

# **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, February 17, 2026**

**7:00 PM**

**Council Chambers**

**City Council**

**CITY COUNCIL MEETING**  
**777 B Street, Hayward, CA 94541**  
**City Hall, Council Chambers**

NOTICE: The City Council will hold a hybrid meeting in the Council Chambers and virtually via Zoom

*PUBLIC PARTICIPATION*

*How to observe the Meeting:*

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

*How to submit written Public Comment:*

1. Use eComment on the City's Meeting & Agenda Center webpage at: <https://hayward.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

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

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

Participate in the Council Chambers or click link below to join the meeting:  
<https://hayward.zoom.us/j/81913005787?pwd=jEZ0ZbnUDMQKx8FJw6raHSjafI8BxI.1>

Meeting ID: 819 1300 5787  
Password: CC2/17@7pm

or

Dial: +1 669 900 6833 or +1 646 931 3860

Meeting ID: 819 1300 5787  
Password: 4677690495

**CITY COUNCIL MEETING**  
**777 B Street, Hayward, CA 94541**  
**City Hall, Council Chambers**

**CALL TO ORDER: Mayor Salinas**

**Pledge of Allegiance: Council Member Roche**

**SB 707 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION**

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**PRESENTATION**

Black History Month Proclamation

**PUBLIC COMMENTS**

*The Public Comments section provides an opportunity to address the City Council on items not listed on the agenda or Informational Staff Presentation items. The Council welcomes comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, items will be taken under consideration and may be referred to staff. The City Council welcomes comments, including criticism, about the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a City Council. The City is committed to maintaining a workplace free of unlawful harassment and is mindful that City staff regularly attend Council meetings. Discriminatory statements or conduct that is hostile, intimidating, oppressive, or abusive – are per se disruptive to a meeting and will not be tolerated. ration and may be referred to staff.*

**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.

**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 26-017](#) Approve the City Council Minutes of the City Council Meeting on January 27, 2026  
**Attachments:** [Attachment I Draft Minutes of 1/27/2026](#)
2. [MIN 26-020](#) Approve the City Council Minutes of the City Council Meeting on February 3, 2026  
**Attachments:** [Attachment I Draft Minutes of 2/3/2026](#)
3. [CONS 26-036](#) Adopt a Resolution Reserving a Blanket Public Utility Easement and Storm Drain Easement Across the Entirety of the Vacated Right-of-Way of Valley Street East of 4th Street to C Street, as a Corrective Action to Resolution No. 23-085  
**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III Valley Street Map](#)
4. [CONS 26-038](#) Adopt a Resolution Approving the Plans and Specifications and Calling for Bids for A Street Sewer Line Replacement Project, Project No. 07831  
**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III A Street Sewer Location Map](#)
5. [CONS 26-039](#) Adopt an Ordinance of the City of Hayward, California, Amending Chapter 12, Article 1 of the Hayward Municipal Code Relating to Residential Rent Stabilization and Tenant Protection  
**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Summary of Ordinance](#)
6. [CONS 26-044](#) Adopt a Resolution Authorizing the City Manager to Appropriate \$1,094,417 from Measure BB Fund Balance and Amend the Agreement with Onward Health, Inc. for Paratransit Services to Increase the Total Not-to-Exceed Amount to \$1,975,030  
**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)

7. [CONS 26-047](#) Adopt a Resolution Approving Agreement with Philanthropic Ventures Foundation as Fiscal Sponsor for the Russell City Redress Fund and Authorize the City Manager to Execute the Agreement

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

#### LEGISLATIVE BUSINESS

8. [LB 26-004](#) Hayward Municipal Code Update: Introduction of an Ordinance Amending Sections 8-18.20 to 8-18.40, 8-18.120 to 8-18.170, and 8-18.190 to 8-18.200, of Article 18, Chapter 8 of the Hayward Municipal Code Related to the Utility User Tax (Report from Finance Director Hilbrants)

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

#### INFORMATIONAL ITEMS

*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.*

9. [RPT 26-010](#) Informational Report: Water Resource Recovery Facility (WRRF) Improvements Phase II Project Update

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

10. [RPT 26-014](#) Informational Report: Updates to the Ralph M. Brown Act Resulting from the Passage of Senate Bill 707 (SB 707)

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

#### 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, February 24, 2026, 7:00 PM**

**PUBLIC COMMENT RULES**

*Any member of the public desiring to address the Council shall limit their comments 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.*

**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 City website, Cable Channel 15 - KHRT, and YouTube. \*\*\**

*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 cityclerk@hayward-ca.gov.*

*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.*



# CITY OF HAYWARD

Hayward City Hall  
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**File #:** MIN 26-017

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**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Approve the City Council Minutes of the City Council Meeting on January 27, 2026

**RECOMMENDATION**

That the City Council approves the City Council meeting minutes of January 27, 2026.

**SUMMARY**

The City Council held a City Council meeting on January 27, 2026.

**ATTACHMENTS**

Attachment Draft Minutes of 1/27/2026



## CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chambers

<https://hayward.zoom.us/j/89933608747?pwd=qNZcP3fpQwg06wAHo8DhkfTCMWVlr6.1>

Tuesday, January 27, 2026, 7:00 p.m.

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The concurrent City Council and Hayward Geologic Hazard Abatement District (GHAD) Board of Directors meeting was called to order by Mayor/GHAD Chair Salinas at 7:00 p.m. in the Council Chambers.

**Pledge of Allegiance:** Council/GHAD Member Bonilla Jr.

### ROLL CALL

Present: COUNCIL/GHAD MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeno

MAYOR/GHAD CHAIR Salinas

Absent: NONE

### HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD) BOARD MEETING

The Hayward City Council and Geologic Hazard Abatement District Board of Directors held its meeting and adjourned at 7:15 p.m. Mayor Salinas reconvened the meeting as the City Council at 7:19 p.m.

### CITY COUNCIL MEETING

#### CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on January 27, 2026, at 6:00 p.m., with all members present and no public members regarding conference with legal counsel pursuant to Government Code section 54956.9(d)(2), regarding one case. City Attorney Lawson reported that the City Council met and discussed the item but took no reportable action.

#### PUBLIC COMMENTS

Kelly Abreu criticized the City for deflecting responsibility for the environmental impacts of data centers, such as diesel emissions, to state agencies, while approving large-scale diesel generator projects and failing to account for cumulative impacts; and urged the City to adopt reasonable regulations.

Katia Inzunza, La Casita restaurant owner in Hayward, via a Spanish interpreter, expressed concern that unregulated street vendors are hurting local restaurants that pay rent, taxes, and follow strict health and labor regulations; and called on the City to enforce current regulations.

Gregorio Arroyo, business owner in San Lorenzo, urged the City to take action against unregulated street vendors, stating they hurt businesses that follow all licensing and tax

requirements.

Pepe, business owner, expressed concern for inconsistent enforcement, stating that brick-and-mortar businesses face strict inspections and fines, while street vendors operate without consequences; and called on the City to regulate street vending.

Gardenia Zuniga, Hayward resident and small business owner, expressed concern over the rise of illegal street vending near schools, including unsafe setups and public alcohol sales; and called for stronger enforcement of existing laws to ensure fairness for licensed businesses and to protect public health and safety.

Mayor Salinas noted that the City is actively addressing street vending; shared that while the City successfully shut down a warehouse that was illegally housing barbecue trailers, the operation later resurfaced at another location, complicating efforts; and offered to organize a meeting with concerned business owners, City staff, and officials to discuss enforcement complexities and solutions.

Council Member Andrews asked City staff to invite State and County representatives to participate in the meeting so they can hear community concerns firsthand, understand the City's enforcement efforts, and clarify their respective roles in addressing the issue, including relevant legislation.

Council Member Zermeño acknowledged the restaurant owners who spoke about the impacts of unregulated street vending; and supported the mayor's idea to convene a meeting with business owners.

Alejandro Jasso, Hayward resident and co-chair of Bike Hayward, urged the City to adopt a more balanced parking model, such as limited free hours with paid street parking, and to reinvest in services and alternative transportation infrastructure such as bike lanes.

## **CITY MANAGER'S COMMENTS**

City Manager Ott made three announcements: 1) the biennial January 22, 2026, Point-in-Time Count to survey sheltered and unsheltered homelessness in Hayward, led by Dr. Amy Cole-Bloom was successful, with results expected later this year; 2) the film screening of Kintsu Kuroi at the Downtown Library on January 31, 2026, co-hosted by the Hayward Area Historical Society and Hayward Arts Council, with pre-registration available online; and 3) the third Hayward Rides bike giveaway event on January 30, 2026, in partnership with Eden Youth and Bike East Bay, at the Eden Youth and Family Center Open House - 680 West Tennyson Road.



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<https://hayward.zoom.us/j/89933608747?pwd=qNZcP3fpQwg06wAHo8DhkfTCMWVlr6.1>  
**Tuesday, January 27, 2026, 7:00 p.m.**

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## CONSENT CALENDAR

Consent Item 4 was pulled from the consent calendar.

1. Adopt a Resolution Authorizing the City Manager to Accept Grant Funding in the Amount of \$153,000 from the California Department of Justice Tobacco Grant Program, and Appropriate the Funds to the Code Enforcement Division of the Development Services Department, for the Term of Three Years **CONS 26-032**

Staff report submitted by Development Services Director Buizer, dated January 27, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Bonilla Jr., and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 26-001, "Resolution Authorizing the City Manager to Accept and Appropriate Grant Funding in the Amount of \$153,000 From the California, Department of Justice Tobacco Grant Program and Appropriate the Funds to the Code Enforcement Division of the Development Services Department for a Term of Three Years"

2. Adopt Resolutions Authorizing the City Manager to Negotiate and Execute Landscape Maintenance Contracts for Twin Bridges Landscape and Lighting Assessment District 7 with New Image Landscape Company in a Not-to-Exceed Amount of \$357,000 and for Parkside Heights Landscape and Lighting Assessment District 17 with Pacheco Landscape Management, Inc. in a Not-to-Exceed Amount of \$91,000 **CONS 26-014**

Staff report submitted by Maintenance Services Director Rullman, dated January 27, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Bonilla Jr., and carried unanimously, to adopt the resolutions.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,  
Syrop, Zermeño  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 26-002, "Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contracts for Twin Bridges Landscape and Lighting Assessment District 7 with New Image Landscape Company in a Not-to-Exceed Amount of \$357,000"

Resolution 26-003, "Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contracts for Parkside Heights Landscape and Lighting Assessment District 17 with Pacheco Landscape Management, Inc. in a Not-to-Exceed Amount of \$91,000"

3. Adopt Resolutions to 1) Initiate Proceedings Pursuant to Government Code Section 53753, 2) Provide Intention to Levy Assessments for FY 2026, 3) Preliminarily Approve FY 2026 the Engineer's Report, 4) Provide a Notice of Proposition 218 Public Hearing for Stratford Village Flood Control Facilities Improvement Assessment (MD1 - 2026), 5) Approve the Mailing of Ballots, and 6) Adopt Proposition 218 Assessment Ballot Procedures **CONS 26-015**

Staff report submitted by Maintenance Services Director Rullman, dated January 27, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Bonilla Jr., and carried unanimously, to adopt the resolutions.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,  
Syrop, Zermeño  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 26-004, "A Resolution of the City Council of the City of Hayward Initiating Proceedings Pursuant to Government Code Section 53753 and Article XIID of the California Constitution, Providing Intention to Levy Assessments for Fiscal Year 2026, Preliminarily Approving the Engineer's Report, and Providing for Notice of Hearing, and the Mailing of Assessment Ballots for the Stratford Village Flood Control Facilities Improvement Assessment (MD1-2026)"



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**<https://hayward.zoom.us/j/89933608747?pwd=qNZcP3fpQwg06wAHo8DhkfTCMWVlr6.1>**

**Tuesday, January 27, 2026, 7:00 p.m.**

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Resolution 26-005, "A Resolution of the City Council of the City of Hayward Adopting Procedures for Proposition 218 Assessment Ballot Proceedings for the Stratford Village Flood Control Facilities Improvement Assessment (MD1-2026"

4. Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Kittelson & Associates, Inc., in a Not-to-Exceed Amount of \$1,200,000 for Consulting Services for Phase 2 of the High Injury Network Safety Plan, Project No. 06942  
**CONS 26-020**

Staff report submitted by Public Works Director Ameri, dated January 27, 2026, was filed.

Ahmed Sharab, Hayward Hills resident and daily bike commuter, voiced support for the High Injury Network Safety Plan study on Mission Boulevard but urged the City to prioritize pilot programs over further studies, noting that existing concepts from prior planning efforts should be used to test real-world solutions efficiently.

Alejandro Jasso, Hayward resident, emphasized that Mission Boulevard has already undergone years of study and public outreach; and advocated for immediate pilot programs, such as those successfully implemented on Orchard Avenue, to improve bike safety and test lane reductions.

Tyler Dragoni, Hayward employee, criticized the City for spending over \$12 million on studies related to Mission Boulevard without implementing safety improvements, despite repeated pedestrian and cyclist fatalities at the same location; and urged the City Council to start piloting and building projects using existing data to create safer, multimodal infrastructure.

Bruce Duke urged the City to move beyond planning and pursue pilot implementation projects on Mission Boulevard, describing current biking conditions as dangerous and discouraging; and emphasized that as housing density increases along the corridor, safer bike infrastructure and other high-capacity transportation options are necessary to support mobility and local businesses.

In response to Council Member Roche's request for clarification on the funding sources for Consent Items 2 and 4, City Manager Ott confirmed that both items, related to landscaping assessments and a transportation study, were funded through special assessment districts and external grants and not diverting General Fund resources away from more pressing financial needs.

In response to Council Member Andrews’ inquiries, Principal Transportation Engineer Tang confirmed that High Injury Network studies were necessary to qualify for future grants and funding for transportation improvements and while pilot efforts are always explored separately, the current grant is specifically restricted to planning and cannot fund implementation efforts.

Council Member Bonilla Jr. acknowledged that the funding is for planning rather than implementation but expressed strong alignment with public commenters who are eager to see tangible safety improvements on Mission Boulevard; and expressed confidence that staff will move through the planning phase efficiently to secure implementation funding and deliver multimodal, pedestrian- and bike-friendly improvements on key corridors.

Council Member Syrop appreciated the public input advocating for more action-oriented approaches to pedestrian and bicycle safety; emphasized that while Mission Boulevard has received attention, other locations also require study and investment; and noted the importance of equitable sequencing of traffic-calming projects citywide.

Council Member Zermeño thanked his colleagues and public speakers for their comments and encouraged residents to purchase bicycles locally in Hayward.

Mayor Salinas acknowledged the sustained advocacy and engagement from community members, particularly those following the issue through Council Infrastructure Committee meetings; agreed that improvements to Mission Boulevard are necessary; and emphasized the ongoing progress.

It was moved by Council Member Syrop, seconded by Council Member Bonilla Jr., and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,  
Syrop, Zermeño  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 26-006, “Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Kittelson & Associates in a Not-to-Exceed Amount \$1,200,000 for Consulting Services for Phase 2 of the High Injury Network Safety Plan, Project No. 06942”



**CITY COUNCIL MEETING**

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**<https://hayward.zoom.us/j/89933608747?pwd=qNZcP3fpQwg06wAHo8DhkfTCMWVlr6.1>**

**Tuesday, January 27, 2026, 7:00 p.m.**

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**WORK SESSION**

5. Business-Friendly Hayward Project Update: Review of Draft Municipal Code and Zoning Maps Revisions Related to the Business-Friendly Hayward Project (Report from Development Services Director Buizer) **WS 26-003**

Staff report submitted by Development Services Director Buizer, dated January 27, 2026, was filed.

Development Services Director Buizer announced the item and introduced Assistant Planner Riddle and Senior Planner Blanton who provided an overview of the work session.

Mayor Salinas opened the public comment section at 8:26 p.m.

Philip Sidles, representing Prologis, expressed support for the Business-Friendly Hayward initiative but opposed limiting data centers solely to IG (Industrial General) district, arguing that IP (Industrial Park)-zoned areas, particularly in western Hayward, are well suited due to existing electrical infrastructure and buffers from residential areas; and urged the City to allow data centers in both IP and IG districts and establish objective performance standards that protect compatibility while preserving the fiscal opportunity and encouraged staff to reach out to property owners in IG and IP areas.

Lola De La O, representing the Indigenous-led organization Honor the Earth, warned of the environmental and public health impacts of data centers, citing high water consumption, potential health risks, and connections to surveillance technologies affecting marginalized communities; urged the City to consider these broader impacts carefully; and provided research materials encouraging further dialogue and caution before approving data center expansion.

Kelly Abreu noted that the City's proposal to regulate data centers by zoning alone is overly simplistic and does not reflect the highly technical siting requirements for industry, including massive electrical, water, and fiber infrastructure needs; and urged the City to better define data centers, particularly by electrical load, and to ensure careful, technically informed decisions to avoid inappropriate approvals and environmental impacts.

Mayor Salinas closed the public comment section at 8:32 p.m.

Discussion ensued among members of the City Council and City staff, and the following clarifications were made: the in-house dashboard is being developed by IT staff to help track development applications; while recently approved data centers expressed interest in using recycled water, infrastructure limitations currently prevent this, and backup systems continue

to rely on grid power; and decommissioning standards for data centers remain unclear due to their recent emergence.

Council Member Syrop emphasized the transformative potential of regulatory simplification in economic development; advocated for a cautious, wait-and-see approach on data centers before approving new facilities, citing concerns over energy use, water supply, environmental impact, and public health; argued that due to their scale and impact, data center Conditional Use Permits (CUPs) should come before the City Council rather than the Planning Commission; stressed the need for substantial community benefits from any future data center applicants; noted that data centers should be able to use recycled water to mitigate impact to water supply; supported expanding Accessory Commercial Units (ACUs) uses to include takeout restaurants to foster equitable business opportunities, particularly for sidewalk vendors seeking transitional pathways into legal operations; asked staff to consider more walkable neighborhood ACU pilots and supported streamlining permitting for childcare citywide; supported a more flexible entertainment permit structure by listing excluded uses rather than specifying permitted ones; hoped to see the “80% of all permits are processed in less than three rounds of review” metric improve in the future.

Council Member Andrews focused on process improvements and transparency around revenue-generating projects; supported using simple tools such as spreadsheets for tracking and understanding where delays are occurring; requested regular updates on projects within the business concierge program, including causes of delay, presented at Council Economic Development Committee meetings; expressed concern over environmental and infrastructure impacts of data centers, including energy storage, off-grid capacity, and recycled water usage; encouraged further research on best practices and community benefit standards from comparable cities be presented to the City Council; and suggested the Council Sustainability Committee review data center impacts and benefits, and the Council Infrastructure Committee explore recycled water upgrades.

Council Member Bonilla Jr. expressed general support for the proposed changes and praised efforts to simplify permitting process; supported requiring CUPs for massage parlors and liked the approach to entertainment permits that lists exclusions; expressed support for adding “event space” into definitions of cultural facility/community center; supported more youth-focused experiential spaces and clear performance standards for data centers; favored having the City Council review CUPs for data centers and consider IP and IG appropriate zones; supported creating robust performance standards for data center requiring strong environmental protections and substantial community benefits; suggested areas, such as Tennyson Road, to pilot ACUs and expressed concern with blanket restaurant exclusions; and advocated for reducing financial burdens, including lower fees for temporary use permits, to make entrepreneurship more accessible.



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Council Member Goldstein appreciated the long-term effort and supported ACUs for amenities but was cautious about broader uses such as restaurants; suggested a middle-ground approach to food-related ACU uses and urged careful attention to enforcement to avoid conflicts similar to street vending; supported the three-round review limit and collaborative project meetings; questioned the exclusion of data centers from IP zones and advocated for open dialogue with developers, especially on power and water options; warned against extreme solutions such as small nuclear reactors; advocated for staying informed about emerging technologies such as closed-loop cooling systems; and encouraged caution but remained open to innovation.

Council Member Roche commended the code simplification efforts and appreciated the responsive metrics in the report; supported the ACU concept and suggested expansion into corridors Tennyson Road and A Street but was hesitant to allow restaurants, given the City's ongoing challenges with street vendors; supported adding "event space" into the definition and temporary entertainment permit changes; was disappointed at the reaction on data centers, noting the Stack Center followed the legally allowable process and was publicly reviewed; urged the City to define clear, strict standards for future data centers instead of outright opposition; and supported allowing CUPs for both IG and IP zones.

Council Member Syrop reiterated that he was not advocating for a data center ban but for a pause to assess impacts from the existing facility; and stressed the importance of transitional opportunities for low-income entrepreneurs emphasizing the City's responsibility to create equitable commercial options.

Council Member Zermeño praised the effort as a vehicle for future economic growth and was especially supportive of pop-ups, simplification of permitting, and activating underutilized downtown properties; supported expansion of cultural facilities and voiced opposition to any expansion of massage parlors; noted data centers are part of the future and supported requiring CUPs and gray water use with a preference for them to come before the City Council for review; and wanted to ensure that ACUs do not negatively impact the City's existing 350+ eateries and undermine existing businesses.

Council Member Roche expressed support for continuing to involve the Planning Commission in the review of data center CUPs before review by the City Council, citing the value of initial vetting and applicant engagement at that stage.

Council Member Bonilla Jr. emphasized consistency and fairness in restaurant-related ACU decisions when they meet legal requirements; and warned against using the street vending issue as a reason to overly restrict future business opportunities.

Mayor Salinas emphasized the importance of proportional oversight; supported future data center CUPs coming before City Council to ensure community benefits are in place and zoning districts are vetted; expressed concern about introducing ACUs at a time the City is facing challenges with unpermitted street vending; warned against opening the door to widespread neighborhood-based restaurant operations before the City has control of its existing challenges; and concurred with allowing event spaces in more zoning districts.

**PUBLIC HEARING**

- 6. Moratorium on New Massage Businesses: Adoption of an Interim Urgency Ordinance Pursuant to Government Code section 65858, Extending the Temporary Moratorium on New Massage Businesses in Hayward for up to 10 Months and 15 Days, and Finding that the Action is Exempt from Environmental Review (Report from City Attorney Lawson)  
**PH 26-002**

Staff report submitted by City Attorney Lawson, Development Services Director Buizer, and Police Chief Matthews, dated January 27, 2026, was filed.

Mayor Salinas indicated that an item related to massage businesses came before the City Council previously, and with no objections, forewent staff's oral report.

There being no speakers, Mayor Salinas opened and closed the public hearing at 9:40 p.m.

Council Member Syrop acknowledged Council Member Andrews' ongoing work to address human trafficking, noting that it is a serious issue that often goes unspoken and under-prioritized; and recognized the advocacy of former Personnel Commission Chair Wright, who had been vocal about the need for stronger oversight of massage parlors.

Council Member Andrews asked that signage about human trafficking be required at massage establishments, noting its increasing presence at airports and hotels to which staff confirmed this is part of the proposed regulatory amendments; and thanked Council Member Syrop for the acknowledgment of her efforts in raising awareness and addressing trafficking issues.

It was moved by Council Member Zermeño, seconded by Council Member Goldstein, and carried unanimously, to adopt the ordinance.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None



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**777 B Street, Hayward, CA 94541**  
**Council Chambers**

<https://hayward.zoom.us/j/89933608747?pwd=qNZcP3fpQwg06wAHo8DhkfTCMwVlr6.1>  
**Tuesday, January 27, 2026, 7:00 p.m.**

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Ordinance 26-02, "An Interim Urgency Ordinance of the City Council of the City of Hayward Pursuant to Government Code Section 65858, Extending a Temporary Moratorium on New Massage Businesses for a Period up to 10 Months, 15 Days, and Finding that the Action is Exempt from Environmental Review"

7. East Bay Greenway Multimodal Project: Adopt a Resolution Approving the Project Evaluation for the East Bay Greenway Multimodal - Hayward Segment Project (Report from Public Works Director Ameri) **LB 26-002**

Staff report submitted by Public Works Director Ameri, dated January 27, 2026, was filed.

Public Works Director Ameri announced the item and introduced Mr. Kanda Raj, Project Manager at Alameda County Transportation Commission (ACTC), and Senior Transportation Engineer Woodward who provided an overview of the staff report.

Mayor Salinas indicated that the item was presented to the Council Infrastructure and Airport Committee for review and approval; and he had seen various iterations in his role as the City's delegate to ACTC.

Mayor Salinas opened the public hearing at 10:04 p.m.

Ahmed Shorab voiced support for the project, emphasizing the safety benefits for daily riders and children along the corridor; urged robust crossing infrastructure in areas where bike lanes change sides; and encouraged staff to collaborate with Bike Hayward and Bike East Bay during design phases.

Alejandro Jasso, Hayward resident, supported moving the project forward, expressing concerns with delays and high costs of the current scoping phase; encouraged the City to plan for parking removal impacts by implementing residential parking permits and promoting programs such as Clean Cars for All; and urged collaboration with local bike advocacy groups.

Tyler Dragoni supported the project but criticized the shift from Mission Boulevard to Whitman Street, noting that parts of the plan fall short of the "all ages and abilities" standard; and recommended aggressive traffic calming measures, such as raised intersections and flashing beacons at bikeway switches, to ensure rider safety.

Bruce CV supported the project and emphasized the need for safety upgrades, particularly on Silva Avenue and Montgomery Street; and called for diverters and automated bike-prioritized crossings at lane switches, while also noting Mission Boulevard still needs improved access for cyclists.

Carl Gorringer, Hayward resident and Bike Hayward member, expressed support for advancing the project, highlighting its importance for improving access to schools and BART stations; and encouraged continued bike improvements along Mission Boulevard and stronger north-end connectivity, urging ongoing collaboration with Bike Hayward.

Mayor Salinas closed the public hearing at 10:16 p.m.

Members of the City Council thanked City and County staff, ACTC, and advocates.

Council Member Zermeño expressed support for the project as a bicyclist but shared disappointment that improvements are not planned for Mission or Hesperian Boulevards and that construction completion is delayed until 2031; and hoped it would result in cleaner streets, particularly along Whitman Street.

Council Member Syrop highlighted the transformative potential of the project for the Whitman neighborhood, especially as an equity-focused investment in a diverse area; acknowledged community concerns about parking and safety but emphasized that the project is about safer streets for all users; and urged faster project timelines and better communication about parking impacts, noting the importance of inclusive design and strong community outreach moving forward.

Council Member Roche supported the project and emphasized the need for sensitivity around parking impacts, especially for multi-generational households where street parking is critical to quality of life; acknowledged the value of protected bike lanes but stressed that balancing transportation improvements with residents' day-to-day needs is essential; and encouraged continued collaboration with bike advocates.

Council Member Goldstein stated that while he was initially skeptical about the shift from Mission Boulevard to Whitman Street, he now supports the change, noting that Whitman Street may offer a more realistic and safer corridor for cycling; emphasized the importance of safe street crossings, particularly for children and families; and welcomed investment in a neighborhood that has often been overlooked in major city projects.

Council Member Bonilla Jr. supported the project while expressing regret that it could not run along Mission Boulevard; highlighted his personal connection to the Whitman corridor and agreed that it has the potential to be transformative; stressed the importance of safe crossing infrastructure and asked about the possibility of including a parking permit system; noted continued collaboration with advocacy groups; and wondered how the Silva Avenue segment's deviation from "all ages and abilities" standards might impact funding.



**CITY COUNCIL MEETING**  
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Council Member Andrews supported the project but remained concerned about impacts to long-time residents on Silva Avenue; appreciated the door-to-door outreach and asked that a comprehensive fact page be added to the City’s website, including visuals, outreach records, and recordings to ensure transparency; and requested visual clarity in presentation slides and reiterated the importance of equity in project implementation.

Mayor Salinas voiced support for the project and its impact on the Whitman corridor, acknowledging that while Mission Boulevard would have been ideal, reducing its lanes would have sparked more controversy; encouraged infrastructure improvements on Mission Boulevard from Fletcher Lane to Tennyson Street; highlighted the Whitman corridor’s significance, serving schools, families, and dense housing, and suggested adding trees, lighting, and beautification features to further enhance the neighborhood; wished for more collaboration with Union Pacific Railroad and Southern Pacific Railroad; and praised ACTC’s flexibility and called for continued outreach, including visible signage and digital engagement tools to keep the public informed.

It was moved by Council Member Zermeño, seconded by Council Member Syrop, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,  
Syrop, Zermeño  
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 26-007, “Resolution of the City Council to Review and Approve the Scoping Evaluation of the East Bay Greenway Multimodal - Hayward Project”

## **COUNCIL REPORTS AND ANNOUNCEMENTS**

In response to Council Member Bonilla Jr.’s inquiry, City staff spoke about the new visitor and tourism promotional campaign leveraging Hayward’s location to cities hosting the Super Bowl and FIFA World Cup.

Council Member Andrews suggested bringing the promotional page to the Council Economic Development Committee to compare efforts by other cities.

Council Member Goldstein announced BEACON (Building Emergency Area Communications, Operations, and Networks) Exercise was hosting a Pre-Exercise Tabletop Exercise on January 31, 2026.

**COUNCIL REFERRALS**

There were none.

**ADJOURNMENT**

Mayor Salinas adjourned the City Council meeting at 10:40 p.m.

**APPROVED**

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Mark Salinas  
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 26-020

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**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Approve the City Council Minutes of the City Council Meeting on February 3, 2026

**RECOMMENDATION**

That the City Council approves the City Council meeting minutes of February 3, 2026.

**SUMMARY**

The City Council held a City Council meeting on February 3, 2026.

**ATTACHMENTS**

Attachment Draft Minutes of 2/3/2026



**CITY COUNCIL MEETING**

**777 B Street, Hayward, CA 94541**

**Council Chambers**

***<https://hayward.zoom.us/j/85486979742?pwd=oMOPjBQxdNf6UpLgSb7WwgqCGyuLyi.1>***

**Tuesday, February 3, 2026, 7:00 p.m.**

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The City Council meeting was called to order by Mayor Salinas at 7:00 p.m. in the Council Chambers.

**Pledge of Allegiance:** Council Member Goldstein

**ROLL CALL**

Present: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño  
MAYOR Salinas

Absent: NONE

**CLOSED SESSION ANNOUNCEMENT**

The City Council convened in closed session on February 3, 2026, at 5:30 p.m., with all members present and no public speakers regarding conference with property negotiators pursuant to Government Code section 54956.8, about City Center (APNs 415-0250-111-02, 415-0250-112-00, 415-0250-113-00), Cinema Place (APNs 428-0066-085-00, 428-0066-086-00), C St and Main St (APNs 428-0066-037-00, 428-0066-038-02, 428-0066-038-01), Parcel Group 5 (APNs 445-0270-054-02, 445-0260-084-03, 445-0250-060-01, 445-0260-109-04, 445-0250-059-01, 445-0250-041-01, 445-0260-018-03, 445-0260-018-04, 445-0260-109-03, and 445-0260-002-00), and Parcel Group 8 (APNs 415-0190-064-00, 415-0180-069-01, 415-0180-068-01, 415-0180-073-00, 415-0180-074-00, 415-0180-075-00). City Attorney Lawson reported that the City Council met with its property negotiations team to discuss the item, gave direction to staff, but took no reportable action. The closed session adjourned at 6:47 p.m.

**PUBLIC COMMENTS**

Veronica Barteveian shared she was laid off from the Hayward Library while on bereavement leave; warned that cuts to library programs harm vulnerable residents who rely on ESL, literacy, and citizenship services; and urged the City to align its budget decisions with stated values of community and opportunity.

Reina Escovedo described her 15 years of service at the Hayward Library; expressed disappointment at management decisions that led to staffing cuts, reduced hours, and the suspension of mobile services such as Curbie Mobile Library; emphasized the personal financial hardship on workers; and mentioned that management-level cuts across the City could have prevented frontline layoffs.

Ron Collins stated that SEIU Local 1021 presented the City a proposal on January 8, 2026, to address the budget deficit without layoffs and cutting core services, but the City failed to respond meanwhile workers were laid off and services were cut; and urged the City to restore

positions, services, bring solutions that do not rely on layoffs or concessions for the benefit of the workers and community.

Jorge Flores explained that street vending has severely reduced sales for brick-and-mortar businesses, forcing layoffs and hour reductions; and asked the City to fairly enforce regulations, arguing that unregulated vendors create health, safety, and economic inequities.

Luis Santos, Los Carnalitos Restaurant business owner, echoed concerns from fellow business owners, stating that rising costs and unregulated street vending are threatening the survival of small businesses that comply with taxes and labor laws; and asked the City to take action to protect compliant businesses.

Luis Barba, La Casita Restaurant business owner and via Interpreter Quezada, raised health, safety, and accessibility concerns related to sidewalk vending, including unsafe food handling, blocked sidewalks, alcohol sale, potential gas hazards, and advertising dental services operating from a residential garage; and urged the City to enforce regulations and take responsibility before serious harm occurs.

Jose Huitron, Hayward business owner and via Interpreter Quezada, shared that his business has steadily declined while unregulated vendors operate without taxes or inspection fees; stressed that small businesses follow the rules willingly but are unfairly disadvantaged by lack of enforcement; and urged the City Council to help small business owners.

Pepe, business owner, described inconsistent enforcement by health and law enforcement agencies, noting that unlicensed food trailers without plates or identification continue operating openly; and asked the City to address safety and accountability concerns more seriously.

Mayor Salinas indicated that the City Manager and his office are coordinating a meeting with business owners to listen to concerns and share efforts led by the City.

## **CITY MANAGER'S COMMENTS**

City Manager Ott made two announcements: 1) a Black History Month celebration at the Hayward Public Library on February 7, 2026, featuring a free 45-minute performance by Dimensions Dance Theater; and 2) a pre-Valentine's Day book sale hosted by the Friends of the Hayward Library on February 7, 2026, at the Downtown Library bookstore, with additional books available at the Weekes Branch.

## **PRESENTATION**

1. Update on Federal and State Advocacy and Legislative Developments for the 2025-26 Session **(Report from City Manager Ott)**

Assistant City Manager Thomas announced the item and introduced Dana DeBeaumont and Vanessa Vergara with Capitol Advocacy Partners (CAP), who provided an update on federal



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**Tuesday, February 3, 2026, 7:00 p.m.**

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advocacy and legislative developments for the 2025-26 session, including key federal developments impacting Hayward, and CAP's ongoing federal priorities for Hayward. An updated presentation slide was filed for the record.

Council Member Andrews mentioned that Senate Bill 972 addresses street food vending; and asked CAP representatives to research any federal legislation addressing how street vending affects local jurisdictions and consider the issue as part of their broader advocacy efforts.

In response to Council Member Bonilla Jr.'s inquiry about project alignment with executive orders, CAP representatives explained that aligning with executive priorities is a growing trend across grant reviews and noted increased scrutiny over sanctuary cities and pending federal funding.

Council Member Roche asked CAP to monitor any federal legislation around energy affordability, environmental impact of data centers, and cyber fraud targeting seniors, and provide a report to the City Council.

In response to Council Member Zermeño's inquiry as the reason why Hayward was not listed among the cities targeted by the federal government for sanctuary city policies, CAP representatives explained that the City's leadership had effectively maintained a balanced approach.

Mayor Salinas complimented CAP representatives DeBeaumont and Vergara on their work and expressed confidence in their continued advocacy for the City's priorities.

Carlin Shelby, Deputy Director with Townsend Public Affairs (TPA), provided an overview of key state legislative items for 2026, State budget update, grant funding updates, and overview of funding efforts.

Council Member Roche requested TPA to track legislation for advocacy efforts on energy affordability, changes to sidewalk food vending regulation specific to where vendors operate, impacts of data centers, and cyber fraud targeting seniors.

In response to Council Member Andrews' inquiry for updates on the State's work around restorative justice and reparations, human trafficking, and mental health support, TPA's Deputy Director Shelby provided an update and noted that while many bills stalled due to budget constraints, new proposals are expected soon, and TPA will follow up with an overview and advocacy approach.

In response to Council Member Syrop's inquiry about the status of renter protections and potential reforms to Costa-Hawkins, TPA's Deputy Director Shelby provided an update and

acknowledged the matter remains a priority for tenant advocates and promised to track related legislation.

In response to Council Member Syrop’s inquiry about TPA’s involvement with CSU and local school districts, emphasizing their impact on the City, TPA’s Deputy Director Shelby noted her firm collaborates on advocacy where appropriate such as providing letters of support. Council Member Syrop closed by voicing personal support for the proposed “billionaires’ tax” to reduce government deficits.

Mayor Salinas thanked TPA representative Shelby for the presentation and urged her to continue advocating for Hayward’s priorities.

### **CONSENT CALENDAR**

2. Approve the City Council Minutes of the Meeting on January 20, 2025 **MIN 26-015**  
It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously to adopt the City Council meeting minutes of January 20, 2026.

3. Adopt a Resolution Approving Garbage and Recycling Rate Adjustment for 2026-2027  
**CONS 26-030**

Staff report submitted by Public Works Director Ameri, dated February 3, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,  
Syrop, Zermeño  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 26-008, “Resolution Approving the Garbage & Recycling Rate Adjustment for 2026-2027”

4. Adopt a Resolution Authorizing the City Manager to Execute Agreements with Alameda County Transportation Commission and Union Pacific Railroad to Facilitate Project Advancement into the Construction Phase **CONS 26-031**

Staff report submitted by Public Works Director Ameri, dated February 3, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.



**CITY COUNCIL MEETING**  
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**Tuesday, February 3, 2026, 7:00 p.m.**

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AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,  
Syrop, Zermeño  
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 26-009, "Resolution Authorizing the City Manager to Execute a Memorandum of Understanding with Alameda County Transportation Commission and Construction and Maintenance Agreements with Union Pacific Railroad and Alameda County Transportation Commission for the Construction of the Tennyson High School Pedestrian (Dot #749773p) and Industrial Parkway (Dot #749775d)/Industrial Parkway Trail (Dot #768394r) Railroad Crossings as Part of the Rail Safety Enhancement Program – Phase A Project"

## **LEGISLATIVE BUSINESS**

5. Residential Rent Stabilization and Tenant Protection Ordinance: Introduction of an Ordinance Amending Chapter 12, Article 1 of the Hayward Municipal Code to Extend the Arbitration Decision Deadlines and Include a Cost Recovery Process Consistent with Other Housing Program Fees (Report from Development Services Director Buizer) **LB 26-003**

Staff report submitted by Development Services Director Buizer, Development Services Deputy Director Morales, and Principal Planner Schmidt, dated February 3, 2026, was filed.

Development Services Director Buizer announced the item and introduced Management Analyst Patel who provided an overview of the staff report.

In response to Council Member Syrop's inquiry as to what happens if associated costs are not recovered and whether the program's fee adjusts automatically according to Consumer Price Index (CPI) to keep up with rising administrative costs, Management Analyst Patel explained the City Council would need to authorize a loan from another fund and the fee is determined by the City's Master Fee Schedule which is undergoing review for ways to incrementally increase fees.

There being no public comment, Mayor Salinas opened and closed the public hearing at 8:41 p.m.

It was moved by Council Member Syrop, seconded by Council Member Roche, and carried unanimously, to introduce the ordinance.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,  
Syrop, Zermeño  
MAYOR Salinas  
NOES: None  
ABSENT: None  
ABSTAIN: None

Introduction of Ordinance 26-, “An Ordinance of the City Of Hayward, California Amending Chapter 12, Article 1 of the Hayward Municipal Code Relating to Residential Rent Stabilization and Tenant Protection Council Reports and Announcements”

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

There were none.

#### **COUNCIL REFERRALS**

There were none.

#### **ADJOURNMENT**

Mayor Salinas adjourned the City Council meeting at 8:45 p.m.

#### **APPROVED**

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Mark Salinas  
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 26-036

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**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Reserving a Blanket Public Utility Easement and Storm Drain Easement Across the Entirety of the Vacated Right-of-Way of Valley Street East of 4th Street to C Street, as a Corrective Action to Resolution No. 23-085

**RECOMMENDATION**

That the City Council considers this corrective action and adopts a resolution (Attachment II) reserving a blanket Public Utility Easement and Storm Drain Easement across the entirety of the Valley Street right-of-way previously vacated by City Council Resolution No. 23-085, east of 4th Street to C Street.

**SUMMARY**

On April 11, 2023, the City Council adopted Resolution No. 23-085 vacating the right-of-way of Valley Street east of 4th Street to C Street pursuant to California Streets and Highways Code Sections 8320 et seq. The vacation was recorded on May 1, 2023. The vacated area is approximately 117 feet long and approximately 3,500 square feet in area.

During the 2023 vacation process, staff outreach indicated that the right-of-way did not contain public utility facilities other than a street drain inlet and a short length of drainpipe. While the vacation action was properly processed and recorded, the City's resolution did not expressly reserve a blanket Public Utility Easement and Storm Drain Easement across the vacated area. As the City has continued work associated with property disposition, utility verification, and long-term infrastructure planning, staff and the City Surveyor identified that a blanket easement reservation should have been included to protect the City's current and future needs for public utilities and storm drainage facilities within or across the former right-of-way.

This item is a corrective action to reserve those easements across the entire vacated area. The corrective reservation is intended to clarify and protect municipal utility rights and does not re-open, reverse, or otherwise modify the underlying vacation beyond the easement reservation.

**ATTACHMENTS**

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**File #:** CONS 26-036

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Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Valley Street Map



**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT** Adopt a Resolution Reserving a Blanket Public Utility Easement and Storm Drain Easement Across the Entirety of the Vacated Right-of-Way of Valley Street East of 4th Street to C Street, as a Corrective Action to Resolution No. 23-085

**RECOMMENDATION**

That the City Council considers this corrective action and adopts a resolution (Attachment II) reserving a blanket Public Utility Easement and Storm Drain Easement across the entirety of the Valley Street right-of-way previously vacated by City Council Resolution No. 23-085, east of 4th Street to C Street.

**SUMMARY**

On April 11, 2023<sup>1</sup>, the City Council adopted Resolution No. 23-085 vacating the right-of-way of Valley Street east of 4th Street to C Street pursuant to California Streets and Highways Code Sections 8320 et seq. The vacation was recorded on May 1, 2023. The vacated area is approximately 117 feet long and approximately 3,500 square feet in area.

During the 2023 vacation process, staff outreach indicated that the right-of-way did not contain public utility facilities other than a street drain inlet and a short length of drainpipe. While the vacation action was properly processed and recorded, the City’s resolution did not expressly reserve a blanket Public Utility Easement and Storm Drain Easement across the vacated area. As the City has continued work associated with property disposition, utility verification, and long-term infrastructure planning, staff and the City Surveyor identified that a blanket easement reservation should have been included to protect the City’s current and future needs for public utilities and storm drainage facilities within or across the former right-of-way.

This item is a corrective action to reserve those easements across the entire vacated area. The corrective reservation is intended to clarify and protect municipal utility rights and does

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<sup>1</sup> [Resolution 23-085](#)

not re-open, reverse, or otherwise modify the underlying vacation beyond the easement reservation.

## **FISCAL IMPACT**

There is no immediate or direct fiscal impact associated with adoption of the corrective resolution. Staff time to prepare the corrective item is within existing appropriations. The City Clerk recording fee, if applicable, is anticipated to be minor and payable from existing operating budgets. Reserving blanket easements is expected to provide long-term fiscal benefit by preserving the City's ability to access and maintain municipal utilities and storm drainage facilities without incurring avoidable costs associated with redesign, relocation, or negotiated access rights in the future.

## **BACKGROUND**

Council initiated and completed a right-of-way vacation proceeding under Streets and Highways Code Section 8320 et seq. for the portion of Valley Street east of 4th Street to C Street. Notices of public hearing were posted and published in compliance with Streets and Highways Code Sections 8322 and 8323. Following the noticed public hearing on April 11, 2023, the City Council adopted Resolution No. 23-085 vacating the right-of-way. The City Clerk recorded the certified resolution with the Alameda County Recorder, and the vacation became effective upon recordation.

The original staff report and Resolution No. 23-085 contemplated that the vacated right-of-way could be offered for merger with adjacent parcels consistent with existing zoning and land use and noted the presence of a street drain inlet and a short length of drainpipe that would require attention or relocation as part of future actions.

As staff progressed with subsequent steps related to the vacated area, including coordination with the City Surveyor and review of existing and future public facility needs, staff identified that the 2023 action did not expressly reserve a blanket Public Utility Easement and Storm Drain Easement across the full vacated area. Reserving these easements is a standard municipal practice to preserve the City's ability to construct, access, operate, maintain, repair, and replace public facilities without being constrained by future private ownership configurations.

## **DISCUSSION**

The City's intent with this item is to reserve blanket easements across the entirety of the previously vacated Valley Street area to protect the public interest, including:

1. Existing and prospective public utilities. The City must preserve rights for existing and future public utilities that may be within, traverse, or reasonably need to be placed within the former right-of-way corridor, including but not limited to water, sanitary sewer, storm drainage, recycled water, electrical, communications/fiber, and appurtenant structures and access needs.

2. Storm drainage infrastructure and conveyance needs. The 2023 materials identified storm drainage features within the vicinity of the former right-of-way (street drain inlet and a short drainpipe). A blanket storm drain easement protects the City's long-term ability to maintain and, if needed, reconstruct/relocate storm drainage facilities serving the local drainage network.
3. Risk management for future potential disposition and mergers. Reserving blanket easements provides clarity to prospective buyers and adjacent owners and reduces ambiguity during negotiation, title review, and future lot merger processes. It also reduces the risk of future disputes regarding City access and maintenance rights. Staff is coordinating with the City Surveyor and City Attorney's Office to confirm the nature and extent of any City/County interest in the former right-of-way and the resulting ownership implications; any potential disposition actions are subject to those findings and Council direction.

This action is intended as a corrective clarification to the previously recorded vacation. The vacation of the right-of-way remains in effect as previously approved and recorded. The only change is that the City Council will expressly reserve the easement interests identified in the attached resolution across the entire vacated area.

The area across which the blanket easements are to be reserved is the same area vacated by Resolution No. 23-085, as depicted in Attachment III referenced by the resolution.

### **ECONOMIC IMPACT**

This corrective action is not expected to result in a direct economic impact such as job creation, changes to business activity, or changes to City services. The primary economic benefit is risk management: reserving a blanket Public Utility Easement and Storm Drain Easement reduces the potential for future disputes, delays, or unplanned costs associated with accessing, operating, and maintaining public infrastructure in the former right-of-way corridor. In addition, clarifying the City's retained easement rights can improve transactional certainty and reduce title and entitlement complexity for any future adjacent-owner lot merger or property disposition actions.

### **STRATEGIC ROADMAP**

This item supports the City's FY 2025 Strategic Roadmap by advancing the Strategic Priorities to Invest in Infrastructure—by preserving the City's ability to access, operate, maintain, repair, and replace public utility and storm drainage facilities within the former right-of-way corridor—and to Grow the Economy and Strengthen Organizational Health by improving clarity and reducing risk in the ongoing management and potential disposition of City property interests through a corrective, recorded easement reservation.

## **SUSTAINABILITY FEATURES**

This item is an administrative corrective action to reserve easement rights and does not, by itself, include construction or physical improvements. However, reserving blanket Public Utility and Storm Drain Easements supports long-term community resilience by preserving the City's ability to maintain and, if needed, improve storm drainage infrastructure and other utilities within the former right-of-way corridor, which can help reduce flooding risk and protect public infrastructure over time.

## **CEQA COMPLIANCE**

The proposed corrective action to reserve a blanket Public Utility Easement and Storm Drain Easement across the entirety of the previously vacated Valley Street right-of-way is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1 (Existing Facilities), as it is an administrative action that preserves the City's rights to access, operate, maintain, repair, and replace existing public utility and storm drainage facilities and does not, by itself, authorize construction or any expansion of use. In addition, the action is exempt under CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) because it can be seen with certainty that reserving easement rights will not result in a significant effect on the environment.

## **NEXT STEPS**

If approved by Council, staff will take the following actions to implement the corrective reservation of easements over the previously vacated Valley Street right-of-way:

- 1- Recordation: The City Clerk will record a certified copy of the corrective resolution with the Alameda County Recorder to memorialize the blanket Public Utility Easement and Storm Drain Easement reservation across the entirety of the vacation area.
- 2- Title and Mapping Updates: Staff will provide the recorded resolution and Attachment III to the City Surveyor for incorporation into the City's right-of-way/property records and for use in any future title, mapping, or lot line adjustment/merger actions.
- 3- Utility Coordination and Exhibit Refinement (as needed): Staff will continue coordination with applicable utility providers to confirm existing facilities and access needs within the former right-of-way corridor and, if warranted, prepare refined easement exhibit language for future transactions.

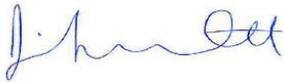
- 4- Proceed with Potential Disposition Discussions Consistent with Reserved Easements: Staff is coordinating with the City Surveyor and City Attorney's Office to confirm the nature and extent of any City/County interest in the former right-of-way and the resulting ownership implications; any potential disposition actions are subject to those findings and Council direction. Following recordation, staff may proceed with any future negotiations or conveyance documentation related to the former right-of-way, as applicable, with the understanding that the blanket Public Utility Easement and Storm Drain Easement will be reserved and remain in place over the affected area.

*Prepared by:* Saeed Saebi, Senior Civil Engineer

*Reviewed by:* Dave Hung, Acting Deputy Director of Public Works

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

Approved by:



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Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-\_\_\_

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

RESOLUTION RESERVING A BLANKET PUBLIC UTILITY EASEMENT AND STORM DRAIN EASEMENT ACROSS THE ENTIRETY OF THE VACATED RIGHT-OF-WAY OF VALLEY STREET EAST OF 4TH STREET TO C STREET; A CORRECTIVE ACTION TO RESOLUTION NO. 23-085

WHEREAS, on April 11, 2023, following a noticed public hearing conducted pursuant to California Streets and Highways Code Sections 8320 et seq., the City Council adopted Resolution No. 23-085 vacating the right-of-way of Valley Street east of 4th Street to C Street, and the vacation was recorded and became effective upon recordation; and

WHEREAS, in adopting Resolution No. 23-085, the City intended to preserve appropriate rights for present and future public utilities and storm drainage facilities within or across the former right-of-way corridor; and

WHEREAS, subsequent review and coordination by City staff and the City Surveyor has determined that the 2023 vacation resolution did not expressly reserve a blanket public utility easement and storm drain easement across the entirety of the vacated right-of-way, and reserving such easements is necessary to protect the public health, safety, and welfare and the City's ability to access, operate, maintain, repair, replace, and reconstruct municipal facilities; and

WHEREAS, the City Council desires to take a corrective action to clarify and reserve these easements across the entire area previously vacated by Resolution No. 23-085, without otherwise reversing or re-opening the underlying right-of-way vacation.

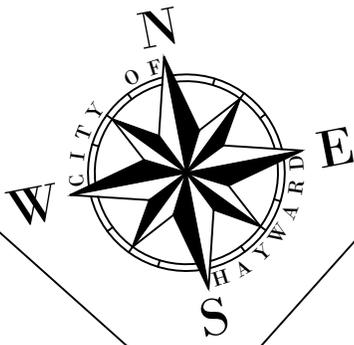
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward as follows:

1. City Council does hereby find that reserving a blanket Public Utility Easement and a blanket Storm Drain Easement across the entirety of the former Valley Street right-of-way vacated by Resolution No. 23-085 is necessary to protect present and future public use, including the City's ability to install, access, operate, maintain, repair, replace, and reconstruct public utility and storm drainage facilities and appurtenances, together with the right of ingress and egress for such purposes.

2. City Council does hereby reserve and except from the prior vacation a blanket Public Utility Easement and a blanket Storm Drain Easement across the entirety of the area previously vacated by Resolution No. 23-085, as depicted in Attachment III attached hereto and incorporated herein by this reference. The blanket Public Utility Easement is reserved for public utilities of every kind and description, including but not limited to water, sanitary sewer, storm drainage, recycled water, electrical, communications/fiber, and related appurtenances. The blanket Storm Drain Easement is reserved for storm drainage facilities and appurtenances, including access for construction, operation, maintenance, repair, replacement, and reconstruction.
3. City Council does hereby confirm that, except as expressly provided by this corrective easement reservation, Resolution No. 23-085 and the vacation of the Valley Street right-of-way east of 4th Street to C Street remain in full force and effect, and this resolution is intended solely to reserve the easement interests described herein.
4. Reference is hereby made to the map and description of the easement area attached hereto as Attachment III, and on file in the office of the City Clerk.
5. City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Alameda County Recorder. This corrective reservation shall be effective upon recordation.

BE IT FURTHER RESOLVED that this action is exempt from environmental review in accordance with CEQA pursuant to CEQA Guidelines Section 15301, Class 1 (Minor Alteration of Existing Facilities) and/or CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), because reserving easements is an administrative/legal action that does not authorize construction and does not have the potential to cause a physical change in the environment.





P.U.E AND PUBLIC STORM DRAIN EASEMENT ACROSS VACATED PORTION OF VALLEY ST R.O.W

L=31.42', R=20.00'  
Δ=90°00'00"

VACATED PORTION OF VALLEY STREET

LINE TO BE REMOVED

MERGED AREA = 11,302.03 Sq.Ft.

KHAN  
2021219174

HOLLENBECK  
2019182993

LJU  
2021336742

YE  
2017171797  
PARCEL 1

YE  
2017171797  
PARCEL 2

VALLEY STREET

FOURTH STREET

**LEGEND:**

P.O.C. = POINT OF COMMENCEMENT  
P.O.B. = POINT OF BEGINNING

CITY OF HAYWARD  
ENGINEERING DIVISION

DRAWN BY: BDS	DATE: 5/13/2025
CHECKED BY: RAK	SCALE: 1"=40'
APPD. BY	APPROVED

P.U.E AND PUBLIC STORM DRAIN EASEMENT ACROSS VACATED PORTION OF VALLEY ST R.O.W

DRAWING NO.: 25-0012

FILED:

SHEET: 1 of 1 39

REV	DATE	BY	CITY ENGINEER	DIR. PUBLIC WORKS



# CITY OF HAYWARD

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

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**File #:** CONS 26-038

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**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Approving the Plans and Specifications and Calling for Bids for A Street Sewer Line Replacement Project, Project No. 07831

**RECOMMENDATION**

That the City Council adopts a resolution (Attachment II) approving the plans and specifications for A Street Sewer Line Replacement Project, Project No. 07831, and calling for construction bids to be received on March 24, 2026.

**SUMMARY**

The Utilities Division of the Department of Public Works & Utilities replaces the City's undersized or structurally damaged sewer mains through annual capital improvement projects. The Sewer Line Replacement Project FY24 (named such because the multi-year project started in FY24) will improve the capacity and maintain the operability of the sewer collection system by replacing approximately 5.6 miles of existing vitrified clay pipe (VCP), asbestos cement pipe (ACP), and polyvinyl chloride (PVC) pipe ranging in diameter from 6 to 12-inch with new 8, 10, 12, 16, or 24-inch PVC or HDPE pipe. This project takes place at twenty-nine locations throughout the City and the design for the full project are scheduled to be completed in April 2026.

However, since the A Street portion of the Sewer Line Replacement Project FY24 conflicts with the FY26 Pavement Improvement Project scheduled for construction this summer, staff is bringing the A Street portion now as a standalone project so that the construction of the sewer pipes can be done before the new paving is completed this summer. Staff has completed design work for the A Street Sewer Line Replacement and prepared the bid documents. Staff is requesting Council's approval of the plans and specifications and the calling for bids to be received on March 24, 2026.

**ATTACHMENTS**

Attachment I      Staff Report

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**File #:** CONS 26-038

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Attachment II	Resolution
Attachment III	A Street Sewer Location Map



**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Approving the Plans and Specifications and Calling for Bids for A Street Sewer Line Replacement Project, Project No. 07831

**RECOMMENDATION**

That the City Council adopts a resolution (Attachment II) approving the plans and specifications for the A Street Sewer Line Replacement Project, Project No. 07831, and calling for construction bids to be received on March 24, 2026.

**SUMMARY**

The Utilities Division of the Department of Public Works & Utilities replaces the City’s undersized or structurally damaged sewer mains through annual capital improvement projects. The Sewer Line Replacement Project FY24 (named such because the multi-year project started in FY24) will improve the capacity and maintain the operability of the sewer collection system by replacing approximately 5.6 miles of existing vitrified clay pipe (VCP), asbestos cement pipe (ACP), and polyvinyl chloride (PVC) pipe ranging in diameter from 6 to 12-inch with new 8, 10, 12, 16, or 24-inch PVC or HDPE pipe. This project takes place at twenty-nine locations throughout the City and the design for the full project are scheduled to be completed in April 2026.

However, since the A Street portion of the Sewer Line Replacement Project FY24 conflicts with the FY26 Pavement Improvement Project scheduled for construction this summer, staff is bringing the A Street portion now as a standalone project so that the construction of the sewer pipes can be done before the new paving is completed this summer. Staff has completed design work for the A Street Sewer Line Replacement and prepared the bid documents. Staff is requesting Council’s approval of the plans and specifications and the calling for bids to be received on March 24, 2026.

**FISCAL IMPACT**

There are no impacts to the General Fund or Measure C from this project.

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

Construction Contract with Contingency (Estimated)	\$4,150,000
Professional Engineering Services – Consultant	\$241,400
Inspection & Testing (Estimated)	\$177,000
Construction Administration – City Staff (Estimated)	<u>\$267,000</u>
Total	\$4,835,400

The adopted FY26 CIP includes \$23,800,000 for the full Sewer Line Replacement Project FY24 in the Sewer Replacement Fund (Project No. 07789 in Fund 611), of which an estimated \$4,835,400 will be used for the A Street Sewer Line Replacement Project. To better track expenses specifically for the A Street component, staff recommends creating a new project, Project 07831, and transferring budget from Project 07789.

Due to the rising cost of construction labor and materials, the City needs to go through the bidding process to determine the most current project budget. If the bid shows that additional funds need to be appropriated to cover the total cost of the project, staff will return to Council to make that request.

## **BACKGROUND**

The City’s current Capital Improvement Program (CIP) includes funding to replace the City’s undersized or structurally damaged sewer mains through annual sewer line replacement projects. The City operates approximately 325 miles of sanitary sewer mains. The Utilities Division 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 to identify structurally damaged sewer mains for repair or replacement.

On February 20, 2024<sup>1</sup>, Council approved Resolution No. 24-066, authorizing the City to enter into a Professional Services Agreement with BKF Engineers (BKF), for design services and technical support during construction. The City has completed the environmental analysis for the construction of the Water and Sewer Line Replacement Projects FY24 in accordance with the California Environmental Quality Act (CEQA). Combining both water and sewer projects into one analysis allows for better design efficiencies and economies of scale. The A Street Sewer Line Replacement Project under consideration consists of three locations out of the twenty-nine locations of the original Sewer Line Replacement Project FY24.

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<sup>1</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=6517563&GUID=3DE2D074-1334-47C7-8115-C6F3C5D16B78>

## **DISCUSSION**

The A Street Sewer Line Replacement Project consists of replacing 1,700 linear feet of 6-inch VCP with 8-inch HDPE pipe by pipe bursting and open trench, replacing 3,000 linear feet of 12-inch VCP with 16-inch HDPE pipe by pipe bursting and open trench, and providing a Cured-In-Place Pipe (CIPP) Lining for 1,100 linear feet of an existing 27-inch RCP pipe. Traditional open-trench 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 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 pipe bursting method uses a bursting head that is pulled through the existing pipe and pushes the pipe outward until it breaks apart. At the same time, the bursting head pulls the new pipe behind it and fills the space created by the old pipe with the new pipe. The CIPP technique 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.

Construction is anticipated to begin in May 2026 and take approximately 3 months.

## **ECONOMIC IMPACT**

The community will enjoy the benefits of the project, including the continued operability and serviceability of the sewer collection system. Furthermore, robust and reliable sewer infrastructure can help foster economic development and viability in the City.

Replacing the sewer main and appurtenances are part of an effort to, pursuant to Council direction, modernize and upgrade existing infrastructure. The project will reduce operations and maintenance costs associated with servicing the undersized and structurally defective sewer mains. In addition, staff time attending to issues related to high frequency maintenance and sanitary sewer overflows will be reduced.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Roadmap, which includes Improve Infrastructure as one of the strategic priorities. 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 reduce the risk of sewer overflows, which can cause untreated wastewater to flow into public waterways.

## **PUBLIC CONTACT**

Prior to and 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. In addition, staff will separately contact any large employers and schools that may be affected by the project and coordinate work to minimize impact.

## **NEXT STEPS**

If Council approves the project, staff will advertise the construction project for public bidding and return to Council for the award of the construction contract, after construction bids have been received and reviewed.

The following schedule has been developed for this project:

Receive Bids	March 24, 2026
Award Construction Contract	April 21, 2026
Notice to Proceed	May 2026
Construction Completion	August 2026

*Prepared by:* Derek Pham, Senior Utilities Engineer

*Reviewed by:* Zaheer Shaikh, Utilities Engineering Manager

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

Approved by:



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Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-\_\_\_\_

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

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND CALLING FOR BIDS FOR A STREET SEWER LINE REPLACEMENT PROJECT, PROJECT NO. 07831

WHEREAS, the City is the lead agency on the Proposed Project, and the City Council is the decision-making body for the Proposed Project; and

WHEREAS, the City owns and operates approximately 325 miles of sanitary sewer mains; and

WHEREAS, the City conducts ongoing sewer main cleaning and closed-circuit television (CCTV) inspections to identify structurally damaged sewer mains for repair or replacement; and

WHEREAS, the FY26 Pavement Improvement Project is scheduled for construction this summer and the A Street portion of the Sewer Line Replacement Project FY24 needs to be moved up and out of Sewer Line Replacement Project FY24 to avoid conflicts with the scheduled repaving of A Street; and

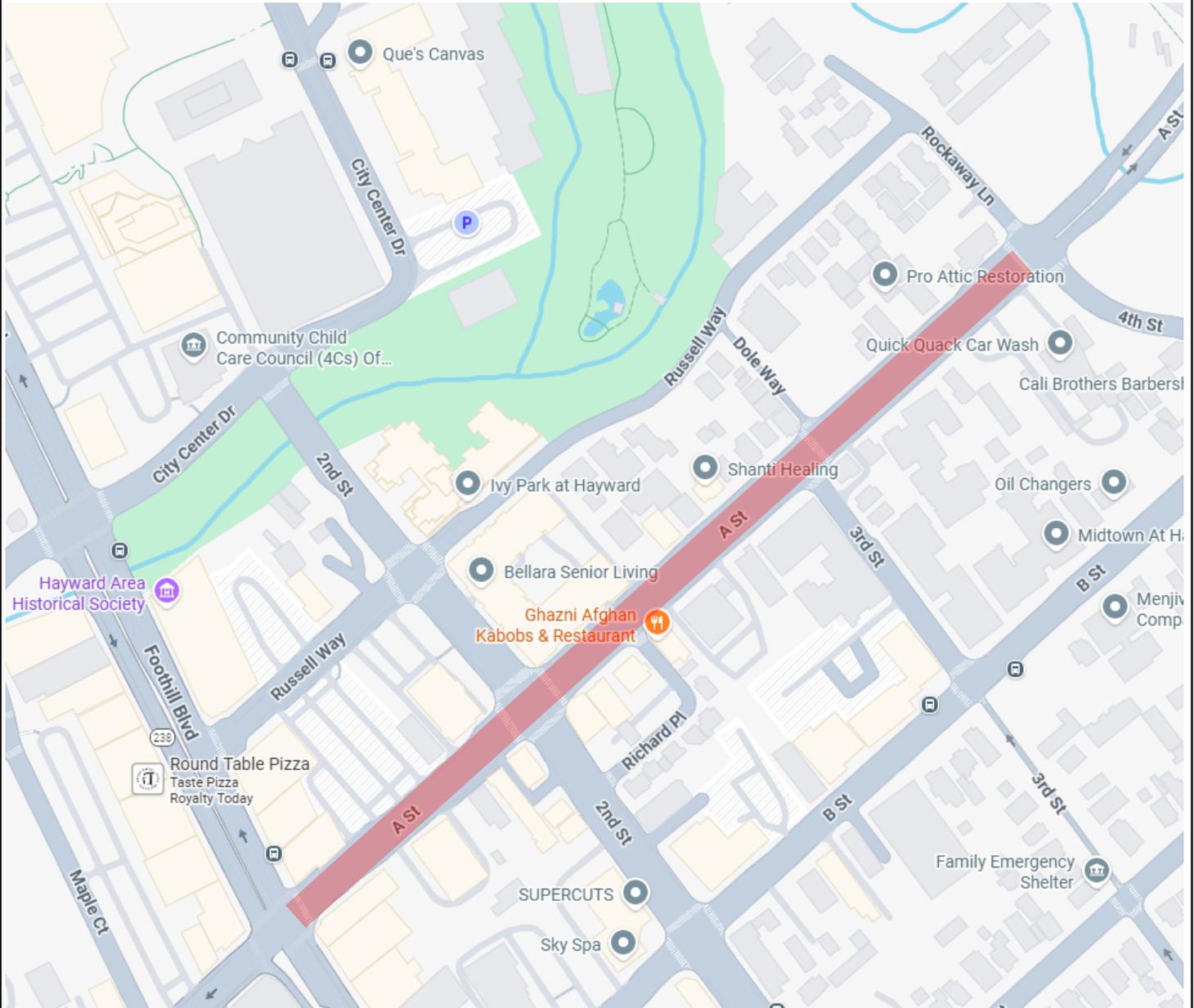
WHEREAS, approximately 4,700 linear feet of sewer mains on A Street will be replaced by pipe bursting and open trench replacement, while approximately 1,100 linear feet of sewer mains on A Street will be rehabilitated with Cured-In-Place lining; and

WHEREAS, plans and specifications for the A Street Sewer Line Replacement Project are currently on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, that those certain plans and specifications for the A St Sewer Line Replacement Project, Project No. 07831, on file in the Office of the City Clerk, are hereby adopted as the plans and specifications for the Project; and

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; and



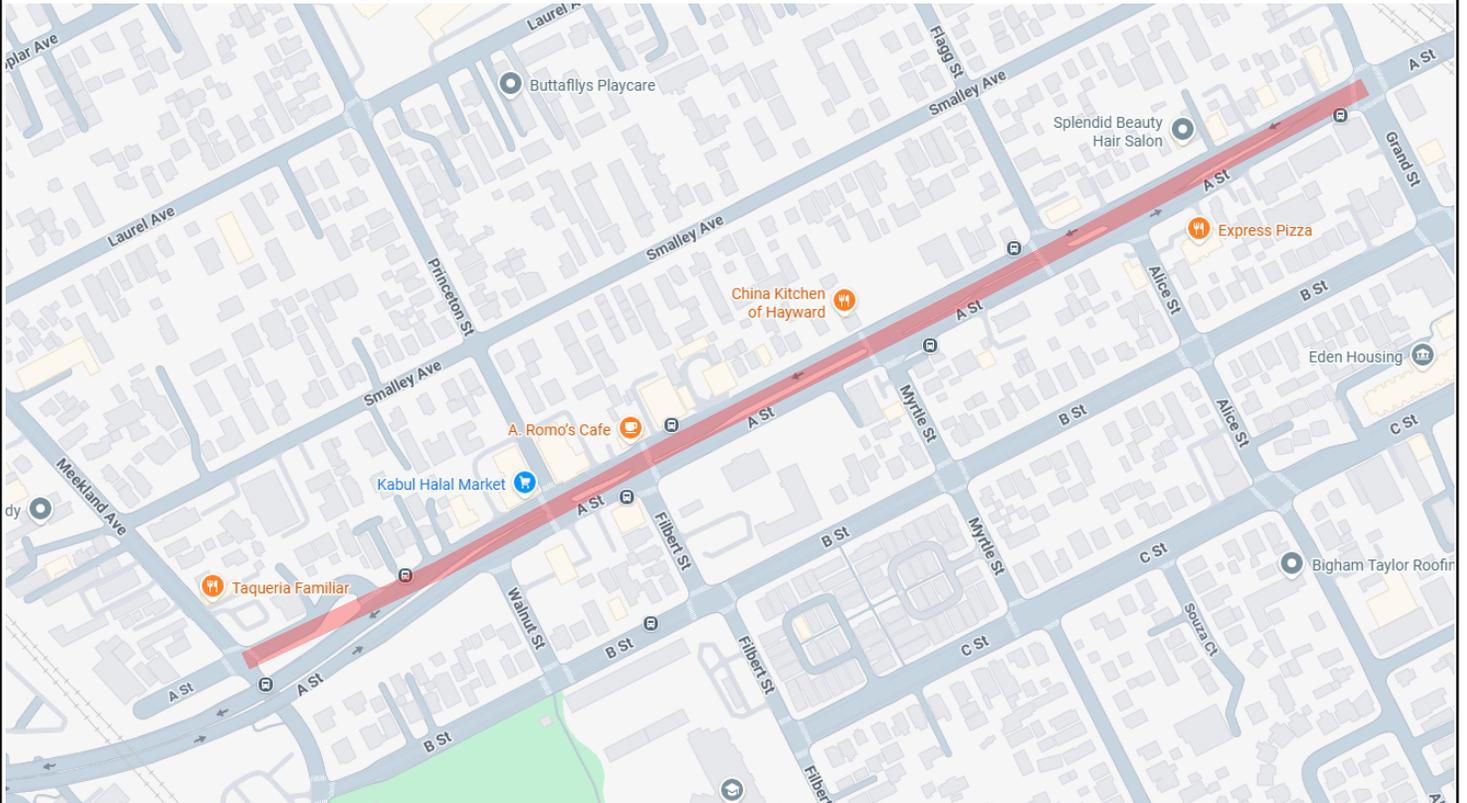


A ST FROM FOOTHILL BLVD TO ROCKAWAY LN

CONSTRUCTION METHOD: PIPE BURSTING AND OPEN TRENCH

A STREET SEWER LINE REPLACEMENT PROJECT, PROJECT NO. 07831

LOCATION MAP PAGE 1 OF 3



A ST FROM MEEKLAND AVE TO GRAND ST

CONSTRUCTION METHOD: PIPE BURSTING AND OPEN TRENCH

A STREET SEWER LINE REPLACEMENT PROJECT, PROJECT NO. 07831

LOCATION MAP PAGE 2 OF 3



A ST FROM I-880 TO HATHAWAY AVE

CONSTRUCTION METHOD: CURED-IN-PLACE PIPE (CIPP)

A STREET SEWER LINE REPLACEMENT PROJECT, PROJECT NO. 07831

LOCATION MAP PAGE 3 OF 3



# CITY OF HAYWARD

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

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**File #:** CONS 26-039

---

**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adopt an Ordinance of the City of Hayward, California, Amending Chapter 12, Article 1 of the Hayward Municipal Code Relating to Residential Rent Stabilization and Tenant Protection

**RECOMMENDATION**

That the City Council adopts the Ordinance introduced on February 3, 2026.

**SUMMARY**

This item entails the adoption of an Ordinance amending Chapter 12, Article 1 of the Hayward Municipal Code to extend the arbitration decision deadlines and include a cost recovery process consistent with other housing program fees. The Ordinance was introduced on February 3, 2026, by Council Member Syrop.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Summary of Ordinance



**DATE:** February 17, 2026  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adopt an Ordinance of the City of Hayward, California, Amending Chapter 12, Article 1 of the Hayward Municipal Code Relating to Residential Rent Stabilization and Tenant Protection

**RECOMMENDATION**

That the City Council adopts the Ordinance introduced on February 3, 2026.

**SUMMARY**

This item entails the adoption of an Ordinance amending Chapter 12, Article 1 of the Hayward Municipal Code, to extend the arbitration decision deadlines and include a cost recovery process consistent with other housing program fees. The Ordinance was introduced on February 3, 2026, by Council Member Syrop.

**FISCAL IMPACT**

There is no fiscal impact associated with this report.

**BACKGROUND**

The Ordinance was introduced by Council Member Syrop at the February 3, 2026, meeting of the City Council with the following vote:

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b> Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeno MAYOR Salinas
<b>NOES:</b>	NONE
<b>ABSENT:</b>	NONE
<b>ABSTAIN:</b>	NONE

## **STRATEGIC ROADMAP**

The agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

## **PUBLIC CONTACT**

The summary of the Ordinance was published in the Daily Review c/o Bay Area News Group-East Bay on Friday, February 13, 2026. Adoption, at this time, is therefore appropriate.

## **NEXT STEPS**

The Hayward Municipal Code and other related documents will be updated accordingly.

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

Approved by:

A handwritten signature in blue ink, appearing to read "Jennifer Ott".

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Jennifer Ott, City Manager

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE  
CITY COUNCIL OF THE CITY OF HAYWARD

SUMMARY OF ORDINANCE

AN ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA AMENDING CHAPTER 12, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE RELATING TO RESIDENTIAL RENT STABILIZATION AND TENANT PROTECTION

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Sections 12-1.07(j)(7) and 12-1.17 of Article 1, Chapter 12 of the Hayward Municipal Code are amended to read as follows, with deleted terms shown in strikeout and added terms underlined:

**ARTICLE 12**

**RESIDENTIAL RENT STABILIZATION AND TENANT PROTECTION ORDINANCE**

SECTION 12-1.07(j)(7)

SECTION 12-1.17

Section 2. California Environmental Quality Act. Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a “project” pursuant to the California Environmental Quality Act (“CEQA”), under Public Resource Code Section 21065 and CEQA Guidelines Section 15320, 15378, and 15061(b) (3) as there is no possibility that such action would cause either a direct, or reasonably foreseeable indirect, physical change in the environment.

Section 3. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. The effective date of this Article shall be thirty (30) days after its adoption by the City Council.

Introduced at a regular meeting of the City Council of the City of Hayward, held on the 3rd day of February 2026, by Council Member Syrop.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on February 17, 2026, at 7:00 p.m.

Please note, the City Council will hold a hybrid meeting which will allow for participation in the Council Chamber and virtually via the Zoom platform.

The full text of this Ordinance is available for examination by the public by contacting the City Clerk’s office at [cityclerk@hayward-ca.gov](mailto:cityclerk@hayward-ca.gov) or (510) 583-4400.

Dated: February 13, 2026  
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 26-044

---

**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** City Manager

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Appropriate \$1,094,417 from Measure BB Fund Balance and Amend the Agreement with Onward Health, Inc. for Paratransit Services to Increase the Total Not-to-Exceed Amount to \$1,975,030

**RECOMMENDATION**

That the City Council adopt a resolution authorizing the City Manager or their designee to (1) appropriate \$1,094,417 from the Measure BB Paratransit fund balance and (2) execute an amendment to the City's FY 2025-26 agreement with Onward Health, Inc. (Onward) to increase the agreement's total not-to-exceed amount from \$880,613 to \$1,975,030, in order to maintain Hayward Operated Paratransit (HOP) non-ADA paratransit service through the remainder of FY 2025-26.

**SUMMARY**

The HOP program is the City's non-ADA paratransit program for seniors over 70 and adults with disabilities residing in Hayward and the surrounding unincorporated mid-County area. HOP is funded entirely through Alameda County Measure BB transportation sales tax revenues and does not use or impact the City's General Fund. The City's provider for HOP is Onward Health Inc.

The Measure BB Paratransit fund currently has an available fund balance of approximately \$5.0 million, which accumulated over multiple years due to underspending. To help spend down this fund balance, City staff worked closely with Onward to improve the service model and successfully expand enrollment over the past year. Due to increased ridership, the current-year program subsidy and operational funds are projected to be fully expended in early January 2026. Staff recommend appropriating an additional \$1,094,417 from Measure BB Paratransit fund balance and increasing the agreement's not-to-exceed amount to \$1,975,030 to maintain service continuity through the remainder of the fiscal year. Staff will continue analyzing program data to ensure long-term program sustainability.

**ATTACHMENTS**

Attachment I      Staff Report

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**File #:** CONS 26-044

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Attachment II      Resolution



**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Appropriate \$1,094,417 from Measure BB Fund Balance and Amend the Agreement with Onward Health, Inc. for Paratransit Services to increase the Total Not-to-Exceed Amount to \$1,975,030

### **RECOMMENDATION**

That Council adopt a resolution authorizing the City Manager or their designee to (1) appropriate \$1,094,417 from the Measure BB Paratransit fund balance and (2) execute an amendment to the City's FY 2025–26 agreement with Onward Health, Inc. (Onward) to increase the agreement's total not-to-exceed amount from \$880,613 to \$1,975,030, in order to maintain Hayward Operated Paratransit (HOP) non-ADA paratransit service through the remainder of FY 2025–26.

### **SUMMARY**

The HOP program is the City's non-ADA paratransit program for seniors over 70 and adults with disabilities residing in Hayward and the surrounding unincorporated mid-County area. HOP is funded entirely through Alameda County Measure BB transportation sales tax revenues and does not use or impact the City's General Fund. The City's provider for HOP is Onward Health Inc.

The Measure BB Paratransit fund currently has an available fund balance of approximately \$5.0 million, which accumulated over multiple years due to underspending. To help spend down this fund balance, City staff worked closely with Onward to improve the service model and successfully expand enrollment over the past year. Due to increased ridership, the current-year program subsidy and operational funds are projected to be fully expended in early January 2026. Staff recommend appropriating an additional \$1,094,417 from Measure BB Paratransit fund balance and increasing the agreement's not-to-exceed amount to \$1,975,030 to maintain service continuity through the remainder of the fiscal year. Staff will continue analyzing program data to ensure long-term program sustainability.

## **FISCAL IMPACT**

The proposed amendment to the FY 2025–2026 agreement with Onward has no impact to the City’s General Fund. HOP program costs are funded exclusively by the City’s Measure BB Paratransit special revenue funds received via Alameda County Measure BB Direct Local Distribution (DLD) sales tax revenues.

The City has sufficient Paratransit funds to fund this appropriation, which is part of staff’s efforts to spend down the fund balance. As of December 31, 2025, the Measure BB Paratransit fund had an available fund balance of approximately \$5 million. The projected FY 2025–2026 Measure BB paratransit DLD is \$2,090,827. Staff will continue to monitor program expenditures, revenues, and fund balance levels for consistency with Alameda County Transportation Commission (ACTC) requirements while evaluating program parameters and operational efficiencies for future years based on observed demand and rider needs.

## **BACKGROUND**

The HOP program, administered by the City’s Community Services Division, provides transportation and related services to eligible seniors and adults with disabilities residing in Hayward and the surrounding unincorporated mid-County/Eden Area, including Ashland, Castro Valley, Cherryland, Fairview, Hayward Acres, and San Lorenzo. HOP eligibility includes residents age 70 and over and residents age 18 and over with a disability certified by a healthcare or case management professional.

HOP is considered a non-ADA paratransit service. Federal law requires public transit operators that provide fixed-route service to provide “complementary paratransit” for individuals whose disabilities prevent them from using fixed-route transit (e.g., AC Transit or BART). ADA paratransit service areas are required to provide services to riders within  $\frac{3}{4}$  of a mile from fixed bus routes or train stations. Locally funded non-ADA paratransit programs supplement federally mandated services by providing transportation options that better address local mobility needs and trip purposes. HOP is designed to support access to daily activities of life, including errands, work or school, and social engagement, in addition to medical appointments.

HOP is funded exclusively through Alameda County Measure BB DLD administered by ACTC. Measure BB is a one-cent countywide transportation sales tax approved by voters in 2014. DLD revenues support local transportation programs, including (1) streets and road improvements, (2) bicycle and pedestrian infrastructure, and (3) non-ADA paratransit programs. These DLD program areas maintain separate fund balances and are administered by different City departments. The Measure BB Paratransit fund balance referenced in this report is restricted to non-ADA paratransit uses and is administered by the Community Services Division; it is separate from the Measure BB Streets and Roads and Bicycle and Pedestrian funds administered by Public Works and does not impact the City’s General Fund.

Historically, the HOP program included multiple direct transportation services, including subsidized curb-to-curb rides through taxi providers or Transportation Network Companies

(TNCs), door-through-door assisted rides, wheelchair accessible vehicle (WAV) rides, and group trips. Following the COVID-19 pandemic, operational disruptions and capacity constraints led to the discontinuation of several higher-touch services previously provided through local nonprofit and volunteer-driver programs. As a result, in FY 2024–25 the City’s only formal direct transportation service was subsidized TNC (e.g., Lyft or Uber) rideshare service. During FY 2024–25, limited WAV rides were also provided on an ad hoc basis in response to rider need; however, these rides were significantly more expensive and were not offered as a stable, programmatic option.

In response to rider needs and service gaps identified through a program evaluation conducted by Nelson\Nygaard Consulting Associates in FY 2023–24, the Community Services Division initiated a procurement process to restore discontinued services and improve the overall service model. The evaluation identified several improvement areas:

1. Strengthening outreach and enrollment, particularly among low-income residents;
2. Expanding service types and capacity to meet demonstrated demand; and
3. Improving program performance measures such as the proportion of eligible residents who are enrolled relative to regional norms.

Based on these findings, staff took the following steps:

- **On September 5, 2024**, the City issued a Request for Proposals (RFP) for paratransit services with priorities that included improved customer service experience for TNC riders, widely available WAV service, and additional ride-request methods that would reduce reliance on call-based scheduling, including self-service options.
- **On December 17, 2024**, the City Council adopted Resolution No. 24-261, which authorized the City Manager to enter into an agreement with Onward for a “soft launch” period to provide limited services (Companion and WAV only) and to begin implementation activities in advance of the full program launch on July 1, 2025.
- **On April 22, 2025**, the City Council adopted Resolution No. 25-056, which (1) approved the FY 2025–26 Measure BB Annual Paratransit Program Plan (PPP) and (2) authorized the City Manager to enter the FY 2025–26 agreement with Onward for services in the amount of \$880,613.

Under the FY 2025–26 agreement, Onward provides multiple service components, including curb-to-curb TNC (Uber) rides, door-through-door “companion” rides for riders who need light assistance, WAV service, travel training, and related technology and implementation services. As part of the improved service model, the City is also transitioning paratransit database functions from the City’s prior database provider to Onward’s integrated platform, which supports real-time dashboards and improved performance reporting.

## **DISCUSSION**

### *Program Improvements and Expanded Service Model*

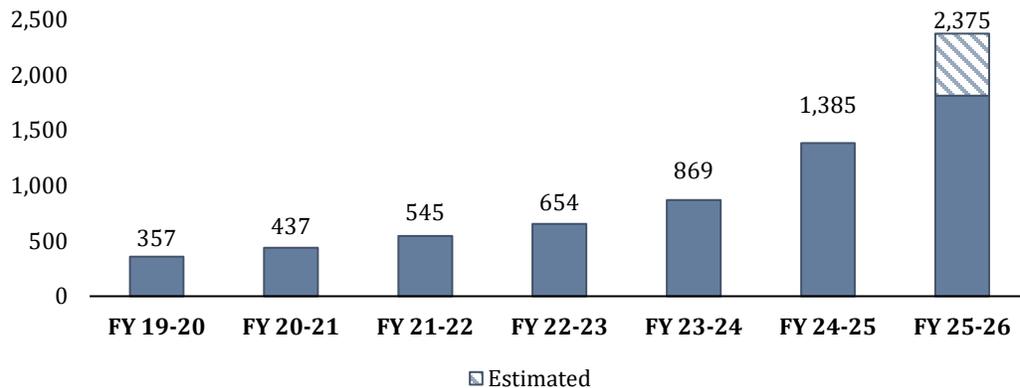
Beginning in FY 2023-24, the City has implemented changes intended to expand access to HOP services and align the program with community needs. In addition to consolidating service delivery under a single provider, Onward, the Community Services Division adjusted its staffing mode to dedicate a greater proportion of staff time from the Community Programs Specialist to support outreach, education, and enrollment activities. The City also expanded partnerships with community-based organizations to reach eligible residents who have historically been underserved, including Glad Tidings Church of God in Christ and Community Resources for Independent Living (CRIL).

As part of the improved service model, in FY 2025-2026 the City simplified its rider cost-share structure. Under the prior structure, riders paid the first \$4 of each trip, the City paid up to an additional \$16, and riders were responsible for any portion of a trip cost above \$20. This approach created uncertainty for riders on fixed incomes, as trip estimates were not always consistent with final charges, and it generated customer service challenges. Under the updated model, the City implemented a flat, distance-based rider fare structure (\$4, \$6, or \$8 depending on trip distance), regardless of trip type, and has expanded participation in the City's means-based fare program for income-qualified riders consistent with U.S. Department of Housing and Urban Development (HUD) income definitions. HUD defines Extremely Low Income as earning up to 30% of the Area Median Income (AMI). Ride costs are fully subsidized for those who qualify for the means-based fare program.

#### *Enrollment and Ridership Growth*

Usage of expanded HOP services has exceeded initial estimates. Through December 31, 2025, HOP had approximately 1,813 enrolled riders, compared to 1,385 at the end of FY 2024–25 and 869 at the end of FY 2023–24. At the average monthly enrollment growth rate observed from July through December 2025 (approximately 4.6%), staff estimate total enrollment could reach approximately 2,400 by the end of FY 2025–26. Consistent with recommendations from the Nelson\Nygaard program evaluation, HOP established an FY 2025–26 enrollment goal of 2,000 enrolled riders. This level of enrollment would be consistent with the regional average, representing approximately 3% of eligible residents. Chart 1 shows year-over-year growth in HOP enrollment, with significant increases beginning in FY 2024–25.

**Chart 1. HOP Enrollment by Year with FY 2025-26 Estimated Enrollments**



As of December 31, 2025, the program has provided approximately 25,878 one-way rides, compared to 19,063 for all of FY 2024-25. The total rides include all three types: 20,717 rideshare rides, 3,773 companion rides, and 1,428 WAV rides. Monthly ridership and growth by ride type are shown below.

**Table 1. Summary of Rides Provided, July 2025 through December 2025**

Ride Type	July	August	September	October	November	December	Total
TNC Rides	1,949	2,785	3,372	3,870	4,126	4,615	20,717
Companion Rides	351	479	726	688	632	857	3,733
WAV Rides	127	171	256	312	290	272	1,428
Grand Total	2,427	3,435	4,354	4,870	5,048	5,744	25,878

During the July–December 2025 period, rideshare trips represented approximately 80% of total rides (20,717 of 25,878). Growth in both ridership and costs is attributable primarily to increased use of the rideshare trip type. Companion and WAV trips represent a smaller share of total rides and provide trip options that were not consistently available under the City’s prior rideshare-only service model.

Based on complete operational data received through December 17, 2025, approximately 91.6% of requested rides were completed, 6.0% were canceled by riders, and approximately 1.4% were no-shows. Staff will continue monitoring these metrics during the pilot period to identify operational improvements and to reduce non-productive trips.

*Cost Analysis*

Overall FY 2025-26 expenditures increased due to higher-than-anticipated use of services. Based on complete cost data received through December 31, 2025, the average City subsidy per trip is approximately \$20.06 for rideshare (Uber) trips, \$53.97 for companion rides, and \$97.87 for WAV trips. These averages reflect the City’s expanded service model, which includes trip types that provide additional assistance and accessibility beyond the City’s prior rideshare-only service approach.

Rider contributions offset a portion of total program cost. Through December 17, 2025, riders contributed approximately \$49,816 toward trip costs, while the City paid approximately \$711,323 in subsidies. Of the subsidies paid, \$425,402 or approximately 59.9%, went to supporting travel for Means-Based Fare participants determined to be Extremely Low Income based on HUD’s definition. These figures indicate that program expenditures are driven by trip volume and subsidies.

Through December 31, 2025, approximately 67.0% of rides were booked using the program’s self-service text-to-book feature rather than through live call-based scheduling. Staff anticipate that continued adoption of self-service booking and rider-facing status tools may reduce avoidable calls and administrative workload over time, reducing wait times for riders for whom those options do not work.

Currently, there is sufficient fund balance to support the program growth experienced since FY 2024-25. The Measure BB fund balance is approximately \$5 million, and the program receives an estimated \$2 million per year in DLD. However, staff are sensitive to the rapid program growth and corresponding increases in subsidy costs and the need to sustain this vital program for riders in Hayward and the surrounding unincorporated area. Staff will continue evaluating utilization patterns, rider needs, and operational performance metrics to inform program refinements and cost controls. Potential future program adjustments include:

- Establishing ride limits based on observed usage patterns with exemptions for essential trips (such as work, school, and dialysis)
- Adjustments to rider fares
- Rider education to reduce cancellations and no-shows,
- Continued expansion of self-service and automated ride status features to reduce administrative costs, and
- Evaluation of alternative or innovative services that may reduce the need for travel for certain trip purposes (e.g., grocery delivery).

*Proposed Amendment to Fiscal Year 2025-2026*

Table 2 summarizes the original and proposed amended FY 2025–26 quantitative ridership goals by service type. The FY 2025–26 agreement with Onward was based on utilization projections modeled on prior-year program performance, with an assumed proportional increase to reflect expected enrollment growth by the end of the fiscal year.

**Table 2. Original and Proposed FY 2025-26 Goals by Ride Type**

Ride Type	Original FY 2025–26 Goal	Proposed Goal	Change
TNC Rides	20,000	60,000	40,000
Companion Rides	3,000	8,750	5,750
WAV Rides	1,300	4,650	3,350
<b>Total One-Way Trips</b>	<b>24,300</b>	<b>73,400</b>	<b>49,100</b>

Table 3 summarizes the original and amended FY 2025–2026 program budget by service component. Note that the amended budget adds a Database Management Build Fee and removes Group Trips to reflect the revised scope of work.

**Table 3. Proposed Budget Changes for Amended Agreement**

Program Component	Original FY 2025–26 Agreement	Proposed
Curb-to-Curb TNC Rides	\$352,456	\$1,071,826
Door-through-Door Companion Rides	\$155,400	\$405,219
Wheelchair Accessible Rides	\$200,000	\$282,702
Group Trips	\$49,375	\$0
Onward Technology Platform & Travel Training	\$123,382	\$160,283
Database Management Build Fee	\$0	\$55,000
<b>Total Not-to-Exceed</b>	<b>\$880,613</b>	<b>\$1,975,030</b>

### ECONOMIC IMPACT

HOP is supported exclusively by Alameda County Measure BB funds. The HOP program offers affordable transportation alternatives for eligible residents on fixed incomes, allowing participation in the local economy. Reliable mobility options for seniors and residents with disabilities may also allow for greater economic participation by caregivers. The amendment to the existing service agreement would maintain HOP service for the remainder of FY 2025–26, supporting access to essential destinations such as work, education, groceries, and medical services.

### STRATEGIC ROADMAP

This agenda item aligns with the City’s Strategic Roadmap under the “Invest in Infrastructure” Strategic Priority, Objective 1: Invest in multi-modal transportation, including performance measures FM4 (number of registered HOP users) and FM5 (number of one-way TNC trips provided). This item also advances Proposed Special Project FP1 to implement recommended program improvements for the HOP program to support seniors and adults with disabilities.

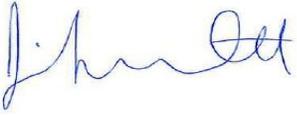
### NEXT STEPS

If Council approves this item, staff will implement the approved appropriation and continue monitoring program utilization and performance metrics to inform development of the FY 2026–2027 Measure BB Annual PPP.

*Prepared by:* Rick Rivera, Management Analyst

*Recommended by:* Amy Cole-Bloom, Community Services Manager  
Mary Thomas, Assistant City Manager

Approved by:

A handwritten signature in blue ink, appearing to read "Jennifer Ott". The signature is fluid and cursive, with the first name "Jennifer" and the last name "Ott" clearly distinguishable.

---

Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 25-\_\_\_\_

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROPRIATE \$1,094,417 FROM MEASURE BB PARATRANSIT FUND BALANCE AND AMEND THE AGREEMENT WITH ONWARD HEALTH, INC. FOR PARATRANSIT SERVICES FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$1,975,030

WHEREAS, the City of Hayward operates the Hayward Operated Paratransit (HOP) program to provide non-ADA paratransit services to eligible seniors and adults with disabilities residing in Hayward and unincorporated mid-County; and

WHEREAS, HOP is funded exclusively by the Alameda County Measure BB sales tax through Direct Local Distribution (DLD) funds dedicated to non-ADA paratransit services; and

WHEREAS, the City Council of the City of Hayward by Resolution No. 25-056, dated April 22, 2025, adopted the FY 2025–2026 Measure BB Annual Paratransit Program Plan (PPP) and authorized the City Manager to enter into an agreement for HOP paratransit services; and

WHEREAS, the CITY entered into an agreement with Onward Health, Inc. (“Onward”) for Fiscal Year 2025–2026 paratransit services with a not-to-exceed amount of \$880,613; and

WHEREAS, program participation and utilization have exceeded original projections, demonstrating higher-than-anticipated community need and necessitating additional funding to continue providing services; and

WHEREAS, the Measure BB paratransit fund has sufficient reserves to support this increase, with an available fund balance of \$5,045,293 as of December 31, 2025; and

WHEREAS, to continue providing HOP services for the remainder of FY 2025–2026, it is necessary to appropriate additional funds from Measure BB paratransit fund balance and amend the agreement with Onward to increase the not-to-exceed amount and revise the Scope of Work and Program Budget; and

WHEREAS, staff are closely monitoring expenditures and program growth alongside costs to ensure that the existing model can be sustained and will evaluate program revisions and cost controls as needed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager or their designee to appropriate \$1,094,417 from Measure BB paratransit fund balance for FY 2025–2026 paratransit services; and

BE IT FURTHER RESOLVED that the City Manager or their designee is authorized to amend the Agreement with Onward Health, Inc. to increase the contract amount by \$1,094,417 for a total not-to-exceed amount of \$1,975,030 and to revise the existing Scope of Work and Program Budget to reflect revised program projections.

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

2026 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 26-047

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**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** City Attorney

**SUBJECT**

Adopt a Resolution Approving Agreement with Philanthropic Ventures Foundation as Fiscal Sponsor for the Russell City Redress Fund and Authorize the City Manager to Execute the Agreement

**RECOMMENDATION**

That the City Council adopts a resolution (Attachment II) approving 1) Philanthropic Ventures Foundation (PVF) to serve as a fiscal sponsor for administration and disbursement of the Russell City Redress Fund, 2) the execution of the agreement between and among the participating agencies with PVF, and 3) authorizing the City Manager to execute the agreement on behalf of the City of Hayward.

**SUMMARY**

In 2025, the City of Hayward, the County of Alameda, and the Alameda County Office of Education collaborated to create the Russell City Redress Fund to acknowledge historic harm experienced by displaced Russell City families. The agencies have identified PVF as a potential fiscal sponsor and are seeking approval to proceed with an agreement to support fund administration and disbursement.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** February 17, 2026

**TO:** City Council

**FROM:** City Attorney

**SUBJECT:** Adopt a Resolution Approving Agreement with Philanthropic Ventures Foundation as Fiscal Sponsor for the Russell City Redress Fund and Authorize the City Manager to Execute the Agreement

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) approving 1) Philanthropic Ventures Foundation (PVF) to serve as a fiscal sponsor for administration and disbursement of the Russell City Redress Fund, 2) the execution of the agreement between and among the participating agencies with PVF, and 3) authorizing the City Manager to execute the agreement on behalf of the City of Hayward.

**SUMMARY**

In 2025, the City of Hayward, the County of Alameda, and the Alameda County Office of Education collaborated to create the Russell City Redress Fund to acknowledge historic harm experienced by displaced Russell City families. The agencies have identified PVF as a potential fiscal sponsor and are seeking approval to proceed with an agreement to support fund administration and disbursement.

**FISCAL IMPACT**

The recommendations provided herein will have no additional fiscal impact, as the costs associated with PVF’s services will be absorbed by funds already contributed by the agencies into the Russell City Redress Fund.

**BACKGROUND AND DISCUSSION**

Russell City was founded in 1853 as an unincorporated community in Alameda County. In the 1960s, Russell City residents were displaced through an effort to transition the area for industrial and commercial development. Approximately 700 parcels were acquired and roughly 1,400 residents were forced to relocate. In recent years, both the City of Hayward and Alameda County issued formal apologies acknowledging the displacement, the associated harm to affected families, and the lasting generational impacts of these actions.

### **Funding Contributions**

The following contributions have been pledged by the participating agencies:

- City of Hayward: \$250,000
  - This amount was absorbed into the City's existing supplies and services budget for Fiscal Year 2026.
- Alameda County: \$850,000
  - \$400,000 from the Office of Alameda County District 2 Supervisor Elisa Márquez
  - \$250,000 from the Office of Alameda County District 4 Supervisor Nate Miley
  - \$100 from the Office of Alameda County District 1 Supervisor David Haubert
  - \$100,000 from the Office of Alameda County District 5 Supervisor Nikki Bas Fortunato
- Alameda County Office of Education: \$100,000

All funds will be deposited with PVF to form the Russell City Redress Fund.

### **Philanthropic Ventures Foundation**

Founded in 1991, PVF is a 501(c)(3) public charity focused on grantmaking through partnerships among technology companies, venture funds, and grassroots organizations. PVF emphasizes supporting entrepreneurial leaders and community-based efforts that address social inequities.

PVF is being proposed as the fiscal sponsor due to its established expertise in rapid, community-centered grantmaking and its administrative infrastructure to securely manage, hold, and disburse donated funds.

### **Proposed Agreement with PVF**

A draft agreement has been prepared outlining the terms of partnership between PVF and the three participating agencies. Key elements include:

- PVF will receive all committed funds and hold them in a dedicated account as part of the Russell City Redress Fund.
- The Hayward City Manager will serve as the Authorized Agent for disbursement requests. PVF may only disburse funds upon her recommendation, in partnership with the redress fund's elected representatives.
- PVF will charge a 2% annual administrative fee, totaling approximately \$24,000 deducted from the fund.
- PVF will issue direct payments to eligible recipients. PVF will not evaluate or approve applications; this responsibility will remain with the three government agencies.

- The City of Hayward, County of Alameda, and Alameda County Office of Education will jointly screen, review, and approve applicants based on agreed criteria.
- The agencies will defend and indemnify PVF from claims or litigation arising from creation of the fund or policy decisions related to eligibility.
- Consistent with IRS rules, PVF must state that contributed funds become the property of the Foundation and are subject to its exclusive legal control.

## **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.

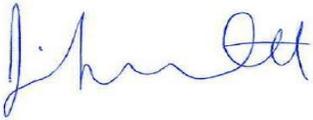
## **NEXT STEPS**

If approved, City Attorney will finalize the agreement and the City Manager will sign on behalf of the City.

*Prepared by:* Katie Rivera, Legal Assistant

*Recommended by:* Michael Lawson, J.D., City Attorney

Approved by:



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Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26- \_\_\_\_\_

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

RESOLUTION CERTIFYING APPROVAL FOR EXECUTION OF AGREEMENTS BETWEEN AND AMONG THE CITY OF HAYWARD, THE COUNTY OF ALAMEDA, AND THE ALAMEDA COUNTY OFFICE OF EDUCATION WITH PHILANTHROPIC VENTURES FOUNDATION, AND ADOPTING THE AGREEMENT FOR PHILANTHROPIC VENTURES FOUNDATION TO SERVE AS FISCAL SPONSOR FOR THE RUSSELL CITY REDRESS FUND

WHEREAS, Russell City was founded in 1853 as an unincorporated community in Alameda County. In the 1960s, Russell City residents were displaced through an effort to transition the area into industrial and commercial development; and

WHEREAS, both the City of Hayward and Alameda County issued formal apologies acknowledging the 1960s displacement; and

WHEREAS, following the official apologies, the Russell City Redress Fund was developed by the City of Hayward, County of Alameda, and the Alameda County Office of Education, with \$1.2 million pledged by said agencies; and

WHEREAS, the fund is intended to issue direct payments to eligible applicants. This effort represents a further step in acknowledging and addressing the harm caused by the 1960s displacement of Russell City residents; and

WHEREAS, the working group, consisting of the three aforementioned agencies, are proposing a partnership with a local fiscal sponsor, Philanthropic Ventures Foundation (PVF), to support fund administration and disbursement of payments; and

WHEREAS, a preliminary agreement has been prepared, including terms of the partnership between PVF and the three participating agencies.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Hayward authorizes as follows: 1) Approves PVF as the fiscal sponsor for fund administration and disbursement of the Russell City Redress Fund.; 2) Approves the execution of the agreements between and among the participating agencies —City of Hayward, County of Alameda, Alameda County Office of Education— and PVF; and, 3) the City Manager is authorized for and on behalf of the City of Hayward to execute said agreements, subject to approval as to form the by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA, \_\_\_\_\_, 2026

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 #:** LB 26-004

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**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** Director of Finance

**SUBJECT**

Hayward Municipal Code Update: Introduction of an Ordinance Amending Sections 8-18.20 to 8-18.40, 8-18.120 to 8-18.170, and 8-18.190 to 8-18.200, of Article 18, Chapter 8 of the Hayward Municipal Code Related to the Utility User Tax

**RECOMMENDATION**

That the City Council introduces the attached ordinance (Attachment II) amending Sections 8-18.20 to 8-18.40, 8-18.120 to 8-18.170, and 8-18.190 to 8-18.200, of Article 18, Chapter 8 of the Hayward Municipal Code to revise the procedural aspects of the previously adopted Utility User Tax ordinance.

**SUMMARY**

This ordinance amendment does not change the Utility Users Tax (hereinafter, "UUT") rate, tax base, or voter-approved duration. Instead, it makes procedural and non-substantive updates to clarify collection, remittance, enforcement, and appeal provisions, and corrects minor drafting issues identified during implementation.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** City Attorney  
Director of Finance

**SUBJECT:** Hayward Municipal Code Update: Introduction of an Ordinance Amending Sections 8-18.20 to 8-18.40, 8-18.120 to 8-18.170, and 8-18.190 to 8-18.200, of Article 18, Chapter 8 of the Hayward Municipal Code Primarily Related to the Utility User Tax

## **RECOMMENDATION**

That the City Council introduces the attached ordinance (Attachment II) amending Sections 8-18.20 to 8-18.40, 8-18.120 to 8-18.170, and 8-18.190 to 8-18.200, of Article 18, Chapter 8 of the Hayward Municipal Code to revise the procedural aspects of the previously adopted Utility User Tax ordinance.

## **SUMMARY**

This ordinance amendment does not change the Utility Users Tax (hereinafter, “UUT”) rate, tax base, or voter-approved duration. Instead, it makes procedural and non-substantive updates to clarify collection, remittance, enforcement, and appeal provisions, and corrects minor drafting issues identified during implementation.

## **FISCAL IMPACT**

The UUT currently generates over \$25 million in revenue per year and is the City’s third largest revenue source behind property and sales taxes. As the City identifies additional service providers subject to UUT, the City may be able to collect an additional \$1.5-2 million in utility user taxes annually in the future.

## **BACKGROUND**

The UUT is a 5.5% general tax levied on services provided by utilities within the City of Hayward for such services as electricity, gas and communications. In 2009, Hayward voters approved a 5.5 percent UUT for a ten-year period. In June 2016, voters approved a continuation of the tax at the same rate for an additional 20 years. The UUT is currently set to expire on June 30, 2039, unless further extended by the voters.

About 75% of the UUT revenue or approximately \$19 million, is directly allocated to the City's public safety operations. The remaining amount (at least \$6 million) generated funds other City programs such as street maintenance, library services, and economic development programs.

## **DISCUSSION**

During the course of the implementation of the UUT ordinance, staff identified provisions that would benefit from clarification to better reflect existing administrative practices. The proposed amendments make procedural and non-substantive revisions, including correcting typographical errors, specifying existing duties of service suppliers, restating previously adopted enforcement provisions, and clarifying internal administrative and appeal procedures.

The proposed amendments to the UUT ordinance do not impact the 5.5% general tax rate nor do they impact the duration of the tax, which is set to expire on June 30, 2039, unless further extended by the voters.

## **NEXT STEPS**

If the Council introduces the attached ordinance, staff will return to the City Council for adoption during the February 24, 2026, City Council meeting. The ordinance will take effect 30 days after adoption.

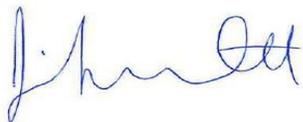
## **STRATEGIC INITIATIVES**

The agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

*Prepared and recommended by:*

Michael Lawson, City Attorney  
DeAnna Hilbrants, Director of Finance

Approved by:



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Jennifer Ott, City Manager

## ORDINANCE NO. 26-\_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD AMENDING SECTIONS 8-18.20 TO 8-18.40, 8-18.120 TO 8-18.170, AND 8-18.190 TO 8-18.200 OF ARTICLE 18, CHAPTER 8 OF THE HAYWARD MUNICIPAL CODE RELATING TO THE UTILITY USERS TAX.

**THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:**

Section 1. Sections 8-18.20 to 8-18.40, 8-18.120 to 8-18.170, and 8-18.190 to 8-18.200, of Article 18, Chapter 8 of the Hayward Municipal Code are amended to read as follows, with deleted terms shown in strikeout and added terms underlined:

**ARTICLE 18  
UTILITY USERS TAX**

**SEC. 8-18.20 DEFINITIONS.**

The following words and phrases whenever used in this Article shall be construed as defined in this Section.

- (a) "Ancillary Telecommunication Services" means services that are associated with or incidental to the provision, use or enjoyment of telecommunications services, including but not limited to, the following services:
- (1) "Conference Bridging Service" means an ancillary service that links two (2) or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.
  - (2) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.
  - (3) "Directory Assistance" means an ancillary service of providing telephone number information, and/or address information.
  - (4) "Vertical Service" means an ancillary service that is offered in connection with one (1) or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.
  - (5) "Voice Mail Service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

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- (b) "Ancillary Video Services" means services that are associated with or incidental to the provision or delivery of video services, including but not limited to electronic program guide services, search functions, recording services, interactive services or other communications services that are associated with or incidental to the provision, use or enjoyment of video services.
  - (c) "Billing Address" shall mean the mailing address of the service user where the service supplier submits invoices or bills for payment by the customer.
  - (d) "City" shall mean the City of Hayward.
  - (e) "Gas" shall mean natural or manufactured gas or any alternate fuel which may be substituted therefore currently or in the future.
  - (f) "Mobile Telecommunications Service" has the meaning and usage as set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C.A. Section 124) and the regulations thereunder.
  - (g) "Month" shall mean calendar month.
  - (h) "Non-Utility Service Supplier" means:
    - (1) A service supplier, other than a supplier of electric distribution service to all or a significant portion of the City, which generates electricity for sale to others, and shall include, but is not limited to, any publicly-owned electric utility, investor-owned utility, cogenerator, distributed generation provider, exempt wholesale generator, (15 U.S.C.A. Section 79Z-5a), municipal utility district, federal power marketing agency, electric rural cooperative, or other supplier or seller of electricity; or
    - (2) An electric service provider (ESP), electricity broker, marketer, aggregator, pool operator, or other electricity supplier other than a supplier of electric distribution services to all or a significant portion of the City, which sells or supplies electricity or supplemental services to electricity users within the City; or
    - (3) A gas service supplier, aggregator, marketer or broker, other than a supplier of gas distribution services to all or a significant portion of the City, which sells or supplies gas or supplemental services to gas users within the City.
  - (i) "Paging Service" means a "telecommunications service" that provides transmission of coded radio signals for the purpose of activating specific pagers or similar reception devices, whether such transmissions include message and/or sounds.
  - (j) "Person" shall mean without limitation, any natural individual, firm, trust, common law trust, estate, partnership of any kind, association, syndicate, club, joint stock company, joint venture, limited liability company, corporation (including foreign, domestic, and non-profit), municipal district or municipal

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corporation (other than the City), cooperative, or receiver, trustee, guardian, or other representative appointed by order of any court, or any other entity.

- (k) "Place of Primary Use" means the street address representative of where the customer's use of the telecommunications service primarily occurs, whether the residential street address or the primary business street address of the customer.
- (l) "Post-paid Telecommunication Service" means the telecommunication service obtained by making a payment on a telecommunication-by-telecommunication basis whether through the use of a credit card or any other payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a service number which is not associated with the origination or termination of the telecommunication service.
- (m) "Prepaid Telecommunication Service" means the right to access telecommunication services, which must be paid for in advance and which enables the origination of telecommunications services and that is sold in predetermined units or dollars of which the number declines with use.
- (n) "Private Telecommunication Service" means a telecommunication service that entitles the customer to exclusive or priority use of a telecommunications channel or limited group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels.
- (o) "Service Address" shall mean the residential street address or the business street address of the service user. For a telecommunication or video service user, "service address" means either:
  - (1) The location of the service user's telecommunication or video equipment from which the communication originates or terminates, regardless of where the communication is billed or paid; or
  - (2) If the location in subsection (1) of the definition is unknown or mobile (e.g., mobile telecommunications service or VoIP service), the service address shall mean the location of the service user's place of primary use; or
  - (3) For prepaid telecommunication service, "service address" shall mean the location associated with the service number.
- (p) "Service Supplier" shall mean any person and/or the City, that provides any service subject to any tax hereunder, including, without limitation, telecommunication, video, electric and/or, gas service, to a user of such service within the City.
- (q) "Service User" shall mean a person required to pay a tax imposed under the provisions of this Article.
- (r) "State" shall mean the State of California.

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- (s) "Streamlined Sales and Use Tax Agreement" shall mean the multi-state agreement commonly known and referred to as the Streamlined Sales and Use Tax Agreement, ~~and~~ as it is amended from time to time.
- (t) "Tax Administrator" means the Finance Director of the City or his or her designee.
- (u) "Telecommunications Channel" is a physical or virtual path of telecommunications over which signals are transmitted between or among customer channel termination points (i.e., the location where the customer either inputs or receives the telecommunications).
- (v) "Telecommunications Services" means the transmission, conveyance, or routing of voice, data, audio, video, or any other information ~~of or~~ signals to a point, or between or among points, whatever the technology used. The term "telecommunications services" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing, without regard to whether such services are referred to as voice over internet protocol (VoIP) services or are classified by the Federal ~~Telecommunication-Communication~~ Commission as enhanced or value added, and includes video and/or data services that are functionally integrated with "telecommunications services". "Telecommunications services" include, but are not limited to, the following services, regardless of the manner or basis on which such services are calculated or billed: ancillary telecommunication services; mobile telecommunication service; prepaid telecommunication services; post-paid telecommunications services; private telecommunication services; paging service; 800 service (or any other toll-free numbers designated by the Federal ~~Telecommunication-Communication~~ Commission); 900 service (or any other similar numbers designated by the Federal ~~Telecommunication-Communication~~ Commission for services whereby subscribers call in to pre-recorded or live service).
- (w) "Video Programming" means those programming services commonly provided to subscribers by a "video service supplier", including, but not limited to, basic services, premium services, audio services, video games, pay-per-view services, video on demand, origination programming, or any other similar services, regardless of the content of such video programming, or the technology used to deliver such services, and regardless of the manner or basis on which such services are calculated or billed.
- (x) "Video Services" means "video programming" and any and all services related to the providing, recording, delivering, use or enjoyment of "video programming" (including origination programming and programming using Internet Protocol, e.g., IP-TV and IP-Video) using one (1) or more channels by a "video service supplier", regardless of the technology used to deliver, store or provide such services, and regardless of the manner or basis on which such services are calculated or billed, and includes ancillary video services, data services,

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"telecommunications services", or interactive communication services that are functionally integrated with "video services".

- (y) "Video Service Supplier" means any person, company, or service which provides or sells one (1) or more channels, programs or individual episodes of video programming, or provides or sells the capability to receive one (1) or more channels, programs or individual episodes of video programming, including any telecommunications that are ancillary, necessary or common to the provision, use or enjoyment of the video programming, to or from a business or residential address in the City, where some fee is paid, whether directly or included in dues or rental charges for that service, whether or not public rights-of-way are utilized in the delivery of the video programming or telecommunications. A "video service supplier" includes, but is not limited to, multichannel video programming distributors [as defined in 47 U.S.C.A. Section 522(13)]; open video systems (OVS) suppliers; and suppliers of cable television or video program delivery of any kind, be it through channel or other subscribers or to individual buyers of programs or unique episodes; master antenna television; satellite master antenna television; multichannel multipoint distribution services (MMDS); video services using internet protocol (e.g., IP-TV and IP-Video, which provide, among other things, broadcasting and video on demand), direct broadcast satellite to the extent federal law permits taxation of its video services, now or in the future; and other suppliers of video services (including two-way communications), whatever their technology.
- (z) VoIP (voice over internet protocol) means the digital process of making and receiving real-time voice transmissions over any Internet Protocol network.
- (aa) "800 Service" means "telecommunications service" that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name "800", "855", "866", "877", and "888" toll-free calling and includes any subsequent numbers or other designations designated by the Federal Communications Commission for toll free telecommunications services.
- (bb) "900 Service" means an inbound toll "telecommunications service" purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or a live service. "900 Service" does not include the charge for: collection services provided by the seller of the "telecommunications services" to the subscriber, or a service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name "900" service, and includes any subsequent numbers or other designations designated by the Federal Communications Commission for pay for services calls.

**SEC. 8.18-30 CONSTITUTIONAL, STATUTORY AND OTHER EXEMPTIONS.**

- (a) Nothing in this Article shall be construed as imposing a tax upon any person or service when the imposition of such tax upon such person or service would be in violation of a

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federal or state statute, the Constitution of the United States or the Constitution of the State.

- (b) Any service user that is exempt from ~~the a~~ tax imposed by this Article pursuant to subsection (a) of this Section shall file an application with the Tax Administrator for an exemption; provided, however, ~~that~~ this requirement shall not apply to a service user that is a state or federal agency or ~~a political~~ subdivision with a commonly recognized name ~~for such service~~. ~~Said The~~ application shall be made upon a form approved by the Tax Administrator and shall state those facts, declared under penalty of perjury, which qualify the applicant for an exemption, ~~and It~~ shall ~~also~~ include the names of all ~~utility~~ service suppliers serving that service user. If deemed exempt by the Tax Administrator, ~~such the~~ service user shall give the Tax Administrator timely written notice of any ~~subsequent~~ change in ~~utility~~ service suppliers so that the Tax Administrator can properly notify the new utility service supplier of the service user's tax exempt status. A service user that fails to comply with this Section shall not be entitled to a refund of utility user's taxes collected and remitted to the Tax Administrator from such service user as a result of such noncompliance.

The decision of the Tax Administrator may be appealed pursuant to Section 8-18.200 of this Article. Filing an application with the Tax Administrator and ~~an~~ appeal to the City Manager pursuant to Section 8-18.200 of this Article is a prerequisite to a suit thereon.

#### **SEC. 8-18.40 LOW INCOME AND LIFELINE EXEMPTION.**

- (a) Each household within the City, in respect to which the annual income of such household is less than fifty percent (50%) of the median family income for the County of Alameda, as most recently established by the United States Department of Housing and Urban Development, is and shall be exempt from each and all of the taxes imposed by this Article upon presentation to the Tax Administrator of a written request for such exemption and reasonable proof of qualification for the exemption.
- (b) Any service user who is enrolled in the California Public Utilities Commission's Lifeline Telephone Program, also known as Universal Lifeline Telephone Service (ULTS), is and shall be exempt from the tax imposed for telecommunication services under Section 8-18.50 of this Article, upon presentation to the Tax Administrator of written confirmation of enrollment in the Lifeline/ULTS program. The service user seeking the exemption under this subsection must reside at the location receiving the service. The exemption shall not apply to any nonresidential service location.
- (c) The Tax Administrator shall, within 60 days ~~of~~ receipt of an application for ~~an~~ exemption, determine whether the exemption is granted, and if so, notify the service supplier. The exemption shall apply from the date of the Tax Administrator's determination that the household qualifies.
- (d) The exemption granted to a person pursuant to this Section shall become effective on the beginning of the first regular billing period which commences after the Tax Administrator has notified the service supplier that an exemption has been granted. Upon a showing of hardship by a service supplier, including the City, the Tax

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Administrator may, as an alternative, implement this Section 8-18.40 by requiring the exempt person to pay the tax and seek a refund under Section 8-18.190. The Tax Administrator shall provide a refund claim form for this purpose.

- (e) The Tax Administrator, in his or her sole discretion, may require annual written verification from the service user of his or her continuing eligibility for any exemption granted under this Section.

**SEC. 8-18.120 DUTY TO COLLECT AND REMIT TAX. PROCEDURES.SERVICE SUPPLIERS.**

~~(a) *Collection By Service Suppliers.* The duty of service suppliers to collect and remit the taxes imposed by the provisions of this Article shall be performed as follows:~~

~~(1) The tax shall be collected by service suppliers insofar as practicable at the same time as, and along with, the collection of the charges made in accordance with the regular billing practice of the service supplier. Where the amount paid by a service user to a service supplier is less than the full amount of the charge and tax which was accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid. In those cases where a service user has notified the service supplier of refusal to pay the tax imposed on said charges, Section 8-18.160 shall apply.~~

~~(2) The duty of a service supplier to collect the tax from a service user shall commence with the beginning of the first regular billing period applicable to the service user where all charges normally included in such regular billing are subject to the provisions of this Article. Where a service user receives more than one (1) billing, one (1) or more being for different periods than another, the duty to collect shall arise separately for each billing period.~~

~~(b) *Filing Return and Payment.* Each person required by this Article to remit a tax shall file a return to the Tax Administrator, on forms approved by the Tax Administrator, on or before the due date. The full amount of the tax collected shall be included with the return and filed with the Tax Administrator. The Tax Administrator is authorized to require such additional information as he or she deems necessary to determine if the tax is being levied, collected, and remitted in accordance with this Article. Returns are due immediately upon cessation of business for any reason. Pursuant to Revenue and Tax Code Section 7284.6, the Tax Administrator, and its agents, shall maintain such filing returns as confidential information that is exempt from the disclosure provisions of the Public Records Act.~~

(a) *Collection of Tax.*

(1) *A service supplier shall collect the tax due from a service user either directly or through a billing agent.*

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- (2) A service supplier shall begin collecting the tax due from a service user at the start of the service user's first regular billing period. The duty to collect shall arise separately for each subsequent billing period.
- (3) A service supplier shall collect the tax due from a service user by:
- (A) applying the applicable tax rate to all charges made for services subject to taxation; and
  - (B) collecting the total amount due from the service user at the same time as, and along with, the charges made, in accordance with the service supplier's regular billing practices.

If a service supplier believes that this method of collecting tax is not practicable, it may ask the Tax Administrator to authorize an alternative method of collection. Any modifications to the method of collection shall be memorialized in an agreement executed under Section 8-18.170(c) of this Article.

- (4) If a service supplier properly applies the applicable tax rate to all charges made for services subject to taxation, but the amount paid by the service user is less than the combined amount of the charges made and the tax due, the service supplier shall treat a proportionate share of the total payment as a payment of tax.

(b) Remittance of Tax.

- (1) On or before the due date for remitting collected taxes, the service supplier shall remit to the Tax Administrator all taxes that it collected during the month (or other billing period) covered by the remittance. The service supplier shall submit a return with the remittance, using forms approved by the Tax Administrator, that identifies the amount of the remittance and any additional information the Tax Administrator deems necessary to determine if the service supplier is properly collecting and remitting taxes. Returns and remittances are due immediately upon a service supplier's cessation of business. Pursuant to Revenue and Tax Code Section 7284.6, the City and its agents shall treat returns and remittances as confidential records exempt from disclosure under the Public Records Act.
- (2) Taxes required to be remitted by a service supplier are delinquent if not received by the Tax Administrator on or before the due date for the remittance. If the due date occurs on a weekend or a legal holiday, the remittance must be received on or before the first regular working day after the weekend or legal holiday. An electronic fund transfer, including a direct deposit or other method of electronically exchanging monies between financial accounts, shall be considered timely if it is initiated on or before the due date and it settles into the City's account on the following business day.
- (3) The Tax Administrator may, in his or her discretion, modify the due dates established by this Article to make them consistent with a service supplier's

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regular billing practices. Any such modifications shall be memorialized in an agreement executed under Section 8-18.170(c) of this Article.

**SEC. 8-18.130 COLLECTION PENALTIES. FAILURE TO COLLECT OR REMIT - SERVICE SUPPLIERS.**

- (a) ~~Taxes collected by a service supplier from a service user are delinquent if not received by the Tax Administrator on or before the due date. Should the due date occur on a weekend or legal holiday, the return must be received by the Tax Administrator on the first regular working day following the weekend or legal holiday. A direct deposit, including electronic fund transfers and other similar methods of electronically exchanging monies between financial accounts, made by a service supplier in satisfaction of its obligations under this subsection, shall be considered timely if the transfer is initiated on or before the due date, and the transfer settles into the City's account on the following business day.~~
- (b) ~~If the person required to collect and/or remit the utility users tax fails to collect the tax (by failing to properly assess the tax on one (1) or more services or charges on the customer's billing) or fails to remit the tax collected on or before the due date, the Tax Administrator shall attach a penalty for such delinquencies or deficiencies at the rate of fifteen percent (15%) of the total tax that is delinquent or deficient in the remittance, and shall pay interest at the rate of 75/100ths percent (.75%) per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent, until paid.~~
- (c) ~~The Tax Administrator shall have the power to impose additional penalties upon persons required to collect and remit taxes pursuant to the provisions of this Article for fraud or gross negligence in reporting or remitting at the rate of fifteen percent (15%) of the amount of the tax collected and/or required to be remitted, or as recomputed by the Tax Administrator.~~
- (d) ~~For collection purposes only, every penalty imposed and such interest that is accrued under the provisions of this Section shall become a part of the tax herein required to be paid.~~
- (e) ~~Notwithstanding the foregoing, the Tax Administrator may, in his or her discretion, modify the due dates of this Article to be consistent with any uniform standards or procedures that mutually agreed upon by other public agencies imposing a utility users tax, or otherwise legally established, to create a central payment location or mechanism.~~
- (a) If a service supplier, in violation of the requirements of this Article, fails to collect the full amount of tax due from a service user by failing to properly apply the applicable tax rate to one (1) or more charges made for services subject to taxation, the service supplier shall be liable to the City for an amount equal to the tax it failed to collect. The Tax Administrator may issue a deficiency determination to the service supplier pursuant to Section 8-18.150 to recover the amount owed, plus interest and penalties

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as set forth in this Section. A service supplier that is liable or has paid money to the City pursuant to this subsection is not prohibited by this subsection from recovering the amount owed or paid to the City, excluding interest and penalties, from the service user who was responsible in the first instance for paying the tax that the service supplier failed to collect.

- (b) If a service supplier, in violation of the requirements of this Article, fails to remit, on or before the due date for the remittance, the tax that it has collected from a service user during a particular month (or other billing period), the service supplier shall be liable to the City for an amount equal to the tax it failed to remit. The Tax Administrator may issue a deficiency determination to the service supplier pursuant to Section 8-18.150 to recover the amount owed, plus interest and penalties as set forth in this Section.
- (c) A service supplier liable to the City under subsection (a) or (b) of this Section shall, in addition to paying the amount owed under subsection (a) or (b), pay interest on the amount owed and a penalty, as follows:
- (1) Interest shall apply at the rate of 75/100ths percent (.75%) per month, or any fraction thereof, of the tax the service supplier failed to collect or remit, exclusive of penalties. Interest shall begin accruing on the date after the uncollected or unremitted tax was due to the City and cease accruing on the date before the service supplier has paid, in full, the amount owed under subsection (a) or (b).
  - (2) The penalty shall apply at the rate of fifteen percent (15%) of the tax the service supplier failed to collect or remit. The Tax Administrator may increase the penalty to thirty percent (30%) if the failure to collect or remit was the result of fraud or gross negligence on the part of the service supplier.

#### **SEC. 8-18.140 LIABILITIES AND ACTIONS TO COLLECT.**

~~Any tax required to be paid by a service user under the provisions of this Article shall be deemed a debt owed by the service user to the City. Any such tax collected from a service user which has not been remitted to the Tax Administrator shall be deemed a debt owed to the City by the person required to collect and remit and shall no longer be a debt of the service user. Any person owing money to the City under the provisions of this Article shall be liable to an action brought in the name of the City for the recovery of such amount, including penalties and interest as provided for in this Article, along with any collection costs incurred by the City as a result of the person's noncompliance with this Article, including, but not limited to, reasonable attorneys' fees. Any tax required to be collected by a service supplier or owed by a service user is an unsecured priority excise tax obligation under 11 U.S.C.A. Section 507(a)(8)(C).~~

- (a) Any tax owed by a service user under any of the provisions of this Article is deemed a debt owed by the service user to the City. Any tax that a service supplier collects from

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a service user is deemed a debt owed by the service supplier to the City, and once that tax has been collected, it shall no longer be deemed a debt owed by the service user to the City. Any tax that a service supplier is required, but fails, to collect from a service user is deemed a debt owed by the service supplier to the City – provided, however, that satisfaction of this debt by the service supplier does not prevent the service supplier from recovering the amount paid to the City from the service user who was responsible in the first instance for paying for paying the tax that the service supplier failed to collect.

(b) Any person owing money to the City under any of the provisions of this Article, including any person who has received a final assessment issued by the Tax Administrator pursuant to Section 8-18.150, shall be liable to the City in an action brought in the name of the City for the recovery of the amount owed, plus interest and penalties. In such an action, the City shall be entitled to recover any collection costs and reasonable attorneys' fees incurred as a result of the person's noncompliance with the requirements of this Article.

(c) Taxes owed by a service user and taxes that a service supplier collects or is required, but fails, to collect shall be treated as unsecured priority excise tax obligations under 11 U.S.C.A. Section 507(a)(8)(C).

**SEC. 8-18.150 DEFICIENCY DETERMINATIONS AND FINAL ~~AND ASSESSMENT. TAX APPLICATION ERRORS.~~**

- (a) ~~The Tax Administrator shall make a deficiency determination if he or she determines that any service supplier or service user required to pay, collect, and/or remit taxes pursuant to the provisions of this Article has failed to pay, collect, and/or remit the proper amount of tax by improperly or failing to apply the tax to one (1) or more taxable services or charges. Nothing herein shall require that the Tax Administrator institute proceedings under this Section 8-18.150 if, in the opinion of the Tax Administrator, the cost of collection or enforcement likely outweighs the tax benefit.~~
- (b) ~~The Tax Administrator shall mail a notice of such deficiency determination to the person or entity allegedly owing the tax, which notice shall refer briefly to the amount of the taxes owed, plus interest at the rate of 75/100ths percent (.75%) per month, or any fraction thereof, on the amount of the tax from the date on which the tax should have been received by the City. Within fourteen (14) calendar days after the date of mailing of such notice, the person or entity allegedly owing the tax may file a request in writing with the Tax Administrator for a hearing on the matter.~~
- (c) ~~If the person or entity allegedly owing the tax fails to request a hearing within the prescribed time period, the amount of the deficiency determination shall become a final assessment, and shall immediately be due and owing to the City. If the person requests a hearing, the Tax Administrator shall cause the matter to be set for hearing, which shall be scheduled within thirty (30) calendar days after receipt of the written request for hearing. Notice of the time and place of the hearing shall be mailed by the Tax Administrator to such person or entity at least ten (10) calendar days prior to the hearing, and, if the Tax Administrator desires said person or entity to produce specific records at such hearing, such notice may designate the records requested to be produced.~~
- (d) ~~At the time fixed for the hearing, the Tax Administrator shall hear all relevant testimony and evidence, including that of any other interested parties. At the discretion of the Tax Administrator, the hearing may be continued from time to time for the purpose of allowing the presentation of additional evidence. Within a reasonable time following the conclusion of the hearing, the Tax Administrator shall issue a final assessment (or non-assessment), thereafter, by confirming, modifying or rejecting the original deficiency determination, and shall mail a copy of such final assessment to person or entity owing the tax. The decision of the Tax Administrator may be appealed pursuant to Section 8-18.200 of this Article. Filing an application with the Tax Administrator and appeal to the City Manager pursuant to Section 8-18.200 of this Article is a prerequisite to a suit thereon.~~
- (e) ~~Payment of the final assessment shall become delinquent if not received by the Tax Administrator on or before the thirtieth (30<sup>th</sup>) day following the date of receipt of the notice of final assessment. The penalty for delinquency shall be fifteen percent (15%) on the total amount of the assessment, along with interest at the rate of 75/100ths~~

~~percent (.75%) per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date of delinquency, until paid. The applicable statute of limitations regarding a claim by the City seeking payment of a tax assessed under this Article shall commence from the date of delinquency as provided in this subsection (e).~~

- ~~(f) All notices under this Section may be sent by regular mail, postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing.~~
- (a) The Tax Administrator may issue a deficiency determination to a service user if he or she determines that the service user has failed to pay the full amount of tax owed. The Tax Administrator may issue a deficiency determination to a service supplier if he or she determines that the service supplier has failed to either: (i) collect the full amount of tax due from a service user by failing to properly apply the applicable tax rate to one (1) or more charges made for services subject to taxation; or (ii) remit, on or before the due date for the remittance, the tax that it has collected from a service user during a particular month (or other billing period).
- (b) The Tax Administrator shall mail a notice of deficiency determination to the service user or service supplier. The notice shall identify the amount claimed to be owed, plus any applicable interest and penalties.
- (c) Within fourteen (14) calendar days of the date of receipt of the notice of deficiency determination, the service user or service supplier may submit, to the Tax Administrator, a written request for a hearing on the deficiency determination. If the service user or service supplier fails to request a hearing within fourteen (14) calendar days, the deficiency determination shall become a final assessment, the notice of deficiency determination shall be treated as a notice of final assessment, and the service user or service supplier will be deemed to have waived the right to an appeal under Section 8-12.200 of this Article.
- (d) If the service user or service supplier requests a hearing, the Tax Administrator shall hold a hearing on the matter no later than sixty (60) calendar days after receipt of the request. The Tax Administrator shall mail notice of the time and place of the hearing to the service user or service supplier at least ten (10) calendar days prior to the hearing. The notice may direct that specified records be produced at the hearing.
- (e) At the hearing, the Tax Administrator shall consider all relevant evidence offered by the service user or the service supplier, including the testimony of witnesses. At the discretion of the Tax Administrator, the hearing may be continued from time to time to allow for the presentation of additional evidence. Within a reasonable time following the conclusion of the hearing, the Tax Administrator shall issue: (i) a final assessment confirming or modifying the deficiency determination; or (ii) a non-assessment withdrawing the deficiency determination. The Tax Administrator shall mail a notice of the final assessment or non-assessment to the service user or service supplier.

- ~~(f) A final assessment issued by the Tax Administrator may be appealed to the City Manager pursuant to Section 8-18.200 of this Article. Requesting a hearing before the Tax Administrator and appealing a final assessment to the City Manager are prerequisites to the filing of any action challenging a final assessment.~~
- ~~(g) Payment of a final assessment shall be delinquent if not received by the Tax Administrator on or before the thirtieth (30th) day after receipt of the notice of final assessment. If payment is not made by this date:~~

  - ~~(1) interest shall continue to accrue on the amount owed at the rate of 75/100ths percent (0.75%) per month, or any fraction thereof, through the date before the final assessment is paid in full; and~~
  - ~~(2) an additional penalty equal to fifteen percent (15%) of the total amount of the final assessment shall be imposed – provided, however, that this penalty shall not be imposed if the service user or service supplier makes a timely appeal of the final assessment to the City Manager and pays the full amount of the final assessment, as modified on appeal, within 30 days of the conclusion of the appeal.~~
- ~~(h) All notices required to be sent under this Section shall be sent by regular mail, postage prepaid, or, with the consent of the service user or service supplier, by electronic mail. Notices that are mailed shall be deemed to be received on the third (3rd) calendar day following the date of mailing, as established by a proof of mailing. Notices sent by electronic mail shall be deemed to be received on the date the notice is sent.~~
- ~~(i) If, in the opinion of the Tax Administrator, the cost of issuing or enforcing a final assessment against a service user or service supplier outweighs the likely benefit to the City, the Tax Administrator is not required to issue a deficiency determination or a final assessment to that service user or service supplier.~~

**SEC. 8-18.160 ADMINISTRATIVE REMEDY – NON-PAYING SERVICE USERS.**

- ~~(a) Whenever the Tax Administrator determines that a service user has deliberately withheld the amount of the tax owed by the service user from the amounts remitted to a person required to collect the tax, or whenever the Tax Administrator deems it in the best interest of the City, he or she may relieve such person of the obligation to collect the taxes due under this Article from certain named service users for specific billing periods. To the extent the service user has failed to pay the amount of tax owed for a period of two (2) or more billing periods, the service supplier shall be relieved of the obligation to collect taxes due. The service supplier shall provide the City with the names and addresses of such service users and the amounts of taxes owed under the provisions of this Article. Nothing herein shall require that the Tax Administrator institute proceedings under this Section 8-18.160 if, in the opinion of the Tax Administrator, the cost of collection or enforcement likely outweighs the tax benefit.~~

- ~~(b) In addition to the tax owed, the service user shall pay a delinquency penalty at the rate of fifteen percent (15%) of the total tax that is owed, and shall pay interest at the rate of 75/100ths percent (.75%) per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the due date, until paid.~~
- ~~(c) The Tax Administrator shall notify the non-paying service user that the Tax Administrator has assumed the responsibility to collect the taxes due for the stated periods and demand payment of such taxes, including penalties and interest. The notice shall be served on the service user by personal delivery or by deposit of the notice in the United States mail, postage prepaid, addressed to the service user at the address to which billing was made by the person required to collect the tax; or, should the service user have a change of address, to his or her last known address.~~
- ~~(d) If the service user fails to remit the tax to the Tax Administrator within thirty (30) days from the date of the service of the notice upon him or her, the Tax Administrator may impose an additional penalty of fifteen percent (15%) of the amount of the total tax that is owed.~~
- (a) If a service user refuses to pay tax assessed by a service supplier and notifies the service supplier of that refusal, the service supplier may notify the Tax Administrator. The notice shall identify the name and address of the service user and the amount of tax owed. Upon receiving the notice, the Tax Administrator shall relieve the service supplier of the obligation to collect tax from the service user for a specified period of time, notify the service user that he or she has assumed responsibility for collecting the tax, and demand payment of the tax due. The notice to the service user shall be served by personal delivery or sent by regular mail, postage prepaid, to the address provided by the service supplier, or to any other known address. Notices that are mailed shall be deemed to be received on the third calendar day following the date of mailing, as established by a proof of mailing. Notices that are personally served are received on the date of service.
- (b) Any service user that receives a notice from the Tax Administrator shall be required to pay, to the Tax Administrator, the full amount of tax due through the date of the notice, as well as a penalty at the rate of fifteen percent (15%) of the total tax that is owed and interest at the rate of 75/100ths percent (.75%) per month, or any fraction thereof, on the amount of the tax, exclusive of penalties. Interest shall accrue from the date after the unpaid tax was required to be remitted by the service supplier through the date before the tax is paid. The Tax Administrator shall identify the amount of the penalty and interest in the notice.
- (c) If the service user, within thirty (30) days of the date of receipt of the notice, fails to pay the tax, penalty, and interest identified in the notice, the Tax Administrator may issue a deficiency determination to the service user pursuant to Section 8-15.150. The Tax Administrator may also increase the penalty from fifteen percent (15%) of the total tax that is owed to thirty percent (30%) of the total tax that is owed.

- (d) If a service user required to pay tax directly to the City under Section 8-18.90 fails to pay the full amount of tax due within the time prescribed by that Section, the Tax Administrator may issue a deficiency determination to the service user pursuant to Section 8-15.150 to recover the amount owed, plus interest and penalties. The interest and penalties shall apply at the rates set forth in subsection (b) of this Section.
- (e) The Tax Administrator is not required to issue a notice to a service user under this Section or issue a deficiency determination to a service user under Section 8-18.150 if, in the opinion of the Tax Administrator, the cost of collecting the unpaid tax, interest, and penalties outweighs the likely benefit to the City.

### **SEC. 8-18.170 ADDITIONAL POWERS AND DUTIES OF THE TAX ADMINISTRATOR.**

- (a) The Tax Administrator shall have the power and duty to enforce each and all of the provisions of this Article.
- (b) The Tax Administrator may adopt administrative rules and regulations consistent with provisions of this Article for the purpose of interpreting, clarifying, carrying out and enforcing the payment, collection and remittance of the taxes herein imposed. A copy of such administrative rules and regulations shall be on file in the Tax Administrator's office. To the extent that the Tax Administrator determines that the tax imposed under this Article shall not be collected in full for any period of time from any particular service supplier or service user, that determination shall be considered an exercise of the Tax Administrator's discretion to settle disputes and shall not constitute a change in taxing methodology for purposes of Government Code Section 53750 or otherwise. The Tax Administrator is not authorized to amend the City's methodology for purposes of Government Code Section 53570, and the City does not waive or abrogate its ability to impose the utility users tax in full as a result of promulgating administrative rulings or entering into agreements.
- (c) Upon a proper showing of good cause, the Tax Administrator may make administrative agreements, with appropriate conditions, to vary from the strict requirements of this Article and thereby: (1) conform to the billing procedures of a particular service supplier so long as said agreements result in the collection of the tax in conformance with the general purposes and scope of this Article; or, (2) to avoid a hardship where the administrative costs of collection and remittance greatly outweigh the tax benefit. A copy of each such agreement shall be on file in the Tax Administrator's office and are voidable by the Tax Administrator or the City at any time.
- ~~(d) The Tax Administrator may conduct an audit, to ensure proper compliance with the requirements of this Article, of any person required to collect and/or remit a tax pursuant to this Article. The Tax Administrator shall notify said person of the initiation of an audit in writing. In the absence of fraud or other intentional misconduct, the audit period of review shall not exceed a period of three (3) years next preceding the date of receipt of the written notice by said person from the Tax~~

~~Administrator. Upon completion of the audit, the Tax Administrator may make a deficiency determination pursuant to Section 8-18.150 of this Article for all taxes (and applicable penalties and interest) owed and not paid, as evidenced by information provided by such person to the Tax Administrator. If said person is unable or unwilling to provide sufficient records to enable the Tax Administrator to verify compliance with this Article, the Tax Administrator is authorized to make a reasonable estimate of the deficiency. Said reasonable estimate shall be entitled to a rebuttable presumption of correctness.~~

- ~~(d) The Tax Administrator may audit any service user required to pay a tax imposed under this Article or any service supplier required to collect and remit a tax imposed under this Article. The Tax Administrator shall notify the service user or service supplier of the initiation of an audit in writing. In the absence of fraud or other intentional misconduct, the period of audit review shall be limited to the three (3) years preceding the date of receipt of the audit notice. After completing the audit, the Tax Administrator may, pursuant to Section 8-18.150 of this Article, issue a deficiency determination to the service user or service supplier for all amounts owed and not paid, including penalties and interest, as evidenced by information provided during the audit. If the service user or service supplier is unable or unwilling to provide sufficient records to enable the Tax Administrator to verify compliance with this Article, the Tax Administrator may make a reasonable estimate of the deficiency, and that estimate shall be entitled to a rebuttable presumption of correctness.~~
- (e) Upon receipt of a written request of a taxpayer, and for good cause, the Tax Administrator may extend the time for filing any statement required pursuant to this Article for a period of not to exceed forty-five (45) days, provided that the time for filing the required statement has not already passed when the request is received. No penalty for delinquent payment shall accrue by reason of such extension. Interest shall accrue during said extension at the rate of 75/100ths percent (.75%) per month, prorated for any portion thereof.
- (f) The Tax Administrator shall determine the eligibility of any person who asserts a right to exemption from, or a refund of, the tax imposed by this Article.
- ~~(g) Notwithstanding any provision in this Article to the contrary, the Tax Administrator may waive any penalty or interest imposed upon a person required to collect and/or remit for failure to collect the tax imposed by this Article if the non-collection occurred in good faith. In determining whether the non-collection was in good faith, the Tax Administrator shall take into consideration industry practice or other precedence.~~
- ~~(g) Notwithstanding any other provision of this Article, the Tax Administrator may waive any penalty or interest imposed or authorized by this Article if he or she determines that the service user or service supplier has made a good faith and reasonable effort to comply with the requirements of this Article. In making this determination, the Tax Administrator may take into consideration industry practice, prior attempts by the service user or service supplier to seek guidance from the Tax Administrator, attempts~~

by the service user or service supplier to cure any errors in the payment or collection of tax, and any other relevant matters.

### SEC. 8-18.190 REFUNDS.

Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this Article from a service user or service supplier, it may be refunded as provided in this Section:

- (a) The Tax Administrator may refund any tax that has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this Article from a service user or service supplier, provided that no refund shall be paid under the provisions of this Section unless the claimant or his or her guardian, conservator, executor, or administrator has submitted a written claim to the Tax Administrator within one (1) year of the overpayment or erroneous or illegal collection of said tax. Such claim must clearly establish claimant's right to the refund by written records showing entitlement thereto. Nothing herein shall permit the filing of a claim on behalf of a class or group of taxpayers unless each member of the class has submitted a written claim under penalty of perjury as provided by this subsection.
- (b) The Tax Administrator, where the claim is within his or her settlement authority as established by ordinance or by resolution of the City Council from time to time, or the City Council where the claim is in excess of that amount, shall act upon the refund claim within forty-five (45) calendar days of the initial receipt of the refund claim. Said decision shall be final. If the Tax Administrator/City Council fails or refuses to act on a refund claim within the forty-five (45) calendar day period, the claim shall be deemed to have been rejected by the Tax Administrator/City Council on the forty-fifth (45<sup>th</sup>) day. The Tax Administrator shall give notice of the action in a form which substantially complies with that set forth in Government Code Section 913.
- (c) The filing of a written claim pursuant to Government Code Section 935 is a prerequisite to any suit thereon. Any action brought against the City pursuant to this Section shall be subject to the provisions of Government Code Section 945.6 and 946.

~~(d) Notwithstanding the notice provisions of subsection (a) of this Section, the Tax Administrator may, at his or her discretion, give written permission to a service supplier, who has collected and remitted any amount of tax in excess of the amount of tax imposed by this Article, to claim credit for such overpayment against the amount of tax which is due the City upon a subsequent monthly return(s) to the Tax Administrator, provided that: i) such credit is claimed in a return dated no later than one (1) year from the date of overpayment or erroneous collection of said tax; ii) the Tax Administrator is satisfied that the underlying basis and amount of such credit has~~

~~been reasonably established; and iii) in the case of an overpayment by a service user to the service supplier that has been remitted to the City, the Tax Administrator has received proof, to his or her satisfaction, that the overpayment has been refunded by the service supplier to the service user in an amount equal to the requested credit.~~

- ~~(e) Notwithstanding subsections (a) through (d) above, a service supplier shall be entitled to take any overpayment as a credit against an underpayment whenever such overpayment has been received by the City within the three (3) years next preceding a deficiency determination or assessment by the Tax Administrator in connection with an audit instituted by the Tax Administrator pursuant to Section 8-18.170. A service supplier shall not be entitled to said credit unless it first clearly establishes, to the satisfaction of the Tax Administrator, the right to the credit by written records showing entitlement thereto. Under no circumstances shall an overpayment taken as a credit against an underpayment pursuant to this subsection qualify a service supplier for a refund to which it would not otherwise be entitled under the one-year written claim requirement of this Section.~~
- ~~(d) Notwithstanding subsection (a) of this Section, when a service supplier has overpaid tax by collecting and/or remitting tax in excess of the amount of tax due from a service user under this Article, the Tax Administrator may, in his or her discretion, allow the service supplier to claim a credit for the overpayment against the amount of tax which is due to the City in one or more subsequent remittances, provided that:~~
- ~~(1) the credit is claimed in a return dated no more than one (1) year after the date of the overpayment;~~
  - ~~(2) the amount of the overpayment is established to the Tax Administrator's satisfaction; and~~
  - ~~(3) if the overpayment was caused by the service supplier's collection of excess tax from the service user, the Tax Administrator receives proof, to his or her satisfaction, that the overpayment has been refunded by the service supplier to the service user in an amount equal to the requested credit.~~
- ~~(e) Notwithstanding subsections (a) and (d) of this Section, when a service supplier has overpaid tax by collecting and/or remitting tax in excess of the amount of tax due from a service user under this Article, the service supplier may take the overpayment as a credit against a final assessment issued by the Tax Administrator to the service supplier under Section 8-18.150 of this Article, provided that:~~
- ~~(1) the credit is claimed against a deficiency determination or final assessment that is issued to the service supplier no later than three (3) years after the date of the overpayment;~~
  - ~~(2) the amount of the overpayment has been established to the Tax Administrator's satisfaction; and~~
  - ~~(3) if the overpayment was caused by the service supplier's collection of excess tax from the service user, the Tax Administrator receives proof, to his or her~~

satisfaction, that the overpayment has been refunded by the service supplier to the service user in an amount equal to the requested credit.

No credit claimed by the service supplier pursuant to this subsection shall entitle the service supplier to receive a refund to which it would not otherwise be entitled under the one-year claim presentation requirement of subsection (a) of this Section and Title 1, Division 3.6, Part 3 of the Government Code.

### **SEC. 8-18.200 APPEALS.**

- ~~(a) The provisions of this Section apply to any decision (other than a decision relating to a refund pursuant to Section 8-18.190 of this Article), deficiency determination, assessment, or administrative ruling of the Tax Administrator. Any person aggrieved by any decision (other than a decision relating to a refund pursuant to Section 8-18.190 of this Article), deficiency determination, assessment, or administrative ruling of the Tax Administrator, shall be required to comply with the appeals procedure of this Section. Compliance with this Section shall be a prerequisite to a suit thereon. [See Government Code Section 935(b)]. Nothing herein shall permit the filing of a claim or action on behalf of a class or group of taxpayers.~~
- ~~(b) If any person is aggrieved by any decision (other than a decision relating to a refund pursuant to Section 8-18.190 of this Article), deficiency determination, assessment, or administrative ruling of the Tax Administrator he or she may appeal to the City Manager by filing a notice of appeal with the City Clerk within fourteen (14) calendar days of the date of the decision, deficiency determination, assessment, or administrative ruling of the Tax Administrator which aggrieved the service user or service supplier.~~
- ~~(c) The matter shall be scheduled for hearing before an independent hearing officer selected by the City Manager, no more than thirty (30) calendar days from the receipt of the appeal. The appellant shall be mailed notice of the time and place of the hearing, as well as any relevant materials, at least five (5) calendar days prior to the hearing. The hearing may be continued from time to time upon mutual consent. At the time of the hearing, the appealing party, the Tax Administrator and any other interested person may present such relevant evidence as he or she may have relating to the determination from which the appeal is taken.~~
- ~~(d) Based upon the submission of such evidence and the review of the City's files, the hearing officer shall issue a written notice and order upholding, modifying or reversing the determination from which the appeal is taken. The notice shall be given within fourteen (14) calendar days after the conclusion of the hearing and shall state the reasons for the decision. The notice shall specify that the decision is final and that any petition for judicial review shall be filed within ninety (90) calendar days from the date of the decision in accordance with Code of Civil Procedure Section 1094.6.~~
- ~~(e) All notices under this Section may be sent by regular mail, postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing.~~

- (a) If a service user or service supplier is aggrieved by a final assessment, administrative ruling, or other decision issued by the Tax Administrator, other than a decision relating to a refund made under Section 8-18.190(a) of this Article, the service user or service supplier may appeal the final assessment, administrative ruling, or other decision to the City Manager by submitting a notice of appeal to the City Clerk within fourteen (14) calendar days of the date of receipt of the final assessment, administrative ruling, or decision. An appeal is a prerequisite to any action challenging the final assessment, administrative ruling, or decision.
- (b) The City Manager shall appoint an independent hearing officer to hear all appeals brought under this Section. Appointments shall last five (5) years and, once the appointment has expired, the person appointed shall not serve as a hearing officer for the City in any matter for a period of at least five (5) years.
- (c) The hearing shall take place within sixty (60) calendar days of receipt of the appeal, or within a longer period, if a longer period is agreed to in writing by the appealing party, the Tax Administrator, and the hearing officer. The hearing officer shall mail notice of the time and place of the hearing to the appealing party and the Tax Administrator at least ten (10) calendar days prior to the date of the hearing.
- (d) A record of the prior proceedings on the final assessment, administrative ruling, or other decision shall be submitted at the hearing. The appealing party and the Tax Administrator may also present other relevant evidence, including testimony. The hearing officer may continue the hearing from time to time for the presentation of additional evidence. The appealing party bears the burden of proof as to all factual issues.
- (e) Within thirty (30) calendar days of the conclusion of the hearing, the hearing officer shall issue a written notice of decision upholding, modifying, or reversing the final assessment, administrative ruling, or other decision. The notice of decision shall state the reasons for the hearing officer's decision. The notice shall also specify that the decision is final and that any petition for judicial review must be filed within ninety (90) calendar days of the date of the notice, in accordance with Code of Civil Procedure Section 1094.6.
- (f) If the appeal challenges a final assessment and the hearing officer's decision modifies the final assessment in a manner that reduces the amount found to be owed by the service user or service supplier, any penalties and interest included in the final assessment shall be recalculated based on the reduced amount.
- (g) All notices required to be sent under this Section shall be sent by regular mail, postage prepaid, or, with the consent of the appealing party and the Tax Administrator, by electronic mail. Notices that are mailed shall be deemed to be received on the third (3rd) calendar day following the date of mailing, as established by a proof of mailing. Notices sent by electronic mail shall be deemed to be received on the date they are sent.

**ATTACHMENT II**

Section 2. California Environmental Quality Act. Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a “project” pursuant to the California Environmental Quality Act (“CEQA”), under Public Resource Code Section 21065 and CEQA Guidelines Section 15320, 15378, and 15061(b) (3) as there is no possibility that such action would cause either a direct, or reasonably foreseeable indirect, physical change in the environment.

Section 3. If any section, subsection, paragraph, or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid, or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. The effective date of this Article shall be thirty (30) days after its adoption by the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_ day of \_\_, 2026, by Council Member \_\_\_\_\_,

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_ day of \_\_\_\_\_, 2026, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

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

**ATTACHMENT II**



# CITY OF HAYWARD

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

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**File #:** RPT 26-010

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**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Informational Report: Water Resource Recovery Facility (WRRF) Improvements Phase II Project Update

**RECOMMENDATION**

That the City Council reviews this informational Water Resource Recovery Facility (WRRF) Improvements Phase II Project Update

**SUMMARY**

The City of Hayward’s Department of Public Works & Utilities is pursuing a major capital improvement project to improve the Water Resources Recovery Facility, formerly known as the Water Pollution Control Facility, (WRRF Phase II Improvement Project, the “Project”) to meet the nutrient reduction mandate for treated effluent identified in the 3<sup>rd</sup> Nutrients Watershed Permit adopted by the California Regional Water Quality Control Board in July 2024. The total cost of the project is estimated at \$498 million, including capital costs, contingencies, and financing costs.

As part of the funding strategy, the City intends to finance up to 49% (~\$244 million) of project costs from United States Environmental Protection Agency (USEPA) Water Infrastructure Finance and Innovation Act (WIFIA) loan and \$50 million of the project costs through the SWRCB Division of Financial Assistance’s SRF loan program (the “SRF Loan”). The remaining cost will be funded by publicly-sold revenue bonds and sewer fund reserves. Since April 2025, WIFIA loan signoff has been on hold by the EPA. Staff recently applied for SRF funding in December 2025. This report is to provide a status update as to overall project progress and status on the funding options.

**ATTACHMENTS**

Attachment	Staff Report
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**File #:** RPT 26-010

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**DATE:** February 17, 2026  
**TO:** Mayor and City Council  
**FROM:** Director of Public Works  
**SUBJECT:** Informational Report: Water Resource Recovery Facility (WRRF) Improvements Phase II Project Update

### **RECOMMENDATION**

That the City Council reviews this informational Water Resource Recovery Facility (WRRF) Improvements Phase II Project Update.

### **SUMMARY**

The City of Hayward’s Department of Public Works & Utilities is pursuing a major capital improvement project to improve the Water Resources Recovery Facility, formerly known as the Water Pollution Control Facility, (WRRF Phase II Improvement Project, the “Project”) to meet the nutrient reduction mandate for treated effluent identified in the 3<sup>rd</sup> Nutrients Watershed Permit adopted by the California Regional Water Quality Control Board in July 2024. The total cost of the project is estimated at \$498 million, including capital costs, contingencies, and financing costs.

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### **ECONOMIC AND FISCAL IMPACT**

There is no General Fund or Measure C impact related to this report or project. This project will not use any General Fund or Measure C monies and the debt service incurred will be obligated to the Wastewater Enterprise Fund.

The FY26 Adopted Capital Improvement Program (CIP) includes \$63,279,000 for WRRF New Administration Building & Lab Project No. 07786 and \$434,965,000 for WRRF Phase II Improvement Project No. 07760 within the Sewer Improvement Fund (Fund 612.)

Staff engaged Brown and Caldwell (BC) and the City’s financial advisor, NHA Advisors, to strategize and discuss funding options as summarized in Table 1 below.

<b>Table 1 - Financing Options</b>			
<b>Options</b>		<b>Amount</b>	<b>Status</b>
Federal	USEPA WIFIA loan	Up to \$244 million (49% of project cost)	Signoff on hold by USEPA since April 2025
State	SWRCB Clean Water State Revolving Fund (CWSRF)	\$50 million (max)	Application submitted December 2025
Private	2025 Wastewater Revenue Bond	\$124,885,000	Executed in March 2025
Private	2029 Municipal Bond	TBD	TBD
Cash	Wastewater Enterprise Fund	\$25 million (5%)	On Hand
Others	Grant	TBD	Researching, none identified/fit thus far

**BACKGROUND**

The WRRF was originally constructed in 1952 to treat wastewater flows from Hayward residents and businesses prior to discharge into the San Francisco Bay. Over the years, the facility has undergone several major upgrades to meet more stringent discharge requirements, as well as increasing capacity to meet the City’s growing population and industries. WRRF treats an average flow of approximately eleven million gallons per day and meets current regulatory requirements for discharge of treated effluent to the deep waters of the San Francisco Bay.

In May 2019, the San Francisco Bay Regional Water Quality Control Board (Water Board) announced upcoming regulatory requirements limiting discharge of nutrients (nitrogen) to the Bay. In June 2020, the City completed a comprehensive Master Plan update, the WPCF Phase II Facilities Plan (Facilities Plan). The Facilities Plan identifies the necessary improvements to upgrade the treatment process and meet the upcoming nutrient reduction requirements.

The City of Hayward’s Department of Public Works & Utilities is pursuing a major capital improvement project to improve the WRRF, formerly known as the Water Pollution Control Facility, (WRRF Phase II Improvement Project, the “Project”) in order to meet the nutrient reduction mandate for treated effluent identified in the 3rd Nutrients Watershed Permit adopted by the California Regional Water Quality Control Board in July 2024. The total cost of the Project is estimated at \$498 million, including capital costs, contingencies, and financing costs.

City staff have worked with BC and NHA Advisors to develop a financing plan (Financing Plan) for the \$498 million Project. The Financing Plan was presented to the Council Budget & Finance Committee at the May 15, 2024<sup>1</sup> meeting. Consistent with the Financing Plan, the City Council authorized the City Manager to apply for the WIFIA Loan in an amount up to \$260 million, on April 16, 2024<sup>2</sup>, and authorized the issuance of the 2025 Wastewater Revenue Bonds in an amount up to \$135 million, approved by Council on February 25, 2025<sup>3</sup>. The City subsequently sold \$124,885,000 in 2025 Wastewater Revenue Bonds at a true interest cost of 3.96%. These 2025 Bonds are expected to provide approximately 26% of the total funding needed for the Project.

On April 1, 2025<sup>4</sup>, City Council authorized the execution and delivery of a WIFIA Loan Agreement with USEPA for \$244,139,000. The City originally anticipated executing its WIFIA loan on April 11, 2025. However, the USEPA notified the City on April 10, 2025, that the loan execution was put on hold by the EPA Administrator and Office of Management and Budget. On December 2, 2025<sup>5</sup>, City Council authorized the City Manager to apply for the SWRCB SRF Loan for \$50 million. Subsequently, City submitted the SWRCB SRF application on December 30, 2025.

## DISCUSSION

### Status of Project

The design of the project is complete and all currently regulatory approvals have been secured. The CEQA Initial Study/Mitigated Negative Declaration was completed in 2024, and the City recently received an Authority to Construct ATC permit from the Bay Area Air Quality Management District. Staff have also worked to prepurchase long-lead equipment, which includes 2 medium voltage transformers and 2 medium voltage switches. This pre-purchased equipment arrived onsite in December of 2025 and January of 2026, and is ready to be transferred to the construction contractor.

### Status of WIFIA Loan

Since the delay of WIFIA in April 2025, staff have continuously monitored the status of loan execution and engaged with the USEPA and City's federal lobbyist, including the transmittal of two letters to the USEPA:

- May 2025 – requested assistance from the EPA Administrator to facilitate the execution of City's WIFIA loan; and
- September 2025 – supplemental informational letter providing additional information regarding Project's alignment with presidential priorities.

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<sup>1</sup> [May 15, 2024 Council Budget & Finance Committee \(https://hayward.legistar.com\)](https://hayward.legistar.com)

<sup>2</sup> [April 16, 2024 City Council \(https://hayward.legistar.com\)](https://hayward.legistar.com)

<sup>3</sup> [February 25, 2025 City Council \(https://hayward.legistar.com\)](https://hayward.legistar.com)

<sup>4</sup> [April 1, 2025 City Council \(https://hayward.legistar.com\)](https://hayward.legistar.com)

<sup>5</sup> [December 2, 2025 City Council \(https://hayward.legistar.com\)](https://hayward.legistar.com)

In addition to City's effort, other bodies and entities have also pursued other actions, including:

- October 2025 – a support letter for WIFIA continuity and criticality, jointly submitted by Water Environmental Federation, Association of Metropolitan Water Agencies, American Water Works Association, National Association of Clean Water Agencies and WaterReuse Association; and
- December 2025 – a letter requested the USEPA to process WIFIA loan application more efficiently, jointly submitted by a group of six U.S. Senators representing several states where their constituents are also experiencing delay in WIFIA loan execution.

Staff originally targeted the end of January 2026 for completion of bid package for the Phase 2 Project and construction to start in Spring 2026. However, given that WIFIA provides 49% of the project funding, the bid package is currently on hold until City receives confirmation of WIFIA execution. As part of the WIFIA agreement, the City expects to receive a waiver for the federal Build America, Buy America (BABA) requirements. The costs of implementing the BABA requirements are currently unknown and are expected to be significant.

#### Status of SRF Loan

The SRF program is a USEPA financing program administered in California by the SWRCB and provides low-cost loan for qualified water and wastewater projects. Loans are currently limited to \$50 million for the FY 25-26 funding cycle. Benefits of the SRF program include:

- 1) Loan interest rate set at  $\frac{1}{2}$  the State of California 30-year General Obligation Bond rate; and
- 2) SRF loans payback period begins one year after substantial completion; and
- 3) Typically, a 30-year (or useful life of the project whichever is lower) loan term.

The City submitted the SWRCB SRF application in December 2025 and anticipates the funding decision by May 2026. If the Project is on the SRF's funding eligible list, additional environmental mitigations may need to be incorporated. This process should be complete by November 2026, with an anticipated SRF funding agreement being finalized by December 2026. Compared to other financing options at current interest rates, the low interest rates used by the SRF program would cumulatively save the City approximately \$38M in total cash outflows over the course of the loan, with a net present value savings of approximately \$30 million. The savings would only be attained, however, if the WIFIA agreement is executed and the State recognizes the cognizant authority with WIFIA regarding the BABA waiver. Without an executed WIFIA agreement, SRF funding would trigger the BABA requirement, the cost of which would likely exceed \$30 million.

Given the benefits of approximately \$30 million in net present value savings from SRF funding, staff recommends waiting until May 2026 to determine if the project is on the SRF funding eligible list prior to bidding. However, staff estimates an approximately \$900k

construction cost escalation per month as the City delays the call for bid. Given the significant savings from the SRF loan, staff have determined it is worthwhile to wait approximately six additional months to incorporate any additional environmental mitigations in the event the project is placed on the SRF eligible funding list. The bidding timeline under different WIFIA and SRF funding scenarios is summarized in Table 2 below:

<b>Table 2 – Funding Scenarios &amp; Respective Bidding Timeline</b>		
<b>If WIFIA Executes</b>	<b>If Project is on SRF funding eligible list</b>	<b>If Project is not on SRF funding eligible list</b>
Prior to May 2026	Issue bid in November	Issue bid as soon as possible
Between June to November 2026	Issue bid in November	Issue bid as soon as possible
After November 2026	BABA requirement is triggered and would result in significant increase of project cost; staff to revisit funding strategy and propose other funding sources; Bidding timeline TBD	Staff to revisit funding strategy and propose other funding sources; Bidding timeline TBD

**STRATEGIC ROADMAP**

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

Project N22: Design Water Pollution Control Facility Phase II upgrade

**SUSTAINABILITY FEATURES**

The WRRF Improvement - Phase II Project is intended to help maintain and improve the biology and health of the Bay which is vital for the region and the State. The Phase II Project will position the City to meet the nutrient limits as specified in the Water Board’s 3rd Watershed Permit that requires plants to reduce nitrogen loading to the Bay by the year 2034. This project is a direct result of the Water Board’s 3rd Watershed Permit.

The effects and risks of rising sea water levels will be reviewed and incorporated into the design of the new facilities and some retrofitted facilities where appropriate.

The Administration Building was reviewed by the City’s Building Division for conformance with State and local requirements related to sustainability (i.e., California Building Code, California Energy Code, etc.) which requires a minimum level of energy efficiency, resource conservation, material recycling, etc. In addition, the building was designed and in the process of construction to meet the City required Leadership in Energy and Environmental Design (LEED) standards for a Silver Certification.

## **PUBLIC CONTACT**

The WRRF Phase II Improvements Project includes a web page hosted on the City's website which is being periodically updated throughout the multi-year duration of the project.

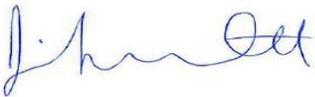
## **NEXT STEPS**

Staff will continue to provide reports on the status of the WRRF Phase II Improvements Project as appropriate.

*Prepared by:* Elli Lo, Senior Management Analyst  
Kyle Carbert, Principal Utilities Engineer

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

Approved by:



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Jennifer Ott, City Manager



# CITY OF HAYWARD

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

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**File #:** RPT 26-014

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**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** City Clerk and City Attorney

**SUBJECT**

Informational Report: Updates to the Ralph M. Brown Act Resulting from the Passage of Senate Bill 707 (SB 707)

**RECOMMENDATION**

That the City Council receives this informational report

**SUMMARY**

This report provides an overview of changes to the Ralph M. Brown Act resulting from the passage of Senate Bill 707 (SB 707) and offers anticipated implementation considerations. The legislation was intended to restructure and expand the framework governing public access and remote participation. The Brown Act applies to elected and appointed bodies. The goal of the legislation is to consolidate temporary statutes adopted during and after the pandemic, establish a unified framework for remote participation, set new rules for subsidiary bodies, and codify accessibility and procedural safeguards. SB 707 also establishes new language-access standards on “eligible bodies”, requiring two-way remote public participation, real-time captioning, and translation of meeting agendas into applicable languages.

**ATTACHMENTS**

Attachment I Staff Report



**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** City Clerk and City Attorney

**SUBJECT:** Informational Report: Updates to the Ralph M. Brown Act Resulting from the Passage of Senate Bill 707 (SB 707)

**RECOMMENDATION**

That the City Council receives this informational report.

**SUMMARY**

This report provides an overview of changes to the Ralph M. Brown Act resulting from the passage of Senate Bill 707 (SB 707) and offers anticipated implementation considerations. The legislation was intended to restructure and expand the framework governing public access and remote participation. The Brown Act applies to elected and appointed bodies. The goal of the legislation is to consolidate temporary statutes adopted during and after the pandemic, establish a unified framework for remote participation, set new rules for subsidiary bodies, and codify accessibility and procedural safeguards. SB 707 also establishes new language-access standards on “eligible bodies”, requiring two-way remote public participation, real-time captioning, and translation of meeting agendas into applicable languages.

**FISCAL IMPACT**

Implementation of SB 707 requirements is currently being addressed in part through existing staff resources and operational workflows. Several procedural and administrative updates are already underway using current technology platforms and internal capacity. Additional requirements – particularly those related to accessibility, language access, public outreach, and teleconferencing enhancements – are undergoing further review to assess potential impacts and opportunities to leverage existing systems where feasible.

## **BACKGROUND**

Senate Bill 707 introduced significant updates to the Brown Act that expands teleconferencing options for legislative bodies while strengthening requirements related to public access, equity, and transparency. These changes are being implemented in phases, with initial procedural updates already underway and additional requirements—particularly those related to language access, outreach, and technological readiness—anticipated to be implemented by July 1, 2026. The City has initiated preliminary efforts to prepare for SB 707 compliance, including internal coordination and an initial assessment of which subsidiary bodies may be eligible to use expanded teleconferencing options. Foundational work has begun to align existing meeting procedures and technology with the updated statutory requirements. However, additional analysis, policy development, and operational planning remain necessary to address outstanding implementation considerations and to ensure full compliance prior to broader adoption.

The information below provides a high-level overview of the teleconferencing updates under SB 707 and outlines anticipated implementation considerations and next steps for full implementation.

## **TELECONFERENCING UPDATES**

### **TRADITIONAL TELECONFERENCING**

Definition GC 54953(b) – No changes –

#### Requirement

- Agenda is posted at meeting location, including teleconference location
- Agenda identifies teleconference location
- Method: Two-way telephonic or two-way audio-visual platform
- Quorum: Remote participation does not count toward quorum
- Public: Each location accessible to public members
- Limit: No limit
- Vote: Roll Call

### **TELECONFERENCING AS REASONABLE ACCOMODATION**

Definition GC 54953(c) – New -

- Compliance with American with Disabilities Act (ADA) requirement subject to the following
  - Member must participate through both audio and visual technology, unless a physical condition related to their disability results in a need to participate without video

- Before any action is taken, member must disclose whether anyone 18 or older is in the room with them and the general nature of their relationship to that person
- Treated like in-person participation and other teleconferencing requirements under the Brown Act do not apply.
- Limit: No limit

### **ALTERNATIVE TELECONFERENCING – GENERAL RULES**

Alternative teleconferencing includes a meeting format that allows members of Brown Act bodies to participate remotely without requiring traditional Brown Act teleconference conditions, as long as certain procedural safeguards are met.

- A quorum must be physically present
- Agenda does not identify teleconference location
- Remote location does not need to be open to the public
- Public Access
  - Two-way audiovisual platform; or
  - Two-way telephonic service and a live webcasting of the meeting
- Vote: Roll Call

### **ALTERNATIVE TELECONFERENCING – OPTIONS**

#### **PROCLAIMED STATE OR LOCAL EMERGENCY TELECONFERENCING**

Definition GC 54953.8.2 – New -

- Continued provisions adopted during COVID-19 for Governor-declared emergencies
- Adds local emergencies, “a condition of extreme peril to persons or property proclaimed by the governing body of the local agency” under the California Emergency Services Act, or a local health emergency declared under Health & Safety Code § 101080 within boundaries

#### **JUST CAUSE TELECONFERENCING**

New Definition of Just Cause GC 54953.82 – New -

- Physical or family medical emergency
- Childcare or caregiving needed
- Contagious illness
- Travel while on official business of legislative body
- Immunocompromised family member
- Military service obligation requiring members to be at least 50 miles outside the boundaries of agency
- Physical or mental condition not subject to accommodation

Requirement

- Vote: Roll Call
- Method: Two-way audio-visual platform
- Quorum: Remote participation does not count toward quorum
- Limit as follows:

<b>Meeting Body Frequency</b>	<b>Limit</b>
1 per month	2 meetings per year
2 per month	5 meetings per year
3+ per month	7 meetings per year

**ELIGIBLE SUBSIDIARY BODY**

Definition GC 54953.8.6 – New -

- A commission or committee, whether permanent or temporary, created by charter, ordinance, resolution, or formal action by the City Council
- Serves exclusively in advisory capacity
- Not authorized to take final action on legislation, regulations, contracts, licenses, permits, entitlements, grants, or allocation of funds
- Does not have primary subject matter jurisdiction regarding elections, budgets, police oversight, privacy, public library materials or taxes or related spending proposals
- Allows members of subsidiary body to meet fully remotely under certain requirements.

Requirements

- City Council must authorize the subsidiary body to meet fully remotely and renew the vote every six (6) months
- Subsidiary bodies must approve teleconference model by majority vote
- At least one staff member shall be present at the physical location where public members can attend
- Elected official serving as a member of the subsidiary body cannot take advantage of this provision
- Subsidiary body may request to present recommendations to the legislative body. Legislative body must hold a discussion within 60 days of receiving the request at a regular meeting. Discussion may not be placed on the consent calendar. No action on recommendations may occur until the next regular meeting.
- Vote: Roll Call
- Method: Two-way audio-visual platform
- Quorum: Remote participation does not count toward quorum

- Limit: No limit

### **ELIGIBLE LEGISLATIVE BODY**

Under SB 707, city councils are eligible if the city has a population of 30,000 or more residents. Hayward's City Council is an eligible body under this definition. Appointed bodies are not subject to the requirements.

## **REQUIREMENTS EFFECTIVE JANUARY 1, 2026**

### **DISTRIBUTION OF THE BROWN ACT TO OFFICIALS GC Section 54952.7**

SB 707 converts previously optional authority into a mandate. It applies to all Brown Act meeting bodies.

**Action:** A copy of the Brown Act was sent on January 5, 2026, to every member of Brown Act bodies. The Council Member Handbook and Council's Appointed Officials Handbook will need to be updated with this new requirement.

### **REASONABLE ACCOMODATION FOR DISABILITY GC Section 54953(c)**

A legislative body member may participate remotely in any meeting as reasonable accommodation for a disability.

**Action:** City staff are developing procedures to accommodate requests.

**Partners:** City Clerk's Office, City Attorney's Office, and City Manager's Office.

### **CONSOLIDATION AND EXPANSION OF STANDARD ALTERNATIVE TELECONFERENCING PROVISIONS GC Section 54953.8(b)**

SB 707 consolidates standard alternative teleconference provisions into 54953.8, previously provided as part of emergency teleconference (formerly 54953(e)) and "just cause" teleconference (formerly 54953(f)) rules.

**Action:** City staff are developing remote meeting procedures and list of meeting locations.

**Partners:** City Clerk's Office and City Attorney's Office.

**TELECONFERENCING RULES FOR ELIGIBLE SUBSIDIARY BODIES** GC Section 54953.8.6

SB 707 adds a new section governing teleconferencing for subsidiary bodies that serve in an advisory capacity.

**Action:** City staff have evaluated which subsidiary bodies would be permitted to meet remotely. Staff are evaluating findings before a recommendation is presented to the City Council.

**Partners:** City Clerk's Office, City Attorney's Office, Commission staff liaisons, Information Technology.

**DISRUPTIVE BEHAVIOR – REMOTE PARTICIPATION** GC Section 54957.95, 54957.96

SB 707 add a new section clarifying that the presiding officer's authority to remove or limit participation for disruptive behavior extends to participants attending remotely. It applies to all Brown Act meeting bodies.

**Action:** City staff are revising existing rules to include remote participation. The City Council Handbook will need to be amended.

**Partners:** City Clerk's Office, City Attorney's Office, City Manager's Office, and Information Technology.

**PUBLIC COMMENT REQUIREMENTS – COMMITTEE CONSIDERATION EXCEPTIONS** GC Section 54957.95, 54957.96

SB 707 expands provisions around public comment for items previously considered by a committee composed exclusively of legislative body members at a public meeting where the public was allowed to speak. New provisions: 1) Adds requirement that a quorum of the committee must have participated in person from a single, publicly accessible location within jurisdictional boundaries; 2) Establishes that the exception does not apply if the committee has primary subject matter jurisdiction over elections, budgets, police oversight, privacy, public library materials, or taxes/spending proposals.

**Action:** City staff are developing agenda preparation procedures and committee review practices to reflect the new conditions under which prior committee consideration satisfies public comment requirements.

**Partners:** City Clerk's Office, City Attorney's Office, and City commission and committee staff liaisons.

## REQUIREMENTS EFFECTIVE JULY 1, 2026

### **MANDATORY REMOTE PUBLIC ATTENDANCE OPTION** GC Section 54953.4(b)(1) (A) (i) (I) (ia)

SB 707 requires all open and public meetings of eligible legislative bodies to include an opportunity for the public to attend via two-way telephonic or two-way audiovisual platform, unless adequate service is not operational.

**Action:** Hayward already provides hybrid access during City Council meetings.

### **POLICY ON DISRUPTION OF TELEPHONIC OR INTERNET SERVICE** GC Section 54953.4(b)(1) (A)(i)(I)(ib)(Ia)

SB 707 requires each eligible legislative body to adopt, by July 1, 2026, a publicly approved policy to address procedures when disruption of telephone or internet service occurs. The policy must provide for recessing, reconvening, and the efforts that the body shall make to attempt to restore service.

**Action:** City staff will present a policy to the City Council by March 2026.

**Partners:** City Clerk's Office, City Attorney's Office, City Manager's Office, Information Technology, Communications Division.

### **TRANSLATION OF MEETING AGENDAS INTO "APPLICABLE LANGUAGES** GC Section 54953.4(c) – (e)

SB 707 requires eligible legislative bodies to translate and post meeting agendas into all "applicable languages." Each translation must include instructions in that language for joining the meeting remotely. Posting of translated agendas is required in the traditional Brown Act posting timeframes. Translation using a digital translation service is acceptable. The translation requirement does not extend to the entire agenda packet.

**Action:** City staff used the most recent American Community Survey, published by U.S. Census Bureau, to obtain language data and identify languages spoken by 20% or more of the applicable population. Based on the eligibility determination, staff confirmed that Spanish is the applicable language meeting the threshold.

**Partners:** City Clerk's Office and City Attorney's Office.

**PUBLIC MEETINGS INFORMATION WEBPAGE, TRANSLATION INTO “APPLICABLE LANGUAGES,” AND HOMEPAGE LINK** 54953.4(b)(3) (B); 4953.4(c) (1)(B); 54953.4(c)(2)

Legislative bodies must create and maintain an accessible webpage dedicated to public meetings, that links to: (1) a general explanation of the public meeting process, (2) an explanation of how to provide in-person or remote oral comment or written public comment, (3) a calendar of all public meetings with date/time/location, and (4) a link to posted agendas. The agency’s homepage must include a prominent link to this public meeting webpage. The page must be translated into all “applicable languages.” Each translation must be accessible through a prominent direct link on the agency’s homepage.

**Action:** City staff are reviewing the existing meetings webpage and developing a homepage link.

**Partners:** City Clerk’s Office, City Attorney’s Office, and Communications Division.

**ELECTRONIC SYSTEM FOR AGENDA AND DOCUMENT REQUESTS AND HOMEPAGE LINK** GC Section 54953.4(b)(3)(A)

Legislative bodies must provide a system to electronically accept and fulfill requests for meeting agendas and documents via email or integrated agenda platform. Information about how to make a request must be accessible via a prominent direct link on the agency’s homepage.

**Action:** The Meeting & Agenda Center portal already has the [Subscribe to City Council and Planning Commission Agendas by Email](#) section that allows residents to sign up to receive City Council, Committee or Commission meeting agendas.

**Partners:** City Clerk’s Office and Communications Division.

**OUTREACH TO UNDERREPRESENTED GROUPS AND NON-ENGLISH-SPEAKING COMMUNITIES** GC Section 54953.4(b)(3) (C)

Legislative bodies must make reasonable efforts to encourage groups that do not traditionally participate in meetings.

**Action:** City staff is developing targeted outreach and partnerships with media serving non-English speakers, grassroots groups, neighborhood representatives, and community organizations.

**Partners:** City Clerk’s Office, Communications Division, Library, and bilingual City employees.

**PUBLIC INTERPRETATION ASSISTANCE / OPTIONAL PROVISION / NO LIABILITY GC**  
Section 54953.4(c)(3) – (4)

Legislative bodies must provide a physical location that is freely accessible to the public, near the location where agendas and translations are posted. The public must be allowed to post additional translations of the agenda in that location.

**Action:** City staff are assessing adding a bulletin board for use by community members.

**Partners:** City Clerk’s Office, Maintenance Services Department -Facilities Division.

**PUBLIC INTERPRETATION ASSISTANCE/OPTIONAL PROVISION / NO LIABILITY GC**  
Section 54953.4(b)(2) (A)–(C)

Eligible legislative bodies must reasonably assist members of the public who wish to translate a meeting or receive interpretation, so long as it is not disruptive.

**Action:** City staff are confirming logistics for in-person interpreters and assessing use of tools to access interpretation services.

**Partners:** City Clerk’s Office, City Attorney’s Office, and City Manager’s Office.

**LEGISLATIVE FINDINGS ENCOURAGING EXPANDED LANGUAGE ACCESS GC** Section 54953.4(a)

States legislative intent that translation of agendas and enhanced language access are necessary for an informed public. Encourages local agencies to go beyond minimum requirements by translating into additional languages, using human translators, and increasing outreach.

**Action:** The City’s website Accessible Agenda on the Meeting & Agenda Center allows community members to translate website content into multiple languages using Good Translate.

**PUBLIC CONTACT**

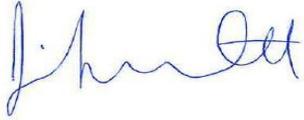
This report is provided for informational purposes and is intended to inform the public regarding SB 707 teleconferencing updates and anticipated implementation considerations. No action is requested at this time.

**NEXT STEPS**

Staff will continue engaging partner departments and staff liaisons supporting City commission and committee bodies to coordinate implementation efforts and refine operational requirements, with a commitment to advancing the teleconferencing framework in alignment with SB 707.

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

A handwritten signature in blue ink, appearing to read "Jennifer Ott".

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Jennifer Ott, City Manager