

**CITY COUNCIL MEETING  
TUESDAY, JULY 16, 2019**

**DOCUMENTS RECEIVED  
AFTER PUBLISHED AGENDA**

# **AGENDA QUESTIONS & ANSWERS**

**Items: 3, 4, 5, 6, 14**

AGENDA QUESTIONS & ANSWERS (REVISED)

MEETING DATE: July 16, 2019

Item #3: [CONS 19-546](#) Adopt a Resolution Approving the Green Infrastructure Plan

For the Green Infrastructure Item (consent item 3), am I understanding correctly that the projects in the proposed plan are either public/City projects or are private projects already underway?

Has the plan been discussed with the private project owners?

If private projects are likely to be subject to this plan in the future, would you please clarify why there has not been a conversation with the Chamber or development community prior to this proposed adoption?

The 13 projects listed in Appendix A of the GI Plan are either public parcels or within the public right of way, so they are all public projects that are planned or underway.

Provision C.3.b of the MRP already requires private projects to provide green stormwater treatment on their parcels. However, currently there is no requirement that mandates private developments to provide GI on their frontage in the public right of way.

As noted in Section 2.5 of the GI Plan, we intend to work with the Alameda Countywide Clean Water Program to develop and present a policy or ordinance to the Council Sustainability Committee and City Council for their consideration that, if approved, would require private development projects of a certain size to provide GI facilities to treat stormwater runoff in and from adjacent public streets. During this process, we intend to do additional engagement with the development community, including the Chamber of Commerce.

Item #4: [CONS 19-479](#) Adopt a Resolution Approving an Amendment to the Fiscal Year 2020 Operating Budget for the Development Services Department for Contracted Security Services at the Property Located at Maple Avenue and Main Street

Can you guarantee that the city will be able to recoup the cost of providing security services at the Maple and Main property from the property owner?

Violations identified at the Maple and Main locations continue to constitute a danger to the public health or safety and are therefore subject to SEC. 5-7.65 - Summary Abatement in accordance with the Community Preservation Ordinance. SEC. 5.7.65 also provides for recovery of expenses necessary to abate unsafe conditions through lien or special assessment. The City plans to recoup cost associated with necessary abatements, including the requirement for ongoing site security, by recorded lien or special tax assessment.

Item #5: [CONS 19-507](#) Approve a Resolution Authorizing the City Manager to Negotiate and Execute Two Annual MOUs with the Hayward Unified School District for School Resource Officers and School-Based Counseling Services and Accept and Appropriate Related Funds

Item 5 (HUSD SRO/Counselor MOU): 6 officers and 1 counselor or 5 officers and 1 counselor? Some clarity on this.

Our contract with HUSD entails 6 officers and 1 counselor.

Item #6: [CONS 19-526](#) Adopt a Resolution Authorizing the City Manager to Execute a Utility Service Agreement for Water Service for Twenty-five Single-family Residential Lots Along Five Canyons Parkway within Unincorporated Alameda County and File an Application with Alameda County Local Agency Formation Commission for Approval of an Out-of-Service Area Agreement

Item 6 (Terrace View USA): How much are the rates?

**Connection Fees**

Per the terms of the proposed Utility Service Agreement 19-01, Terrace View would pay the City of Hayward a Connection Fee equivalent to the fee charged by the East Bay Municipal Utility District (EBMUD) for construction of new homes in this area. As shown in the table below, the current EBMUD Connection Fee is approximately \$36,140 higher than the Hayward Connection Fee for a 1” service connection.

Agency	Cost per Connection	No. of Connections	Total
EBMUD	\$52,350	25	\$1,308,750
Hayward	\$16,210	25	\$405,250
Difference	\$36,140	-	\$903,500

**Water Service**

Based on homes with comparable lot sizes, staff estimates that the bi-monthly water bill for a home within the Terrace View development would be approximately \$218. The water rates for the Terrace View development include a 15% surcharge added for water service to homes outside of the City’s corporate limits. Similar homes within the City limits would pay a bi-monthly water bill of approximately \$190.

Item #14: [CONS 19-544](#) Adopt a Resolution Approving Plans and Specifications and Call for Bids for the Sewer Line Replacement Project

Will the dig once policy be applied to the sewer line replacement work? In other words, will we be laying conduit at the same time that we are laying new sewer lines?

We should not have other utilities on top or in proximity to sewer or water mains. We need to be able to reach those mains in an emergency without having to relocate wire or cable utilities first.

**ITEM #15 PH 19-070**

**21ST CENTURY LIBRARY AND COMMUNITY  
LEARNING CENTER AND HERITAGE PLAZA:  
PUBLIC CONTRACT CODE § 4107 HEARING  
REGARDING REMOVAL AND SUBSTITUTION OF  
THE ELECTRICAL SUBCONTRACTOR, COLLINS  
ELECTRICAL COMPANY, INC**

**EMAIL FROM ERIC CHRISTEN**

**From:** ericchristen <>

**Sent:** Tuesday, July 16, 2019 1:02 PM

**To:** List-Mayor-Council <[List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov)>; Barbara Halliday <[Barbara.Halliday@hayward-ca.gov](mailto:Barbara.Halliday@hayward-ca.gov)>; Francisco Zermeno <[Francisco.Zermeno@hayward-ca.gov](mailto:Francisco.Zermeno@hayward-ca.gov)>; Al Mendall <[Al.Mendall@hayward-ca.gov](mailto:Al.Mendall@hayward-ca.gov)>; Sara Lamnin <[Sara.Lamnin@hayward-ca.gov](mailto:Sara.Lamnin@hayward-ca.gov)>; Elisa Marquez <[Elisa.Marquez@hayward-ca.gov](mailto:Elisa.Marquez@hayward-ca.gov)>; Mark Salinas <[Mark.Salinas@hayward-ca.gov](mailto:Mark.Salinas@hayward-ca.gov)>; Aisha Wahab <[Aisha.Wahab@hayward-ca.gov](mailto:Aisha.Wahab@hayward-ca.gov)>

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**Subject:** Your action item tonight seeking removal of contractor speaks to the failures of your Project Labor Agreement (PLA)

**Importance:** High

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.



**Dear Hayward Mayor and City Council.**

Tonight you are being asked to **remove** a prominent California electrical contractor from a \$53 million library project and substitute it with another electrical contractor.

Incidentally, all contractors on the library project are required to sign a Project Labor Agreement (PLA) with unions.

The Public Works Director and City Attorney in Hayward, California are asking the Hayward City Council to approve their request to **remove** Collins Electric from a project called the [21st Century Library and Community Learning Center](#). (The general contractor is T. B. Penick & Sons.)

Allegedly this electrical contractor is responsible for “disruptive actions and project delays,” including “inability or unwillingness to complete critical tasks necessary to obtain occupancy of the library building and to complete the project.” This staff report lists specific alleged failures:

[21st Century Library and Community Learning Center and Heritage Plaza: Public Contract Code § 4107 Hearing Regarding Removal and Substitution of the Electrical Subcontractor, Collins Electrical Company, Inc.](#)

At the Coalition for Fair Employment in Construction, we know all about this library project and have been tracking it since [the contract was awarded on September 15, 2015](#).

Why? On April 14, 2015, the [Hayward City Council voted to impose its first Project Labor Agreement](#) - on this very library project!

You didn't want an electrical contractor whose workers weren't unionized and had ability and willingness to complete critical tasks necessary to obtain occupancy of the library building and to complete the project.

Then things got even worse. On November 15, 2016, the Hayward City Council voted to require construction companies to sign a Project Labor Agreement with unions for ALL city contracts over \$1 million.

The [staff report for this vote](#) cited the new library project as a positive experience in implementing Project Labor Agreements. That's right, this \$53 million project was regarded as such a **success for Project Labor Agreements** that the city council expanded its union mandate to all projects over \$1 million.

We have no idea who is right or wrong in this controversy involving the electrical contractor. We do know that if this had happened to an electrical contractor without unionized electricians, on a project bid under fair and open competition, the unions would be proclaiming it endlessly throughout the State of California as **justification for more Project Labor Agreements**.

More proof that Project Labor Agreements are about POLITICS, not about LOGIC.

Eric Christen  
Executive Director  
Coalition for Fair Employment in Construction  
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