

**CITY COUNCIL MEETING
TUESDAY, APRIL 24, 2018**

**DOCUMENTS RECEIVED
AFTER PUBLISHED AGENDA**

AGENDA QUESTIONS & ANSWERS

Items 2 and 3

AGENDA QUESTIONS & ANSWERS

MEETING DATE: April 24, 2018

Item # 2: Authorize the City Manager to Execute Agreements with Local Partners for Operating Specialized Services in the New Library Including: Community Art Gallery, Book Store Gift Shop, and Pocket Café

Is the practice of the non-profit arts organization assuming all liability with no compensation, consistent with past practice, such as at John O'Lague? Aren't we currently responsible for the walls/hardware, for example?

The terms of the proposed agreement for curating the library art gallery are consistent with the existing agreement with the Hayward Arts Council for curating the John O'Lague Gallery in City Hall.

I would like assurances that the 3 sets of agreements will be for durations of 5 years or less. I want to make sure that the City will have the opportunity to change course or modify the contract terms if the agreements are not working out for any reason.

We can provide that assurance. No agreement will be longer than 5 years in duration, and all agreements will have termination clauses that protect the City's interests.

Item # 3: Approval of a Resolution Endorsing Regional Measure 3 - Funding for a San Francisco Bay Area Region Transportation Plan

I'm looking at the project map for AlCo - there's a giant hole in the central county. Hard to see why the Hayward Council should support RM3.

RM3 is an effort designed to address unprecedented growth from a regional perspective, rather than from a strict local or countywide perspective. Local traffic congestion is caused not only by local residents, but also by the many commuters traveling to and from, and through, Hayward. RM3 is a plan that will mitigate Hayward's traffic concerns by building a regional transportation infrastructure for the benefit of all living and traveling in the region.

Approximately 75% of the total funds raised through RM3 will go to improve public transit services, increasing alternatives to driving for commuters from throughout the region. This will reduce congestion on highways 580 and 880, in addition to helping the environment. Approximately 50% of the funds will be used for public transit capital improvements, and another 25% will support the operations of the improved public transit services (i.e. jobs and equipment). BART will get approximately 300 new cars that will grow its capacity by 40%. A significant investment will also be made to improve the frequency and reliability of AC Transit services that will benefit Hayward bus commuters. Interstate transit improvements to 880 and 580, including new highway Express Lanes, will help Hayward resident, businesses, and Hayward workers.

While the increase in bridge tolls may create hardships for drivers who use them on a regular basis, all commuters, including those who regularly pay bridge tolls, will directly benefit from increasing public transit uses in all of its forms including BART, AC Transit, Ferry Service and upgrades to Amtrak. The South Bay improvements to the Dumbarton Bridge, Highway 92, and Interstate 880 also stand to benefit Hayward commuters using those transportation routes.

ITEM #4

STEVEN DUNBAR EMAIL

From: Steven Dunbar []
Sent: Tuesday, April 24, 2018 5:30 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Cc: Jianhan Wang <>; Bruce Dughi <>; Susie Hufstader <>; Dave Campbell <>; Robert Prinz <>
Subject: Hayward Council Meeting 4/24 Comments

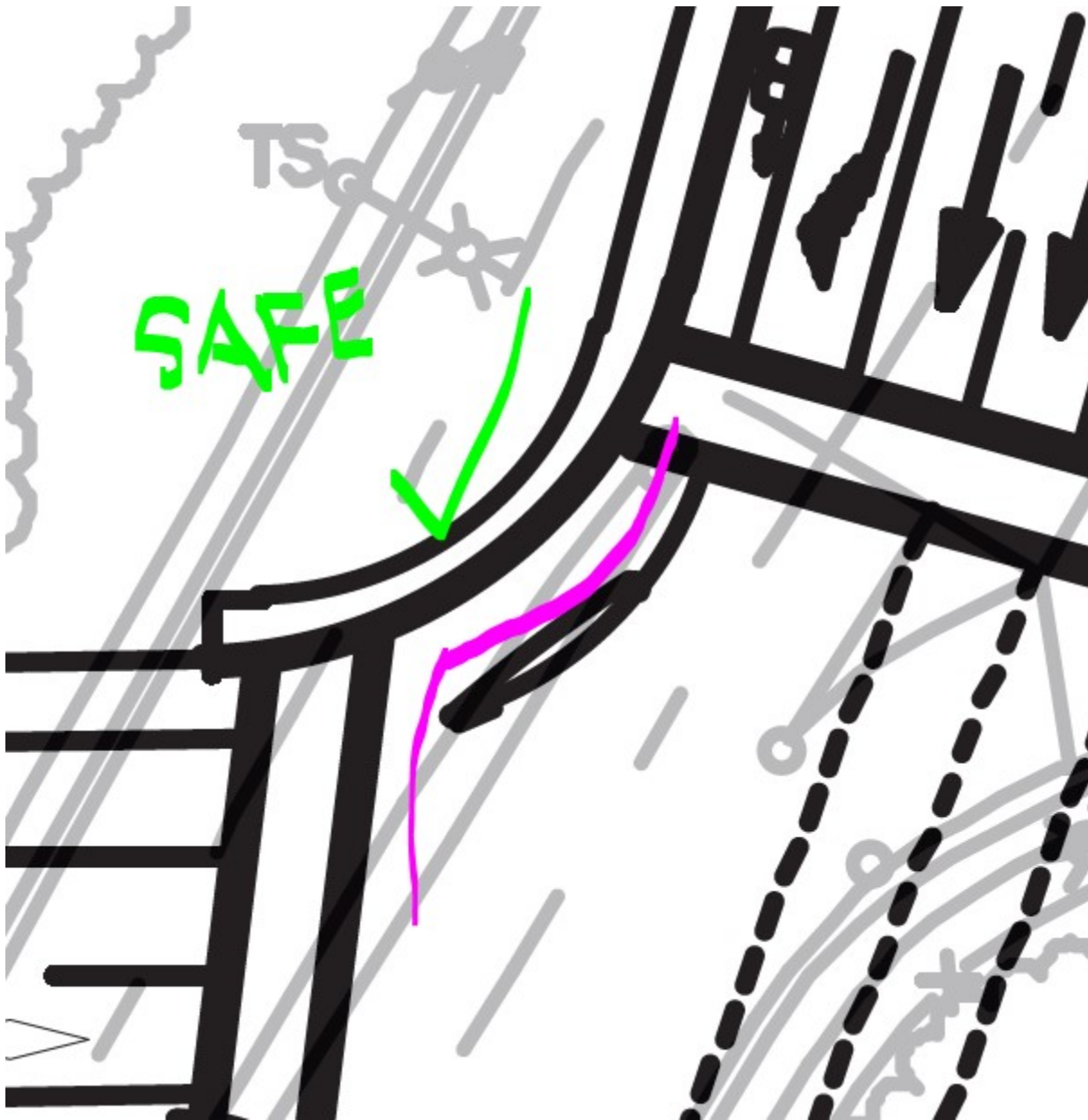
Councilmembers,

Regarding the Whipple and Industrial overpasses, I hope you'll agree that Design Variation 1 is the only acceptable safe design for bikes in this packet. It is imperfect and would require future work to address left turning movements, but is otherwise safe in both directions.

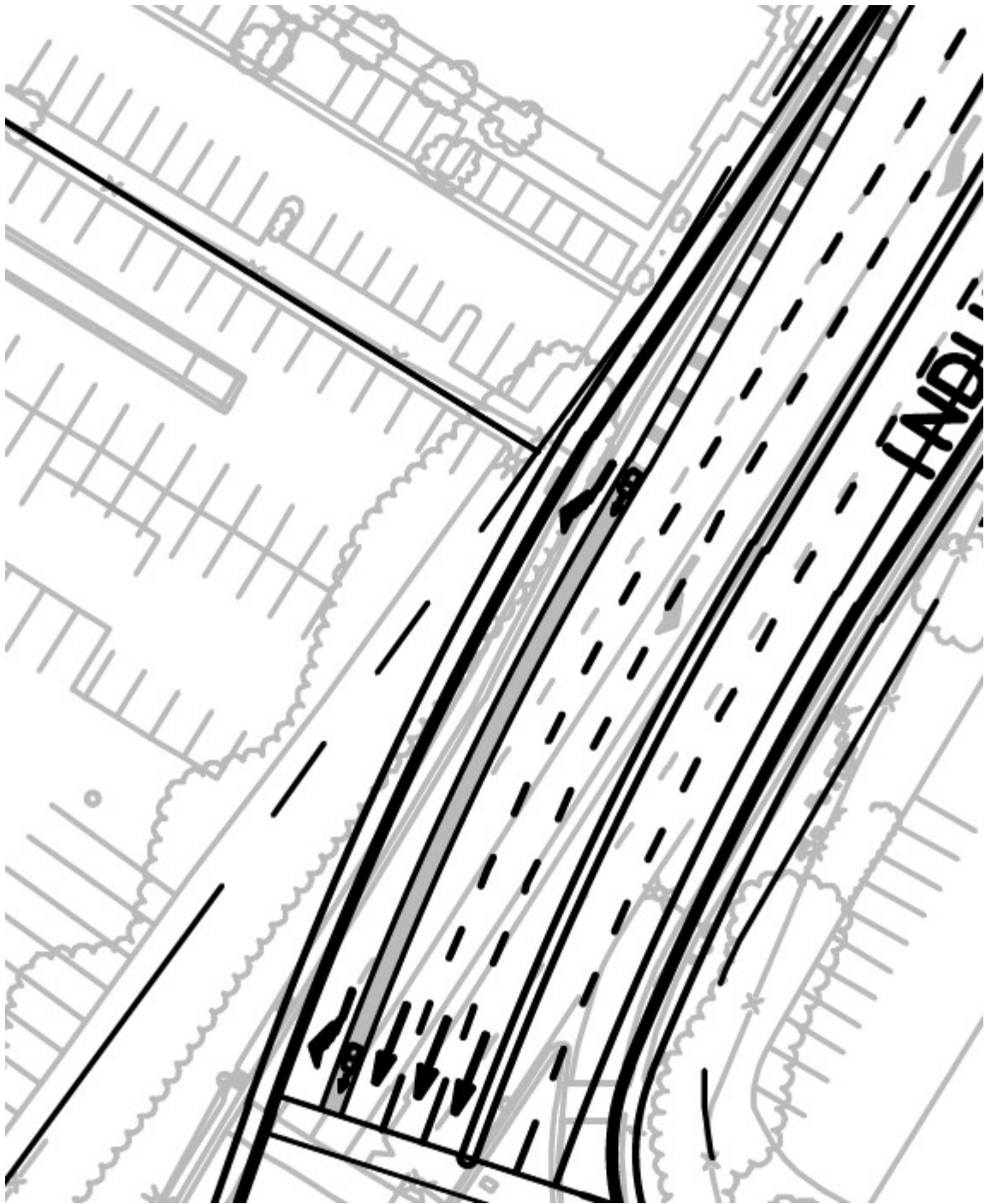
The standard design (Alt-W) includes issues such as the purple route below that are simply unacceptable for newly built infrastructure in 2018. Variation one includes fewer obvious pitfalls.

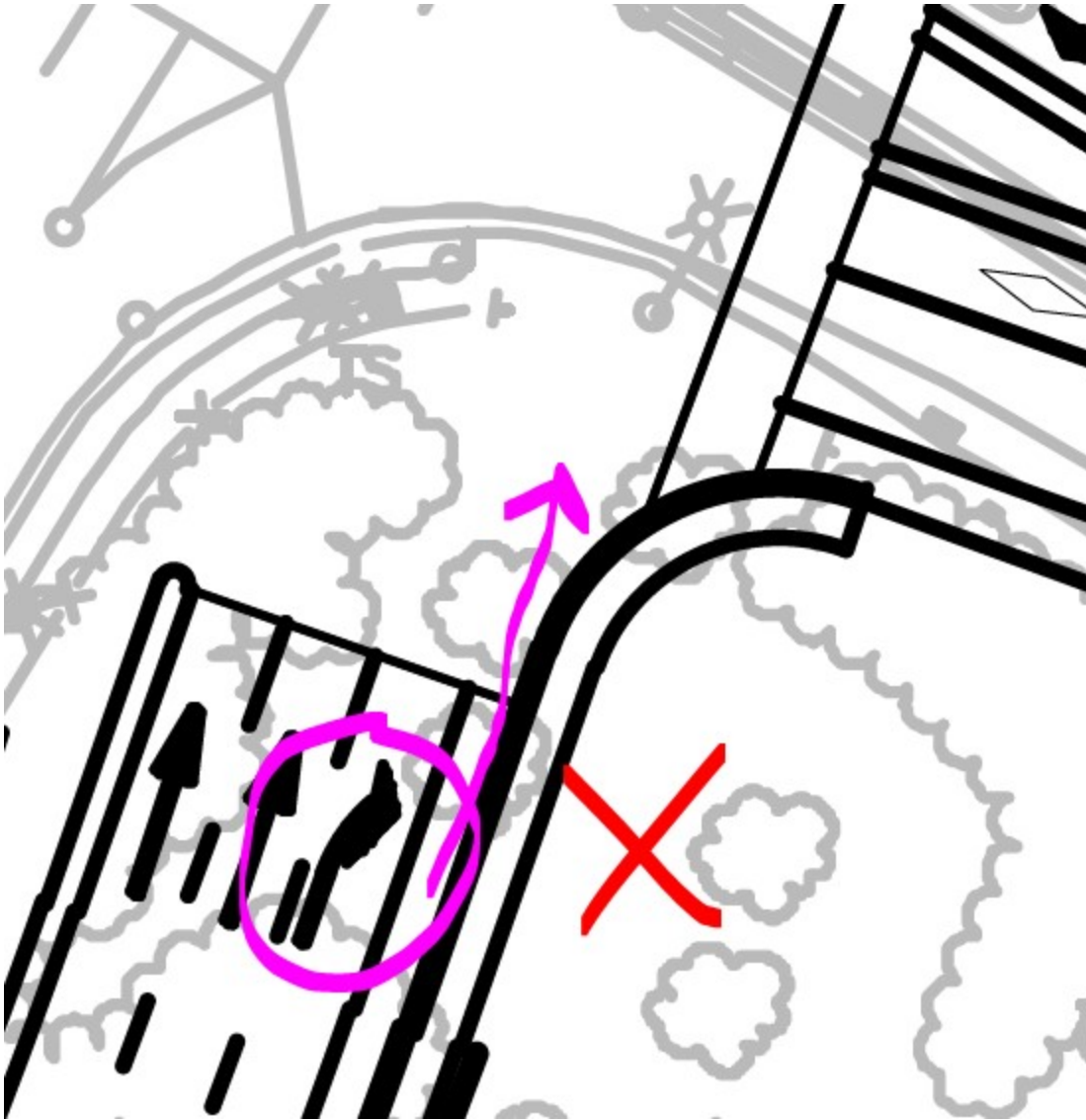


Of the Industrial West designs, none of them meet the standard for all ages and abilities networks. Of the presented options, Alternative I-2 is the most salvageable as the bike lanes could be made to be protected without costly redesigns. It even includes a partial protected intersection to safely allow cyclists to stay close to the curb, as shown below. This is a good starting design.

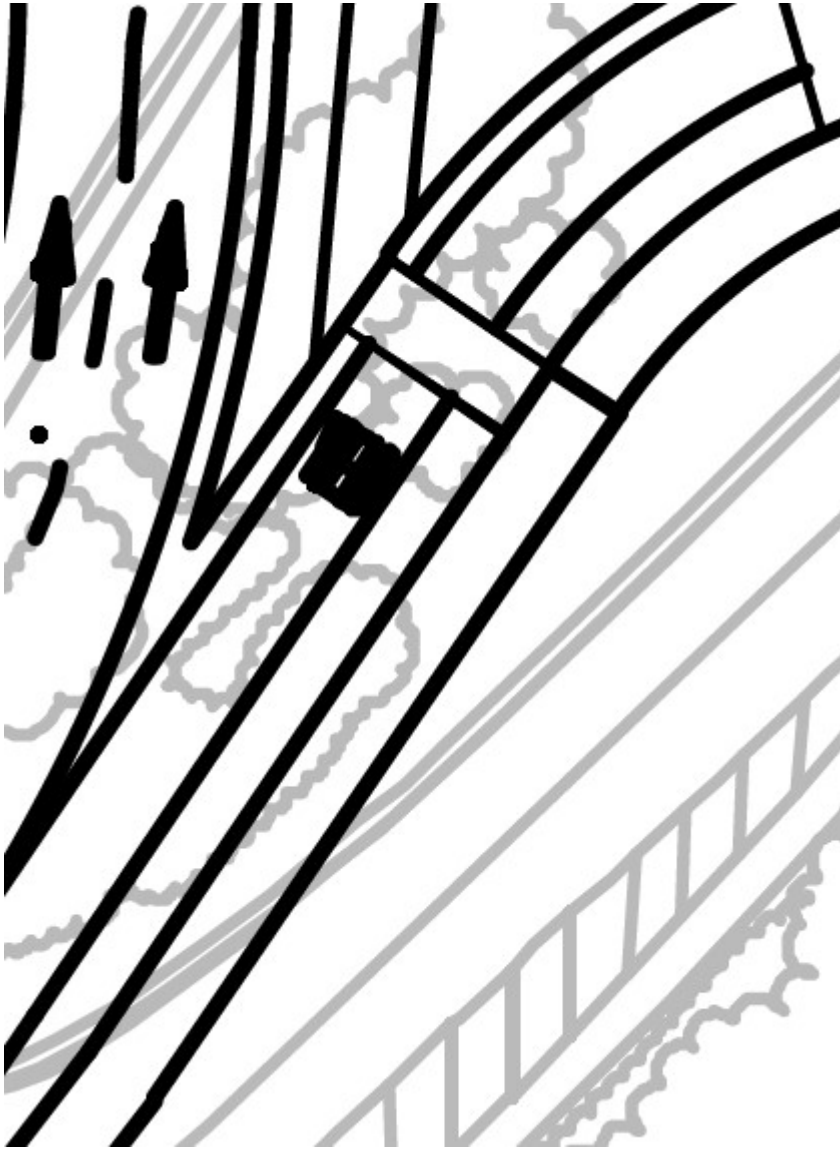


Alternative I-3 is unacceptable due to both the very long "floating" right turn lane (first image below) and the right turn lane to left of an unprotected bike lane (second image below). These are not safe. Imagine the speeds traffic would be flowing at around you while cycling here.

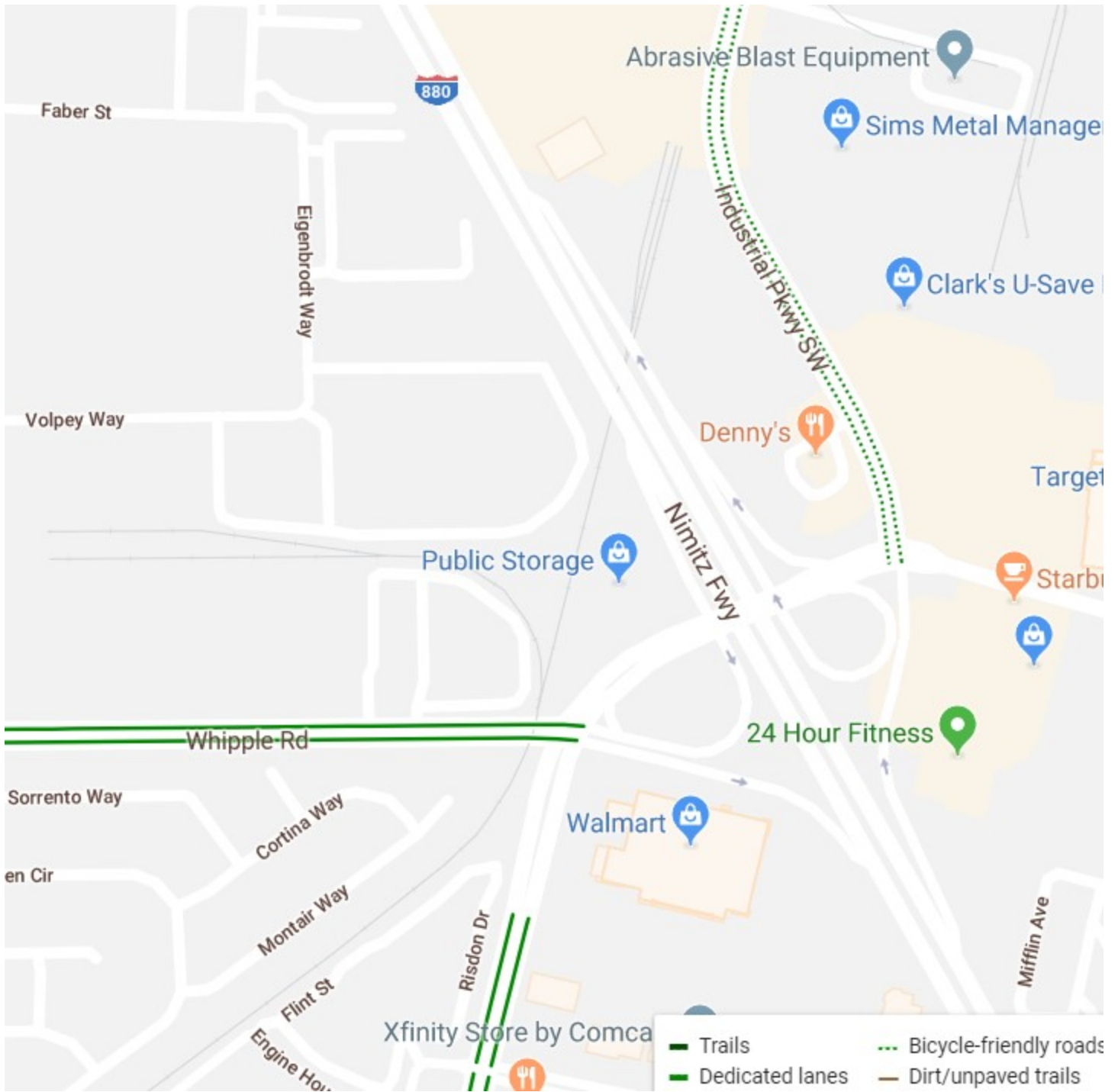




Diverging Diamond interchanges are especially uninviting, as even with the protected center corridor they involve too many uncontrolled crossings such as the one below. They sacrifice too much for auto mobility. Pedestrians are especially disadvantaged as they may need to wait for 4 light combinations to cross the interchange.



As such, I encourage council to choose Design Variation 1 and Alternative 1-2 respectively. If council is committed to the goal of street safety, only these options would provide the possibility of a truly safe gap closure for the converging but disconnected bike lanes at Whipple or any future bike facility at Industrial West.



Thank you for you time,
Steven Dunbar
Bike Walk Edén

ITEM #5

SHERMAN LEWIS EMAIL

-----Original Message-----

From: Sherman Lewis []

Sent: Monday, April 23, 2018 6:06 PM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>

Subject: Downtown Parking Management Plan

I hope the Council will discuss the amount of fine for Over Time Limit and other citations. Your budget shows them as 90 percent of the program budget. You are taking a punitive, rather than a voluntary, approach to parking.

The staff report says "Time restrictions are effective in shifting parking demand from overutilized on-street facilities to off-street facilities, and increasing turnover in high demand areas." My research indicates this is not true. Modern parking charges are effective.

Time limits have costly over-head, loss of needed revenue, revenue by aggravating people with large penalties for small time violations, inflexibility, difficult enforcement, and poor impact on turn-over.

The staff report and CDM Smith report have no documentation, no discussion of modern systems, let alone a comparison of the two approaches.

It does not make sense for BART to earn substantial revenue from its parking asset, which people willingly pay, while next door the loses resources its needs to provide services.

From the General Plan, M-9.4 Parking Management: "The City shall continue ... to implement parking charges..."

--

Sherman Lewis

Academic Senator for Emeriti

Professor Emeritus, CSU Hayward

President, Hayward Area Planning Association

ITEM #5

GEOFF HARRIES EMAIL

From: []
Sent: Monday, April 23, 2018 4:12 PM
To: CityClerk <CityClerk@hayward-ca.gov>
Subject: Buffalo Bill's votes NO on Downtown/BART parking 4/24 vote

Dear City Clerk,

Re: The 4/24 vote tomorrow on the Downtown/BART parking plan

I would ask council to vote NO.

I don't see anything within the plan regarding a fiscal impact to downtown businesses. However, it looks like the city will create a net profit of \$645k over the next five years through permit fees charged to businesses and fines with the use of license plate readers. Based on the report, BART and commuter tech companies are the problem, but the only solution being proposed is to restrict parking for everyone in downtown, which will be cash positive for the city.

In my opinion, this plan MUST be considered in conjunction with the Muni Lot #2 proposal (#CONS 18-210). The construction is scheduled for this summer, which involves shutting down Muni Lot #2 for a month and reducing the number of parking spaces by (7), and giving another (2) spaces to a third party energy company which will sell power to EV cars.

I hope all downtown merchants support blocking #CONS 18-210, as the last thing we need in downtown is less parking. The city has spent much time analyzing their own fiscal impact, I would hope that the city considers the fiscal impact to downtown businesses before moving forward with either parking plan.

Geoff

Geoff Harries

CEO | Master Brewer
Buffalo Bill's Brewery
510.541.1579 m
1082 B Street, Hayward, CA 94541

www.buffalobillsbrewery.com



ITEM #5

JAY KHAN EMAIL

From: Copy Pacific []
Sent: Monday, April 23, 2018 7:36 PM
To: CityClerk <CityClerk@hayward-ca.gov>
Subject: Muni Lot#2 Proposal Please Vote No

Dear Mayor/City Officials,

I strongly oppose moving forward with the Muni Lot #2 plan at this point..... It should be put on hold until the City comes up with a better plan in the future that includes a wider discussion with all downtown merchants.

90% of our customers use Muni Lot #2. In the coming months we will have parking crisis which has already surfaced. Beautifying the Lot is not the issue, not having enough parking spots is the issue. We operate downtown as one unit. It does not matter North, South, East or West, it effects everybody.

Please Vote No on #CONS 18-210.

Respectfully,

Jay Khan

President/CEO

Copy Pacific Inc.

1090 B Street
Hayward, CA 94541
Ph: (510) 886-4443
Fx: (510) 886-3044

ITEM #5

MEG LIVERNOCHE EMAIL

From: Megan Livernoche []

Sent: Monday, April 23, 2018 10:17 PM

To: CityClerk <CityClerk@hayward-ca.gov>; Francisco Zermeno <Francisco.Zermeno@hayward-ca.gov>

Cc: Megan Livernoche <>

Subject: Opposition to Proposed Parking Plan

Dear Council:

By way of introduction, my name is Meg Livernoche and I am co-owner of High Scores Arcade at 1051 B Street. I'm writing to add my name to the list of concerned business owners opposing the current parking plan scheduled to be voted on during the April 24th meeting. Specifically, the proposed changes to municipal Lot #2 (#CONS 18-210) stand to directly negatively impact my business and those surrounding us by reducing the overall number of available spaces in an already-competitive lot.

It is not uncommon for us to hear customer feedback in our Alameda arcade that they no longer visit downtown Hayward since the traffic pattern change. Others are nervous about Hayward's bad reputation for playing host to some bad behaviors – a reputation we're all working to reverse. We don't need a further reason to discourage new visitors to our downtown and to further perpetuate the trend of empty storefronts.

I am asking for you to show your support of your downtown merchants by voting "no" on the current proposal until a comprehensive look at the impact on the business district can be taken. Collecting revenue on the backs of your small business owners feels short sighted and ill conceived.

Sincerest thanks for your consideration.

Meg Livernoche

High Scores Arcade

ITEM #5

SHAWN LIVERNOCHE EMAIL

-----Original Message-----

From: []

Sent: Monday, April 23, 2018 9:41 PM To:

CityClerk <CityClerk@hayward-ca.gov>

Subject: City Parking

Hello,

My name is Shawn Livernoche, co-owner of High Scores Arcade at 1051 B Street with my wife Meg.

The proposed parking solution is very unsettling – we are coming up on our summer season and There are not one but several issues that are going to seriously affect the ability of our customers to park near our business.

There is a reason why the majority of the store fronts below us on B St. are either empty or an uninspired dump. There is a reason why we don't want to ask our customers to park far away from the area where our business, Charlottes, Buffalo Bills, or the Theatre is located. The town is overrun with homeless people, vagrants, drug addicts and other bums. California law turns aggression and robbery into misdemeanors and the area gets out of control. We've been robbed, we see it- We have comparative experience operating in other cities in California and in other states. Hayward is worse.

However, There are a lot of cultural and social aspects about Hayward that we really like, like at our Alameda location, people from Hayward come or and support what we're doing- we worked very hard all year long to maintain a family friendly, exciting, and unique addition to your downtown. We donate to all the schools, we support and keep our prices low for the kids of Hayward and the working families every chance we get, we are friendly neighbors and we are forward thinking in continuing to contribute positively to the area.

We are a good business for downtown Hayward, anyone in the downtown will tell you that. We aren't used to Having to be hands-on with the decisions made downtown at any of our other locations because they typically have benefited us and not hurt us like this one doubtlessly will. We just don't have the time to get up on our hind legs and show up at meetings every time someone downtown who can't see three feet in front of them makes a horrifically disastrous

decision that costs the downtown businesses. Obviously what is proposed for parking would be awful to all the businesses in our area during a busy season. It's a bad idea. Where do I vote against it? What are the contacts that I can promote to my customers and the followers of classic arcade games who are happy we are in your town and want to see a stay longer?

Please advise the most direct route to work against the proposed parking changes near our store. I've only been in the area two years and I've already seen you guys walking around with your feet on fire avoiding puddles in a variety of situations. A dumb decision that costs us and our small family business money during our busiest season of the year is going to make us want to rethink our commitment to the area. We don't have time to point out oncoming trains, we have enough to do to keep our popular museum too notch for your downtown which is running close to empty on more than half the street. Please respect your small businesses.

Shawn

Sent from my iPhone

ITEM #5

JONATHAN WILLIAMS EMAIL

From: Jonathan Williams []
Sent: Monday, April 23, 2018 8:47 PM
To: CityClerk <CityClerk@hayward-ca.gov>
Subject: Comments on Hayward Downtown and BART Station Area Parking Management Plan

To Whom It May Concern,

I am writing to you in regards to the upcoming city council meeting on April 24th, and the subsequent vote on the parking plan being proposed. My name is Jonathan Williams, I am the manager at High Scores Arcade at 1051 B Street, and I was asked by my employer to share my opinion on the parking situation.

While the proposed parking plan does seem to address the issue of public parking spaces being used in lieu of the paid BART parking, I don't believe that it does this to the benefit of the businesses in the downtown Hayward area. I agree with the idea to increase wayfinding to off-street parking by adding visible signage on main streets. I have heard from many customers who use street parking because they were unfamiliar with the area and weren't aware of the off-street lots. These same customers usually bring up this issue with me because they are concerned with the parking regulations currently in place on downtown street parking spaces. This leads me to believe that increased regulation and enforcement on both street parking and off-street parking will lead to increased anxiety over parking on the part of the customer, possibly resulting in lost revenue for businesses in the downtown area.

I read and agree with comments from Geoff Harries at Buffalo Bill's Brewery, who was critical of the lack of analysis on the part of the city regarding fiscal impact on businesses as a result of the proposed parking management plan. The changes will dramatically alter the considerations of patrons who drive into the downtown area, and thus will have some kind of effect on their shopping behavior. Geoff Harries specifically mentioned the planned construction on municipal Lot #2 (#CONS 18-210), located behind his establishment, which would result in a net loss in available parking spaces in addition to any new regulatory considerations. In my opinion this loss of available and convenient parking, in addition to the proposed permitting structure at the cost of employers, creates an disadvantageous situation for business operators in the downtown area, who should in fact be the main beneficiaries of a parking solution. If the revenue being

collected by the city in the proposed plan isn't being tied to a comprehensive plan to invite more business to the downtown area, I don't see how the city can expect businesses to support these plans.

Thank you,

Jonathan Williams
High Scores Arcade

PUBLIC COMMENT

LACEI AMODEI

District Attorney Files Felony Charges for Election Fraud Against Signature Gatherers Paid by the California Apartment Association

Tuesday, March 27, 2018

FOR IMMEDIATE RELEASE

CONTACT: Shanti Singh, shanti@tenantstogether.org

District Attorney Files Felony Charges for Election Fraud Against Signature Gatherers Paid by the California Apartment Association

Pacifica, CA--The San Mateo County District Attorney has filed multiple felony charges against referendum petition signature gatherers hired by the California Apartment Association (CAA). The CAA referendum overturned a temporary law passed by the Pacifica City Council that would have protected tenants from exorbitant rent increases and unjust evictions in the months leading up to the November 2017 vote on rent control. Fair Rents 4 Pacifica, a local all-volunteer community organization, filed a complaint with the District Attorney alleging that signature gatherers were misrepresenting the referendum to gain signatures.

The District Attorney filed twenty-one felony charges against two paid signature-gatherers, who were hired as part of the industry-backed referendum campaign. According to San Mateo County District Attorney Steve

Wagstaffe in an interview by the Pacifica Tribune, the pair faked at least 20 signatures, signing voters' names and addresses without their consent. The felony charges include several counts of elections fraud, perjury, and identity theft.

In May 2017, the referendum campaign backed by the CAA and San Mateo County Association of Realtors (SAMCAR) narrowly repealed temporary tenant protections by a margin of only 63 signatures. Fair Rents 4 Pacifica gathered evidence that at least 66 Pacifica voters sought to remove their signatures, nearly all claiming that they had been misled. The District Attorney's investigation uncovered even more egregious misconduct including the fraudulent collection of at least 20 additional signatures. The misrepresentations and fraud paid for by the CAA kept tenants in Pacifica vulnerable to rent hikes and unfair evictions for months while voters waited to weigh in on the rent control ballot measure in November. Fair Rents 4 Pacifica received reports of tenants who faced rent hikes of \$600 or more, forcing many residents out of their homes.

"This prosecution should serve as a wake-up call for the California Apartment Association, San Mateo County Association of Realtors, and others who campaign on lies to smear tenants and rent control. Fraud is fraud, and it can land you in jail," said Dean Preston, Executive Director of Tenants Together, California's Statewide Organization for Renters' Rights.

"Cities across the Bay Area, including Richmond, Alameda, Santa Rosa, and San Mateo, reported landlord lobbyist smear campaigns with misinformation - we are seeing a disturbing pattern. Techniques of fear-mongering, outright lies, and voter intimidation undermine the obvious fairness of tenant protections. Now we have a confirmed criminal case of fraud from Pacifica, where signature gatherers were paid by a campaign sponsored by the California Apartment Association," says Suzanne Moore, a member of Pacifica Housing 4 All. "The Democratic process in our small community was corrupted by a half-million dollars of outside realty monies and a fraudulent petition drive. Pacifica families have been financially harmed and displaced through their efforts."