a lengthy planning process. The unprecedented economic slowdown related to the COVID-19 pandemic and limited opportunities to show properties and relocate businesses is unusual and warrants flexibility from the standards in order to address the impact of the crisis.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	PS Business Parks Letter dated April 13, 2020
Attachment III	City Council Resolution No. 20-036



**DATE:** May 19, 2020  
**TO:** Mayor and City Council  
**FROM:** Development Services Director  
**SUBJECT:** Receive Informational Report Addressing Extended Timeframes to Reestablish Nonconforming Uses Due to COVID-19 Crisis

### **RECOMMENDATION**

That Council receives this informational item. Staff intends to administratively extend the timeframe to reestablish a nonconforming use at 30736-30760 Wiegman Road due to the COVID-19 crisis, as requested, and to review similar requests on an individualized basis consistent with the approach outlined in the attached informational memo.

### **SUMMARY**

Per the Nonconforming Ordinance, a nonconforming use may be re-established within six months of the prior use vacating a commercial or industrial building without approval of discretionary permits provided that the nonconforming use is similar to or less intensive than the one that vacated the space and that the nonconforming use will not adversely affect or be materially detrimental to adjoining properties.

The attached informational memo provides a process to administratively allow a six-month extension beyond that provided by the Nonconforming Ordinance to give property owners additional time to re-tenant buildings with the same use without having to go through a lengthy planning process. The unprecedented economic slowdown related to the COVID-19 pandemic and limited opportunities to show properties and relocate businesses is unusual and warrants flexibility from the standards in order to address the impact of the crisis.

### **BACKGROUND**

On April 13, 2020, the Planning and Economic Development Divisions received the attached letter (Attachment II) requesting an extension of the timeframe to reestablish a nonconforming use in an existing building located at 30736-30760 Wiegman Road in the IP (Industrial Park) District. The property owner is requesting the extension from the standard six-month timeframe permitted under nonconforming regulations to 12 months (an additional six months) due to difficulties identifying a tenant and leasing the property during the COVID-19 crisis.

The subject site has an approximately 459,000 square foot warehouse that was built in the 1980s. The building was occupied by a furniture warehouse and distributor that moved out in January 2020.

According to the recently updated zoning regulations, establishment of a Warehousing and Distribution use in a building over 150,000 square feet requires approval of a Conditional Use Permit (CUP) in the subject district. Due to the age and size of the building, the applicant believes that a warehouse and distribution use is the highest and best use for the building until the site can be redeveloped. However, the property owner is having a difficult time leasing out the building due to restrictions related to the COVID-19 crisis.

## **DISCUSSION**

Per the [Nonconforming Ordinance](#)<sup>1</sup>, a nonconforming use may be re-established within six months of the prior use vacating a commercial or industrial building without approval of discretionary permits provided that the nonconforming use is similar to or less intensive than the one that vacated the space and that the nonconforming use will not adversely affect or be materially detrimental to adjoining properties.

The owner has requested an extension for an additional six months (to January 2020) to provide adequate time to prepare and market the space and to move a new warehouse and distribution tenant into the building.

*Emergency Resolution:* According to the City Attorney's Office, the language in the Emergency Declaration Resolution to "otherwise take such steps .... as may be required for the general health, welfare..." supports a grant of administrative authority to address the impact of the current crisis, particularly if the impact of such a determination will be limited.

Planning staff does not believe that extending the timeframe to re-establish a warehouse and distribution use in the subject building will result in widespread issues for other properties within the industrial area. The specific circumstances of the site including the recent updates to the Industrial District, the timing of the discontinuation of the nonconforming use, and the delay in replacement of that use due to the COVID-19 slowdown are not likely to occur at a rate that will significantly delay implementation of the Industrial District rezoning effort as a whole.

*Extending Nonconforming Timeframes City-wide:* Although this request was initiated by a specific property owner in an industrial sub-district, staff recommends that a six month administrative extension be permitted for all non-conforming uses within commercial and industrial zoning districts under the following criteria: 1) the property owner submits a written request to the Development Services Director with the date that the property was

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<sup>11</sup> Hayward Municipal Code Section 1-1.2900, Nonconforming Uses.  
[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1Z\\_OOR\\_S10-1.2900NOUS](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1Z_OOR_S10-1.2900NOUS)

vacated and a description of the use; 2) that the previous use legally occupied the building with a valid use permit and/or City of Hayward business license; 3) the use is not considered sensitive (i.e. bar, nightclub, smoke shop); and 4) the use has not generated nuisances or other complaints according to Code Enforcement and Police Department records. Staff recommends that this administrative extension be made available to applicable properties vacated three months prior to or during the Alameda County shelter-in-place timeframes.

Allowing a six-month extension beyond that provided by the Nonconforming Ordinance will provide additional time for property owners to re-tenant buildings with the same use without having to go through a lengthy planning process. The unprecedented economic slowdown related to the COVID-19 pandemic and limited opportunities to show properties and relocate businesses is unusual and warrants flexibility from the standards in order to address the impact of the crisis.

### **ECONOMIC IMPACT**

The proposed extension would benefit property and business owners during the COVID-19 crisis in that they would have an extended timeframe in which to reestablish nonconforming uses provided that those uses do not generate a nuisance.

### **FISCAL IMPACT**

The staff time associated with reviewing the criteria to extend the nonconforming uses (checking current business license and Code Enforcement records) would be negligible in that it could be accomplished within the standard time that it takes to help an average customer at the Permit Center public counter.

### **STRATEGIC ROADMAP**

This agenda item is related to the COVID-19 crisis and does not relate to any of the six priorities outlined in the Council's Strategic Roadmap.

### **NEXT STEPS**

This is an informational item. Staff intends to administratively extend the nonconforming time frame for the property located at 30736-30760 Wiegman Road as requested, and to review similar requests on an individualized basis consistent with the approach outlined above.

*Prepared by:* Leigha Schmidt, Senior Planner

*Recommended by:* Laura Simpson, Development Services Director

Approved by:



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Kelly McAdoo, City Manager



April 13, 2020

Via Electronic Delivery

Ms. Leigha Schmidt  
Senior Planner  
City of Hayward  
777 B Street  
Hayward, CA 94541

**RE: PS Business Parks, Inc.—30736 - 30760 Wiegman Road**

Dear Ms. Schmidt:

I hope in this changed environment you and your family are safe and healthy. As you may recall from our last meeting, PS Business Parks, Inc. (PSBP) owns the warehouse and distribution facility located at 30736 – 30760 Wiegman Road (Property) in Hayward, CA (City). Our long-term tenant, Keeco, vacated the premises on January 24, 2020 and we are engaged in ongoing conversations with City staff about our ability to lease the facility in the wake of the City's new industrial zoning adopted in 2019.

With the adoption of the new industrial zoning, the Property is now a legal non-conforming use. Section 10-1.2915(b) of the City's Zoning Ordinance provides that "[i]f a non-conforming use is discontinued for a period of six or more consecutive calendar months, it shall lose its legal nonconforming status, and the continued use of the property shall be required to conform with the provisions of this Ordinance." Thus, our six month period expires on July 23, 2020.

This six month timeframe only provides for a very narrow window to lease the building to the types of warehouse and distribution users that it was built to accommodate. The building on the Property is very large at 459,833 sf—or around 10.5 acres. As you likely know, in commercial real estate, the larger the space, the smaller the universe of potential customers. We want, and we assume the City wants, a good user for this unique, 10.5 acre building.

In the midst of our efforts to market and prepare the Property for a new warehouse and distribution tenant, COVID-19 hit. Then, on March 16<sup>th</sup>, the County of Alameda issued its Shelter-In-Place Order (Order) directing all businesses to cease non-essential operations in the County and, on March 17<sup>th</sup>, the City proclaimed a local emergency to acknowledge that the City cannot process land use applications within normal time limits imposed by federal, state, and local laws because City staff is required to work remotely. This Order suspends everything we are trying to do to lease this building and we are further hampered by the short fuse relative to our legal non-conforming status.



PSBUSINESSPARKS.

As a consequence, we respectfully request a six-month extension of the Property's legal non-conforming status until January 23, 2021 because PSBP's ability to market, show, and perform market-ready improvements to the Property has been severely impacted. These are extraordinary times that necessitate extraordinary relief and we appreciate your partnership in our shared goals.

Thank you very much for your consideration.

Sincerely,

*Richard E. Scott*

Richard E. Scott

cc: Paul Nguyen, Economic Development Manager



HAYWARD CITY COUNCIL

RESOLUTION NO. 20-036

Introduced by Council Member Mendall

RESOLUTION RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, the Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code section 8630 such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Hayward Municipal Code section 3-2.12 provides that the City Manager, serving as the Director of Emergency Services, may request the City Council to proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services, the circumstances warrant it, a proclamation of local emergency may be issued which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, the City Council does find that the City Council could not be convened at that time, and that these conditions did warrant and necessitate the proclamation of a local emergency.

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services beginning on March 11, 2020 did proclaim the existence of a local emergency caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in the San Francisco Bay Area and Alameda County prompting the County to declare a local health emergency; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Hayward that it is hereby proclaimed and ordered that the Proclamation of Local Emergency, issued by the Director of Emergency Services, is hereby ratified and confirmed; and

BE IT FURTHER RESOLVED that during the existence of this local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, and the Charter, ordinances, resolutions and approved plans of the City of Hayward. Consistent therewith, and as authorized by Government Code sections

8558(c) and 8630, and Municipal Code section 3-2.12(a)(6)(ii) and 3-2.12(a)(6)(iv), the Director of Emergency Services is hereby authorized to obtain necessary supplies and bind the City for the fair value thereof, to requisition necessary personnel or material, or to otherwise take such steps or incur such costs as may be required for the general health, welfare, and safety of the community, in a total amount not to exceed \$3 million, which amount is hereby authorized and appropriated from the General Fund, provided the Director of Emergency Services makes a written report to the City Council of such expenditures on a regular basis. Said appropriation shall be available for a period not to exceed 60 days after the expiration of the declaration of emergency, with a final accounting to be made to the City Council at said point.

IN COUNCIL, HAYWARD, CALIFORNIA March 17, 2020.

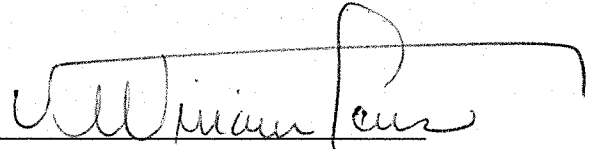
ADOPTED BY THE FOLLOWING VOTE:

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

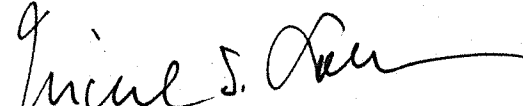
NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST:   
City Clerk of the City of Hayward

APPROVED AS TO FORM:

  
City Attorney of the City of Hayward