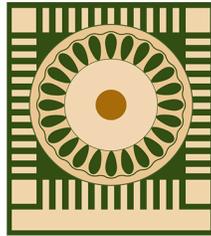


CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, June 21, 2016

7:00 PM

Council Chambers

City Council

Mayor Barbara Halliday
Mayor Pro Tempore Al Mendall
Council Member Francisco Zermeño
Council Member Marvin Peixoto
Council Member Greg Jones
Council Member Sara Lamnin
Council Member Elisa Márquez

**SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT SUCCESSOR
AGENCY/HAYWARD HOUSING AUTHORITY MEETING**

CALL TO ORDER Pledge of Allegiance: Council/RSA/HHA Member Zermeño

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATION

California Association of Recreation and Park Districts Award:
Outstanding Renovated Facility (Large District) for the Fremont Bank Foundation
Technology Center at Sorensdale Recreation Center in Hayward

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session or Information Items. The Council welcomes your 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, your item will be taken under consideration and may be referred to staff.

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. [CONS 16-313](#) Water Main Replacement at Mission Boulevard, Fairway Street to Lexington Avenue: Award of Construction Contract

Attachments: [Attachment I Resolution](#)
[Attachment II Location Map](#)
[Attachment III Bid Summary](#)

2. [CONS 16-314](#) Gann Appropriations Limit for FY 2017

Attachments: [Attachment I Resolution](#)
[Attachment II GANN Summary](#)

3. [CONS 16-318](#) Adoption of a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Moves the Needle for Lean Innovation Training for City Executives and Staff, in an Amount Not to Exceed \$104,020.

Attachments: [Attachment I Resolution](#)

4. [CONS 16-320](#) Authorization for the City Manager to Approve Assignment of the Ground Lease between the City and St. John Investment Group, LLC to Virovek, Inc.

Attachments: [Attachment I Resolution](#)
[Attachment II Lease Parcel Site Drawing](#)

5. [CONS 16-328](#) Transportation Development Act Article 3 Funds FY 2017: Wheelchair Ramps - Authorization to File Application

Attachments: [Attachment I Resolution](#)
[Attachment I-a TDA Article 3 Project Application Form](#)
[Attachment I-b City of Hayward Statement](#)
[Attachment II Project Location Map](#)

6. [CONS 16-329](#) Adoption of Resolution Authorizing the City Manager to Execute an Agreement with Worley's Home Design Center, Inc. for Carpet Tile Replacement for City Hall

Attachments: [Attachment I Resolution](#)
[Attachment II RFQ Worley's Home Design Center](#)
[Attachment III RFQ Anderson Carpet](#)

7. [CONS 16-332](#) FY 2016 - Pavement Rehabilitation Project: Award of Contract

Attachments: [Attachment I Resolution](#)
[Attachment II List of Streets & Maps](#)
[Attachment III Bid Summary](#)

8. [CONS 16-336](#) Agreement for the Purchase and Sale of Real Property located at B Street and Meekland Avenue between the City of Hayward and Three Cedars, LLC.

Attachments: [Attachment I Resolution](#)

9. [CONS 16-337](#) An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201504833 Relating to a Residential Development at the Northeastern Corner of Olympic Avenue and Huntwood Avenue

Attachments: [Attachment I Summary of Ordinance Published on 6/17/2016](#)

10. [CONS 16-345](#) Downtown Business Improvement Area Annual Report and Proposed Budget for FY 2017

Attachments: [Attachment I Resolution](#)
[Attachment II Annual Report and Proposed FY17 Budget](#)

PUBLIC HEARING

11. [PH 16-064](#) Public Hearing for the Proposed FY 2017 Operating Budget for the City of Hayward, Hayward Redevelopment Successor Agency, and Hayward Housing Authority; and the FY 2017 Capital Improvement Program Budget (Report will be available by Monday, June 20, 2016)

12. [PH 16-065](#) Continuation of Public Hearing to Consider Annexing Spindrift at Eden Shores into Benefit Zone No. 12 of the City of Hayward Landscaping and Lighting Assessment District 96-1 and Order Levy of Assessments for Fiscal Year 2017 (Report from Development Services Director Rizk)

Attachments: [Attachment I Spindrift Resolution](#)
[Attachment II Spindrift Engineers Report](#)

CITY MANAGER'S COMMENTS

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

ADJOURNMENT**NEXT MEETING – June 28, 2016, 7:00 PM****PUBLIC COMMENT RULES**

The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-313

DATE: June 21, 2016

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT

Water Main Replacement at Mission Boulevard, Fairway Street to Lexington Avenue: Award of Construction Contract

RECOMMENDATION

That Council adopts the attached resolution awarding the contract for construction of the Water Main Replacement at Mission Boulevard, Fairway Street to Lexington Avenue Project to Mountain Cascade, Inc., in the amount of \$1,799,988.

SUMMARY

This project will replace and upgrade approximately 6,600 feet of asbestos cement (AC) and cast iron (CI) water mains that were installed sixty-two years ago with new ductile iron (DI) water mains in Mission Boulevard from Fairway Street to Lexington Avenue.

BACKGROUND

This project is part of a continuing program to maintain and upgrade the City's water distribution system. Staff has prioritized water mains for replacement throughout the City by rating pipe segments based on age, adequacy of size and flow, the number of leaks or failures that have occurred, and the difficulty to repair the pipe if it failed considering location and traffic conditions. The pipes to be replaced as part of this project were also selected for expedited replacement so that the needed water main replacements are completed prior to the construction of the Mission Boulevard Corridor Improvement Project anticipated to start in the spring of 2017.

This project will replace and upgrade water mains with new DI water mains and new service connection pipes in Mission Boulevard from Fairway Street to Lexington Avenue, as shown on Attachment II. The pipeline replacements on this project consist of replacing approximately 6,230 feet of twelve-inch AC and CI pipes with new twelve-inch DI pipes and replacing approximately 370 feet of substandard six-inch CI pipes with new eight-inch or twelve-inch DI pipes to improve reliability, fire flow, and minimize future maintenance needs.

On May 3, 2016, Council approved the plans and specifications for the project and called for bids to be received on June 7, 2016.

DISCUSSION

On June 7, 2016, the City received eight bids. Mountain Cascade, Inc., submitted the low bid in the amount of \$1,799,988, which is approximately 6.25% below the engineer's estimate of \$1,919,970. California Trenchless, Inc., submitted the second lowest bid in the amount of \$1,857,562. The bids ranged from \$1,799,988 to \$2,798,242.

All bid documents and licenses are in order. Staff recommends award of contract to the low bidder, Mountain Cascade, Inc., in the amount of \$1,799,988.

ENVIRONMENTAL REVIEW

This pipeline replacement project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) Section 15301, Existing Facilities, as it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

ECONOMIC AND FISCAL IMPACT

A robust and capable water distribution system can contribute to the vitality of the community and its economic development. Conversely, frequent main breaks and water service disruption can adversely impact economic vitality.

The estimated project costs are as follows:

Design and Construction Administration - City Staff	\$ 35,000
Construction Contract	1,799,988
Inspection and Testing	<u>45,000</u>
Total	\$1,879,988

The FY 2016 Capital Improvement Program includes \$2,000,000 for the "Water Main Replacement at Mission Boulevard between Fairway Street and Lexington Street" project in the Water System Replacement Capital Improvement Fund.

SUSTAINABILITY FEATURES

Water: Efficiency and conservation.

Replacing the old CI pipeline greatly reduces the potential for leaks and breaks which results in water waste minimization.

File #: CONS 16-313

Solid Waste: Waste reduction and diversion.

The old CI pipe will be abandoned in place. Any exported materials from the site, mainly asphalt and soil, will be recycled.

Purchasing: Consistent with the City's Environmentally Preferred Purchasing Policy.

This project will be done in full compliance with the City's purchasing policies.

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 (i.e., Conley-Caraballo High School on Blanch Street) that may be affected by the project and coordinate work in order to minimize impact. Water customers shall be notified of temporary water service interruption both three days and at least one hour prior to shutdown of water service.

NEXT STEPS

The following schedule has been developed for this project:

Notice to Proceed
Construction Completion

August 8, 2016
December 22, 2016

Prepared by: Rod Schurman, Associate Civil Engineer
Suzan England, Senior Utilities Engineer

Recommended by: Alex Ameri, Director of Utilities & Environmental Services

Approved by:



Fran David, City Manager

Attachments:

Attachment I
Attachment II
Attachment III

Resolution
Location Map
Bid Summary

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION AWARDING THE CONTRACT FOR THE WATER MAIN REPLACEMENT AT MISSION BOULEVARD, FAIRWAY STREET TO LEXINGTON AVENUE PROJECT, PROJECT NO. 07011, TO MOUNTAIN CASCADE, INC.

BE IT RESOLVED by the City Council of the City of Hayward as follows:

WHEREAS, by Resolution 16-186 on May 3, 2016, the City Council approve the plans and specifications for the Water Main Replacement at Mission Boulevard, Fairway Street to Lexington Avenue Project, Project 07011, and called for bids to be received on June 7, 2016;

WHEREAS, on June 7, 2016 eight (8) bids were received ranging from \$1,799,988 to \$2,798,242; Mountain Cascade, Inc., of Livermore, CA submitted the low bid in the amount of \$1,799,988, which is 6.25% below the Engineer’s Estimate of \$1,919,970;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Mountain Cascade, Inc., is hereby awarded the contract for the Water Main Replacement at Mission Boulevard, Fairway Street to Lexington Avenue Project, Project 07011, in accordance with the plans and specifications adopted therefore and on file in the office of the City Clerk of the City of Hayward, at and for the price named and stated in the final proposal of the hereinabove specified bidder, and that all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute an agreement with Mountain Cascade, Inc., in the name of and for and on behalf of the City of Hayward, in an amount not to exceed \$1,799,988, in form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

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

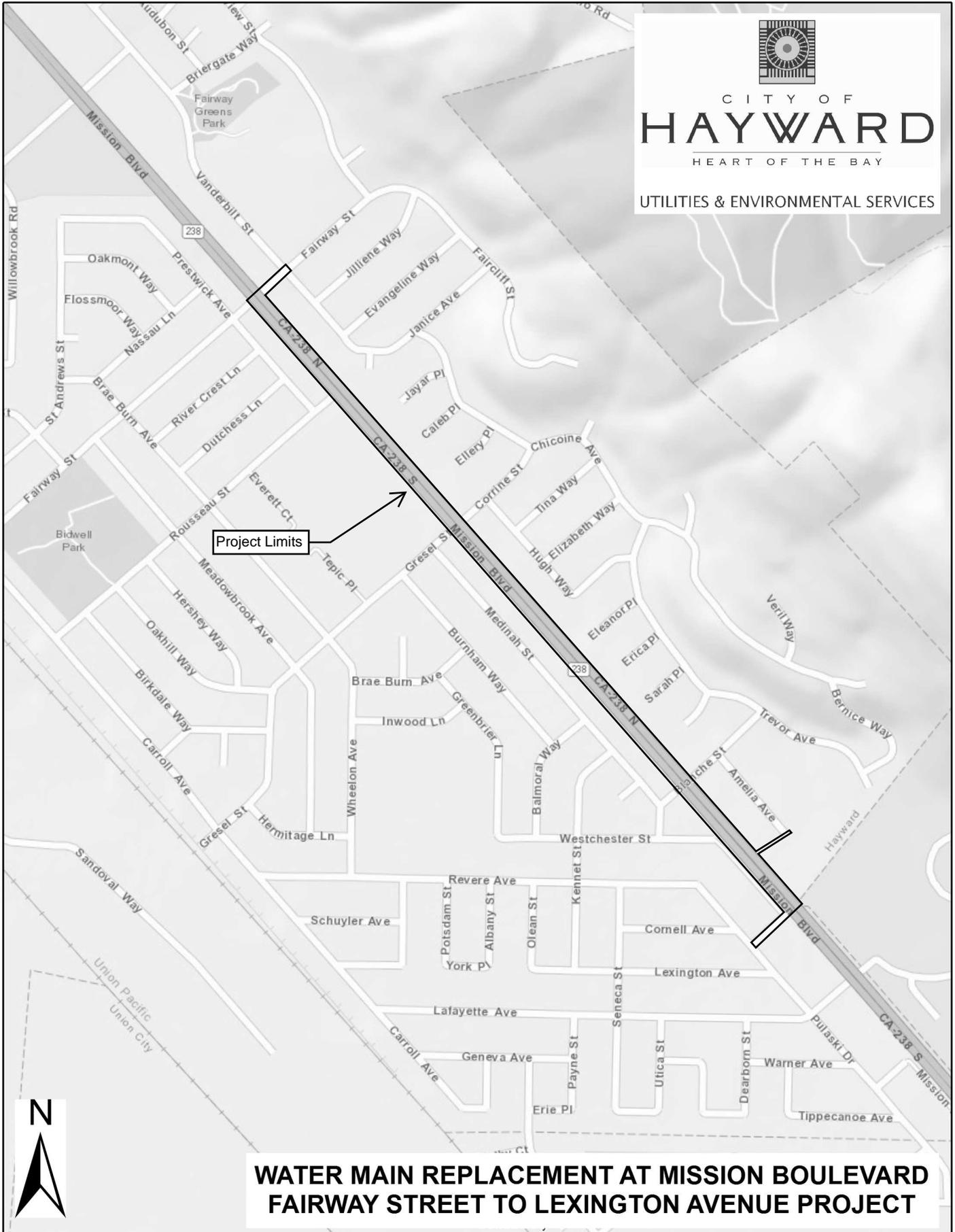
APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF
HAYWARD
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UTILITIES & ENVIRONMENTAL SERVICES



**WATER MAIN REPLACEMENT AT MISSION BOULEVARD
FAIRWAY STREET TO LEXINGTON AVENUE PROJECT**

BID SUMMARY



CITY OF HAYWARD
UTILITIES & ENVIRONMENTAL SERVICES DEPARTMENT
 CONSTRUCTION OF: **Water Main Replacement Project, Mission Blvd.**
 PROJECT NO. : **07011**
 COUNCIL RESO DATE: **5/3/2016** **RESO # 16-186**
 BID ADVERTISE DATE: **5/7/2016**
 PREBID CONF DATE: **5/25/2016 at 2:30 PM**
 BID OPEN DATE: **6/7/2016 at 2:00 PM**
 NO. BIDS RECEIVED: **8**
 NO. OF ADDENDA: **Zero (0)**

Name:	Mountain Cascade, Inc.	California Trenchless, Inc.	R.J. Gordon Construction, Inc.	Daleo, Inc.	Stoloski & Gonzales, Inc.	Ranger Pipelines Incorporated	Cratus, Inc.	Con-Quest Contractors, Inc.
Mail Add.:	555 Exchange Court	2283 Dunn Road	P.O. Box 23204	7190 Forest Street	727 Main Street	P.O. Box 24109	945 Taraval Street #302	290 Toland Street
City, State, ZIP:	Livermore, CA 94550	Hayward, CA 94545	Pleasant Hill, CA 94523	Gilroy, CA 95020	Half Moon Bay, CA 94109	San Francisco, CA 94124	San Francisco, CA 94116	San Francisco, CA 94124
Phone:	925-373-8370	510-782-5335	925-680-8660	408-846-9621	650-726-7119	415-822-3700	415-939-2840	415-206-0524
Fax:	925-373-0940	510-266-1543	925-680-8670	408-846-9611	650-726-9055	415-822-3703	415-520-6037	415-206-0528
Email:								

BID ITEMS				ENGINEER'S ESTIMATE		BIDDER #1		BIDDER #2		BIDDER #3		BIDDER #4		BIDDER #5		BIDDER #6		BIDDER #7		BIDDER #8		
ITEM NO.	SPEC. SECTION	DESCRIPTION	QTY.	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	10-1.07	Mobilization	1	LS	\$75,000	\$75,000	\$50,000	\$50,000	\$25,000	\$25,000	\$100,000	\$100,000	\$19,300	\$19,300	\$95,000	\$95,000	\$75,000	\$75,000	\$100,000	\$100,000	\$200,000	\$200,000
2	10-1.11	Traffic Control System for Lane Closure	1	LS	\$50,000	\$50,000	\$84,000	\$84,000	\$10,000	\$10,000	\$25,000	\$25,000	\$5,790	\$5,790	\$38,000	\$38,000	\$20,000	\$20,000	\$150,000	\$150,000	\$75,000	\$75,000
3	10-1.15	Trench Shoring and Trench Safety	1	LS	\$25,000	\$25,000	\$10,000	\$10,000	\$15,000	\$15,000	\$25,000	\$25,000	\$9,650	\$9,650	\$17,000	\$17,000	\$30,000	\$30,000	\$25,000	\$25,000	\$30,000	\$30,000
4	8-2.08	Asphalt Concrete (Pavement Replacement & Restoration)	1,700	Ton	\$170	\$289,000.00	\$180	\$306,000	\$162	\$275,400	\$215	\$365,500	\$156.35	\$265,795	\$185	\$314,500	\$90	\$153,000	\$150	\$255,000	\$240	\$408,000
5	8-2.17	Abandon Existing Water Main	33	EA	\$675	\$22,275	\$1,500	\$49,500	\$130	\$4,290	\$350	\$11,550	\$2,510	\$82,830	\$400	\$13,200	\$400	\$13,200	\$500	\$16,500	\$750	\$24,750
6	8-2.18	Abandon Existing Water Valve	20	EA	\$675	\$13,500	\$1,100	\$22,000	\$120	\$2,400	\$455	\$9,100	\$195	\$3,900	\$550	\$11,000	\$100	\$2,000	\$250	\$5,000	\$450	\$9,000
7	8-2.19	Remove Existing Water Valve	12	EA	\$1,250	\$15,000	\$1,600	\$19,200	\$150	\$1,800	\$350	\$4,200	\$2,510	\$30,120	\$1,900	\$22,800	\$300	\$3,600	\$250	\$3,000	\$1,025	\$12,300
8	8-2.14	Install 12-inch Water Pipe (DIP)	6,232	LF	\$170	\$1,059,440	\$147	\$916,104	\$186	\$1,159,152	\$195	\$1,215,240	\$213.50	\$1,330,532	\$201	\$1,252,632	\$298	\$1,857,136	\$245	\$1,526,840	\$256	\$1,595,392
9	8-2.14	Install 8-inch Water Pipe (DIP)	412	LF	\$165	\$67,980	\$132	\$54,384	\$260	\$107,120	\$200	\$82,400	\$222	\$91,464	\$276	\$113,712	\$250	\$103,000	\$225	\$92,700	\$250	\$103,000
10	8-2.14	Install 6-inch Water Pipe or FH Run (DIP)	25	LF	\$160	\$4,000	\$130	\$3,250	\$150	\$3,750	\$500	\$12,500	\$642	\$16,050	\$265	\$6,625	\$240	\$6,000	\$300	\$7,500	\$580	\$14,500
11	8-2.14	Install 12-Inch Valve	24	EA	\$4,000	\$96,000	\$3,600	\$86,400	\$2,700	\$64,800	\$2,225	\$53,400	\$3,566	\$85,584	\$3,100	\$74,400	\$1,600	\$38,400	\$4,500	\$108,000	\$3,750	\$90,000
12	8-2.14	Install 8-Inch Valve	5	EA	\$3,500	\$17,500	\$2,500	\$12,500	\$1,800	\$9,000	\$1,500	\$7,500	\$2,505	\$12,525	\$2,100	\$10,500	\$800	\$4,000	\$4,000	\$20,000	\$2,500	\$12,500
13	8-2.14	Install 6-Inch Valve	4	EA	\$1,500	\$6,000	\$2,100	\$8,400	\$1,100	\$4,400	\$1,000	\$4,000	\$1,853	\$7,412	\$1,600	\$6,400	\$600	\$2,400	\$3,500	\$14,000	\$1,900	\$7,600
14	8-2.14	Install Air Valve	1	EA	\$5,000	\$5,000	\$4,500	\$4,500	\$5,500	\$5,500	\$7,500	\$7,500	\$6,562	\$6,562	\$8,000	\$8,000	\$3,500	\$3,500	\$7,500	\$7,500	\$10,500	\$10,500
15	8-2.14	Install Fire Hydrant	1	EA	\$4,975	\$4,975	\$7,650	\$7,650	\$4,000	\$4,000	\$6,500	\$6,500	\$9,457	\$9,457	\$3,600	\$3,600	\$5,500	\$5,500	\$5,000	\$5,000	\$9,000	\$9,000
16	8-2.17	Cap Existing Water Main	2	EA	\$4,400	\$8,800	\$1,100	\$2,200	\$1,100	\$2,200	\$175	\$350	\$2,992	\$5,984	\$1,200	\$2,400	\$500	\$1,000	\$250	\$500	\$1,250	\$2,500
17	10-1.05	Utility Locating, Pothole Select Utility	25	EA	\$640	\$16,000	\$560	\$14,000	\$450	\$11,250	\$500	\$12,500	\$386	\$9,650	\$500	\$12,500	\$500	\$12,500	\$500	\$12,500	\$650	\$16,250
18	8-2.15	Reconnect Existing Services	1	LS	\$4,500	\$4,500	\$15,000	\$15,000	\$12,000	\$12,000	\$1,900	\$1,900	\$11,605	\$11,605	\$1,000	\$1,000	\$6,000	\$6,000	\$7,500	\$7,500	\$45,000	\$45,000
19	8-2.05	Vehicle Detector Loop Replacement	1	LS	\$10,000	\$10,000	\$7,000	\$7,000	\$15,000	\$15,000	\$3,875	\$3,875	\$4,440	\$4,440	\$10,000	\$10,000	\$15,000	\$15,000	\$10,000	\$10,000	\$6,600	\$6,600
20	8-1.02D	Restore Survey Monuments	1	EA	\$5,000	\$5,000	\$2,900	\$2,900	\$500	\$500	\$3,000	\$3,000	\$4,345	\$4,345	\$1,200	\$1,200	\$1,500	\$1,500	\$2,500	\$2,500	\$1,350	\$1,350
21	10-1.18	Administrative Change Orders	1	LS	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000
TOTALS:						\$1,919,970.0		\$1,799,988.0		\$1,857,562.0		\$2,076,015.0		\$2,137,995.0		\$2,139,469.0		\$2,477,736.0		\$2,494,040.0		\$2,798,242.0



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
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Staff Report

File #: CONS 16-314

DATE: June 21, 2016

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT

Gann Appropriations Limit for FY 2017

RECOMMENDATION

That City Council adopts a Resolution establishing an appropriations limit for Fiscal Year 2017.

BACKGROUND

State Proposition 4, commonly known as the Gann Initiative, was approved by California voters in November 1979. Proposition 4 created Article XIII B of the State Constitution, which places limits on the amount of revenue that can be spent by government agencies. This is referred to as the Gann Appropriation Limit, or Gann Limit.

A subsequent related State initiative, Proposition 111, was approved by the voters in June 1990 and provided new adjustment formulas to make the Gann Limit more responsive to local growth issues and to address concerns regarding the accountability of local governments in adopting their limits. Prior to each fiscal year, city councils must adopt by resolution the Gann Appropriation Limit for the city for the upcoming year. In addition, cities are required to conduct a review of their limits during annual financial audits.

The appropriations limitation imposed by Propositions 4 and 111 creates a restriction on the amount of revenue that can be appropriated in any fiscal year. The limit is based on actual appropriations during the 1978-79 fiscal year and is increased each year using population and inflation growth factors. Only revenues that are classified as "proceeds of taxes" are subject to the limit. The use of "non-tax proceeds" (user fees, rental income, franchise fees, Gas Tax revenue) is not restricted by the Gann limit.

DISCUSSION

During any fiscal year, a city may not appropriate any proceeds of taxes it receives in excess of its established limit. Excess funds received in any year may be carried into the subsequent year for use if the city is below its limit for that year. Any excess funds remaining after the second year would be required to be returned to local taxpayers by reducing tax rates or fees. As an alternative, a majority of the voters may approve an "override" to increase the city's appropriation limit.

Senate Bill 1352 requires that 1) the governing body of each local jurisdiction shall, by a legislative action, establish its appropriations limit at a regularly scheduled or special meeting and that the documentation used in the determination of the appropriations limit shall be made available to the public fifteen days before that meeting. Government Code Section 7910 requires that the City adopt its appropriations limit prior to the beginning of each fiscal year.

The Finance Department of the City of Hayward compiles the data and makes calculations incident to the determination of the XIII B appropriations limit. The amount of the Fiscal Year 2017 appropriations limit and the documentation substantiating this determination were available for review by the public in the Office of the City Clerk on or before June 1, 2016, at least fifteen days prior to adoption of the limit as required by statute.

FISCAL IMPACT

There are no present fiscal impacts related to establishing the limit for FY 2017. The amount of appropriations subject to the limit is the budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those transfers exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.), and the total of these budgeted revenues cannot exceed the total appropriations limit.

The City’s actual appropriations in each fiscal year have been significantly below the limit, as they will be for Fiscal Year 2017. The table below summarizes the limit for FY 2017 and the preceding three years.

	Appropriations Limit	Appropriations Subject to Limit
FY 2014	253,404,723	83,291,710
FY 2015	256,614,221	87,400,385
FY 2016	269,880,304	103,998,849
FY 2017	287,387,229	107,969,124

Prepared and Recommended by: Dustin Claussen, Acting Director of Finance

Approved by:



Fran David, City Manager

Attachments:

- Attachment I Resolution
- Attachment II Historical Information Regarding Appropriations Limit Calculation

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

ADOPTION OF APPROPRIATIONS LIMIT FOR FISCAL YEAR 2017 PURSUANT TO ARTICLE XIII B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA

WHEREAS, on November 6, 1979, the citizens of the State of California approved Proposition 4, which added Article XIII B to the Constitution of the State of California to place various limitations on the fiscal powers of State and local government; and

WHEREAS, Senate Bill 1352, Government Code Section 7900, et. seq. enacted by the California Legislature, provides for the implementation of Article XIII; and

WHEREAS, the City is required to establish its appropriations limit at a regularly scheduled meeting or noticed special meeting, and 15 days prior to such meeting, the documentation used in the determination of the appropriations limit shall be made available to the public; and

WHEREAS, the Gann Limit for FY 2017 is calculated at \$287,387,229 and the appropriations in FY 2017 subject to this limit total \$107,969,124; and

WHEREAS, the FY 2017 Gann Limit was calculated using the change in the cost of living based on the change in California per capita personal income, and the change in population based on the percentage change in population within Alameda County.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hayward that at its meeting of June 21, 2016, Council will adopt a Resolution which establishes the appropriations limit for the 2017 Fiscal Year pursuant to Article XIII B of the Constitution of the State of California.

BE IT FURTHER RESOLVED that the documentation used in the determination of the appropriation limit for Fiscal Year 2017 was be made available for public review in the Office of the City Clerk of the City of Hayward on or before June 1, 2016, as required by statute.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

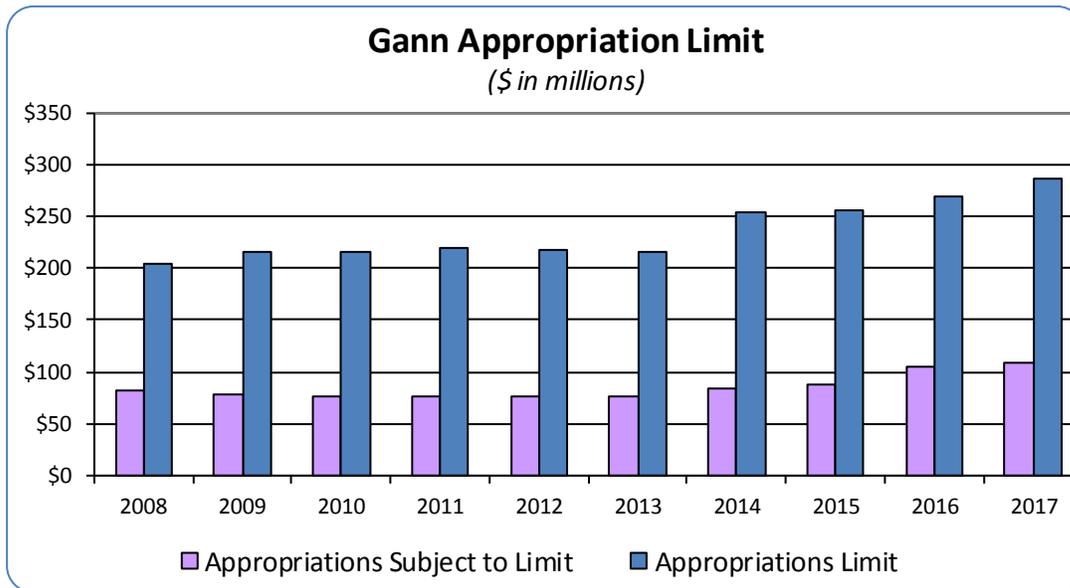
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Gann Appropriation Limit

Fiscal Year	Population Factor	Inflation Factor	Total Adjustment Factor	Appropriations Limit	% Change	Appropriations Subject to Limit	% of Limit Appropriated
2008	1.0700	4.4200	1.055	\$204,242,163	17.5%	\$82,136,688	40.2%
2009	0.0116	4.4500	1.019	\$216,147,439	17.0%	\$77,285,005	35.8%
2010	1.3000	0.6200	1.019	\$220,314,761	7.9%	\$76,355,082	34.7%
2011	1.4000	-2.5400	0.988	\$217,723,859	0.7%	\$75,558,103	34.7%
2012	1.3900	2.5100	1.039	\$226,291,051	2.7%	\$76,362,500	33.7%
2013	1.3900	3.7700	1.052	\$238,086,253	9.4%	\$74,542,885	31.3%
2014	1.2500	5.1200	1.064	\$253,404,723	12.0%	\$83,291,710	32.9%
2015	1.5000	-0.2300	1.267	\$256,614,221	1.3%	\$87,400,385	34.1%
2016	1.3000	3.8200	5.170	\$269,880,304	5.2%	\$103,998,849	38.5%
2017	1.0600	5.3700	6.487	\$287,387,229	6.5%	\$107,969,124	37.6%



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-318

DATE: June 21, 2016

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Adoption of a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Moves the Needle for Lean Innovation Training for City Executives and Staff, in an Amount Not to Exceed \$104,020.

RECOMMENDATION

The City Council approve the attached resolution (Attachment I) authorizing the City Manager to execute a professional services agreement with Moves the Needle for lean innovation training for City executives and staff.

SUMMARY

The City is in the process of facilitating an organizational cultural shift toward utilizing Lean Innovation methods and values to drive program development and evaluation. Lean Innovation encompasses developing values, processes, and an overall philosophy in existing corporations in a way that eliminates waste during the pursuit for scalable business models. Facing a persistent structural budget deficit and competitive human capital market, the City is engaging Moves the Needle to help facilitate executive team and staff trainings to aid in the organizational shift.

BACKGROUND AND DISCUSSION

Moves the Needle (MTN) is a firm dedicated to helping organizations implement lean innovation principles and strategies to “act bolder, move faster and become more customer-focused.” The group was founded by Brant Cooper, author of the New York Times Bestseller “The Lean Entrepreneur,” and Aaron Eden, who co-founded Intuit’s internal LeanStartIn which led to the education, enablement, and empowerment of thousands of Intuit employees. The team has facilitated bootcamps with a variety of organizations like Intuit, CapitalOne, General Electric, LexisNexis and many other private sector companies. The City of Hayward is their only municipal client.

The Lean Innovation Methodology

“Lean Innovation” encompasses developing values, processes, and an overall philosophy in existing corporations in a way that eliminates waste during the pursuit for scalable business models. The framework teaches employees how to search for innovative opportunities by combining aspects of design thinking, business management, entrepreneurship and the scientific method. Put simply it enables employees to quickly search for tactics that work and immediately test those tactics through rapid experimentation and feedback.

A fundamental component to the lean innovation philosophy is the cultivation of customer empathy-generating information and data from the real behavior of customers to be used in order to make more informed decisions. The methodology affords staff to fail small through rapid experimentation to determine whether they should persevere, pivot, or abandon their proposed solution rather than spend the resources to fully develop a solution that may not even work.

Prior City Engagement

In September of 2015, the City engaged Moves the Needle to conduct the first Lean Innovation Boot Camp. The Boot Camp took place over three days and involved 25 employees in seven smaller project based teams. Over these three days, employees worked their ideas through the Lean Innovation process of program development. You can view a short video recapping the three-day boot camp here:

https://www.youtube.com/watch?v=nsuWnGvCY84&feature=youtube_gdata

In the spring of 2016, the City engaged Moves the Needle for two 12-week Lean Accelerator programs addressing internal Employee Engagement and Hoarding problems in the community. During the Accelerator, each team had a designated Lean Innovation coach to help guide them through the process. Both teams had two very different, challenging yet rewarding experiences.

The Hoarding team spent the 12 weeks completing empathy work-conducting numerous interviews with city staff, county agencies, and other municipal jurisdictions. Through this empathy work, the team discovered that while other cities and counties have enacted formal hoarding policies and programs, none have proven to be successful because the root of the problem lies within the hoarder’s own mental illness. Hoarding is not so much a problem but rather a symptom of a larger problem. Additionally, the team identified that the agencies that would normally handle these cases are severely understaffed and that hoarding cases rarely become a priority for them due to resource constraints.

Rather than spend 15-20 months of staff time developing a program and protocol for dealing with hoarders (which would yield no tangible result, as the empathy work unveiled), this team was able to identify that there is not much the City can or should do to abate hoarding related issues at this particular time. Moreover, financial analysis of the Hoarder Policy Accelerator Project revealed that the Lean Startup process saved well over 1,800 hours of cumulative staff time when compared to the normal program/policy taskforce development process. The team also discovered that there was a need to improve data collection around hoarding in the community within our own internal systems so that we can actively engage in dialogues with County staff if and when training and resources become available at that level.

As a follow up to the recently conducted survey of City employees, the Employee Engagement team began by conducting empathy interviews with 48 employees to learn what they enjoy specifically about their jobs, what challenges they face, and the projects they are most passionate about working on. They discovered that employees wanted to feel more connected to department and City leadership, and that employees have ideas on how to improve city operations but feel they do not have opportunities to share their ideas. Lastly, the group discovered employees do not want to feel ignored or dismissed when they ask for what they need to do their job.

The group developed “Game On,” an initiative that pairs line staff members with various department level directors and managers with the goal of making City leadership more accessible to staff. The group also plans to continue the lean innovation process in the months ahead to continue to explore additional ways to enhance employee engagement.

What Are the Trainings?

This package includes two training components, one for city executives and one for city staff.

City Executives will undergo a one-day leadership session which will cover the Lean Innovation approach and ways to work differently to educate, enable, and empower their staff to discover and create value for customers. This session will enable these leaders to gain empathy for their teams by experiencing the impact of the methodology first-hand, and then learn how to support their staff through the process. It is imperative that City executives understand the core elements of the methodology and how to support and enable it within the organization.

In addition, select City staff will take part in another fully-intensive, three-day experiential bootcamp where they will be empowered to operate at the speed of a startup, accelerating and strengthening the City’s ability to serve its many customers. Staff will experience the Lean Innovation principles first hand through the bootcamp, covering lean innovation principles such as customer development, rapid experimentation, and business model development. These principles will be applied to existing problems or projects within the organization. They will receive individualized attention from various Moves the Needle coaches over the three-days as they learn the lean innovation process and apply it to City initiatives.

Why This Is Worth It?

There are a number of reasons why the City needs, and is embarking on, an organizational cultural transformation utilizing Lean Innovation. The first of which is purely financial-facing a persistent structural deficit over the near future, the City must find a way to provide services and programs in a more efficient manner. This also means identifying programs and services that are not providing efficient and effective value for our residents. Developing a culture of Lean Innovation values and expectations will help city staff, managers, and executives identify ways to iterate, fine tune, or eliminate programs and services in a manner that saves time and resources.

Secondly, developing a fast paced, start-up like culture with roots in Lean methodologies will help to make the City an attractive workplace, making it easier for the City to recruit and retain top talent, especially in the Bay Area's hyper-competitive municipal staff market.

Lastly, as evidenced by numerous comments from managers down to line staff, rolling out Lean Innovation initiatives through the city has sparked curiosity and excitement through all levels of the organization. Staff want to learn these methods because they recognize Lean Innovation's value. It will help them do their jobs better, save time and stress, and engage employees with their work in a way they have not engaged before (i.e. customer empathy, rapid experimentation, etc.)

FISCAL IMPACT

The programs included in this training package will cost \$94,562.50 and will be paid for by the City Manager's Office FY2017 Budget. There is an additional 10% for MTN staff travel costs. The total cost of these trainings will not exceed \$104,020.

The long term fiscal impact of these trainings will recover the cost of this training. As mentioned earlier in the staff report, the Hoarding Policy Accelerator project financial analysis revealed that the process saved over 1,800 hours of cumulative staff time, which translates into a savings of at least \$164,000 (assuming the average salary/benefit hourly wage per each employee in the calculation). Having a workforce well versed in Lean Innovation will help the City provide more effective services at a higher level of efficiency.

NEXT STEPS

Following contract execution, the additional training sessions are tentatively scheduled for the late summer/early fall.

Prepared by: John Stefanski, Management Analyst I

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

Attachment I

Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MOVES THE NEEDLE FOR LEAN INNOVATION TRAINING FOR CITY EXECUTIVES AND STAFF IN AN AMOUNT NOT TO EXCEED \$104,020

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute a professional services agreement with Moves the Needle for lean innovation training for City executives and staff in an amount not to exceed \$104,020

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

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

Staff Report

File #: CONS 16-320

DATE: June 21, 2016

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Authorization for the City Manager to Approve Assignment of the Ground Lease between the City and St. John Investment Group, LLC to Virovek, Inc.

RECOMMENDATION

That Council approves a resolution authorizing the City Manager to approve assignment of the Ground Lease between the City and St. John Investment Group, LLC to Virovek, Inc.

BACKGROUND

On July 2, 1984, Hayward Associates #1, Inc. entered into a fifty-four year ground lease with the City for the real property commonly known as 22429 Hesperian Boulevard (Attachment I). On April 19, 2005, Hayward Associates #1 requested to sell the leasehold to that property to St. John Investment Group, LLC. This sale was approved by Council on June 7, 2005.

DISCUSSION

St. John Investment Group, LLC is selling their leasehold interest to Virovek, Inc., a California corporation based in Hayward. Virovek, Inc. will fulfill the terms and conditions in the existing ground lease with St. John Investment, LLC. The building is currently subleased by a vocational training school for nursing care providers. The new owners plan to maintain the building as administrative office space for use by their own employees, with some modest interior improvements.

The City's Finance Department reviewed financial information submitted by the business principals and Virovek, Inc., and found no detrimental information in those documents. The City Attorney has reviewed the transfer documents as to form.

The current ground lease is for a fifty-four year term that commenced on July 2, 1984 and expires on October 10, 2038 with an option to extend until December 1, 2045. The lease with St. John Investment Group, LLC prevents them from assigning the lease without first obtaining permission from the City. However, this consent cannot be unreasonably withheld.

FISCAL IMPACT

The monthly rent paid to the City is \$1,336.90 plus 27.5% of the gross building income. In FY 2015, the average monthly payment, including the percentage gross amount, averaged \$3,047.18 with total payments in FY 2015 of \$36,566.15.

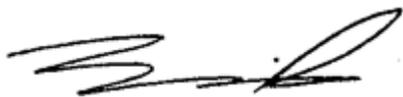
PUBLIC CONTACT

This matter was discussed before the public and was available for comment at the Council Airport Committee (CAC) meeting on April 28, 2016. CAC approved the staff recommendation to forward this item to Council to authorize the City Manager to approve assignment of the Ground Lease between the City and St. John Investment Group, LLC to Virovek, Inc. No comments from the public were received.

Prepared by: Douglas McNeeley, Airport Manager

Recommended by: Morad Fakhrai, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

Attachment I
Attachment II

Resolution
Lease Parcel Site Drawing

HAYWARD CITY COUNCIL

RESOLUTION NO.16 -

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE ASSIGNMENT OF THE GROUND LEASE BETWEEN THE CITY AND ST. JOHN INVESTMENT GROUP, LLC TO VIROVEK, INC.

WHEREAS, the City of Hayward (“City”) owns and operates the Hayward Executive Airport; and

WHEREAS, St. John Investment Group, LLC leases certain real property at the Hayward Executive Airport; and

WHEREAS, St. John Investment Group, LLC wishes to sell their leasehold interest to Virovek, Inc.; and

WHEREAS, under the terms of the Ground Lease between the City and St. John Investment Group, LLC, the City must consent to assignment of the Ground Lease.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is authorized to approve assignment of the Ground Lease between the City and St. John Investment Group, LLC to Virovek, Inc. in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2012

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

Staff Report

File #: CONS 16-328

DATE: June 21, 2016

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Transportation Development Act Article 3 Funds FY 2017: Wheelchair Ramps - Authorization to File Application

RECOMMENDATION

That Council adopts the attached resolution authorizing filing of an application with the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) Article 3 funding in FY 2017 to construct wheelchair ramps at various locations in the Tennyson Road South and Winton Grove Thelma neighborhoods.

BACKGROUND

TDA funds are made available to the cities in Alameda County for the construction of bicycle paths, wheelchair ramps, and other pedestrian facilities. One of the conditions for MTC's approval of TDA funding is the submittal of a resolution and City of Hayward statement (see Attachment I and I-b) by the governing body of the City authorizing the filing of an application for funds.

DISCUSSION

Consistent with past City practice and Council direction, staff plans to submit an application to MTC for construction of wheelchair ramps in the Tennyson Road South and Winton Grove Thelma neighborhoods for FY 2017 (Attachment I-a). The various ramp locations were selected in accordance with the Curb Ramp Guidelines established by Americans with Disabilities Act (ADA) Transition Plan.

The City is now able to begin upgrading existing accessible ramps to current standards or installing new ramps at all the intersections in specific neighborhoods due to the success of the program in prior years. The proposed wheelchair ramp installations are in the Tennyson Road South and Winton Grove Thelma neighborhoods as shown in Attachment II. A total of fifty ramps are proposed to be upgraded and/or installed to the latest ADA standards.

Alameda County has provided a preliminary estimate of \$142,491 available in TDA Article 3 funds for the City of Hayward. The application material was submitted on June 2, 2016 to the Alameda County Public Works Agency. The County Board of Supervisors anticipates approval of all of the applications by June 28, 2016 and will submit the approved applications to MTC. The TDA funds will be approved by MTC upon receipt of the City's final project application. Action by MTC is expected in August 2016, and the funds are anticipated to be available this fall.

FISCAL IMPACT

In the past, the City has supplemented TDA funds with Gas Tax funds when needed. However, no match is required for this application. Thus, there is no impact to the City's General Fund.

PUBLIC CONTACT

Past installation of the ramps has been very well received by the public. The accessible ramp process stems from ongoing requests from the public to improve access to sidewalks for pedestrians with special needs.

Construction of accessible ramps will coincide with the City's sidewalk repair and rehabilitation projects to be scheduled for 2017. When a construction schedule is determined, property owners in the affected neighborhoods will be appropriately notified of the project schedule.

Prepared by: Abhishek Parikh, Senior Transportation Engineer

Recommended by: Morad Fakhrai, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Resolution
Attachment I-a	TDA Article 3 Project Application Form
Attachment I-b	City of Hayward Statement
Attachment II	Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION AUTHORIZING APPROVAL TO FILE APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR THE ALLOCATION OF FISCAL YEAR 2017 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING FOR INSTALLATION OF WHEELCHAIR RAMPS

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

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

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

WHEREAS, per a recent revision to MTC’s TDA Article 3 policies, the projects described in Attachment I-a have been reviewed by the Alameda County Transportation Commission’s Bicycle and Pedestrian Advisory Committee prior to submitting the request to MTC; and

WHEREAS, the CITY OF HAYWARD desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment I-a to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW, THEREFORE, BE IT RESOLVED that the CITY OF HAYWARD declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.

BE IT FURTHER RESOLVED, that there is no pending or threatening litigation that might adversely affect the project or projects described in Attachment I-a to this resolution, or that might impair the ability of the CITY OF HAYWARD to carry out the project.

BE IT FURTHER RESOLVED that the CITY OF HAYWARD attests to the accuracy of and approves the statements in Attachment I-b to this resolution.

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

BE IT FURTHER RESOLVED that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

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

Resolution No. 16-

TDA Article 3 Project Application Form

Fiscal Year of this Claim: FY 16 Applicant: City of Hayward

Contact person: Abhishek Parikh

Mailing Address: 777 B Street, Hayward CA 94541

E-Mail Address: abhishek.parikh@hyward-ca.gov Telephone: 510-583-4781

Secondary Contact (in event primary not available) Mir Ali

E-Mail Address: Mir.ali@hayward-ca.gov Telephone: 510-583-4764

Short Title Description of Project: Installation of wheelchair ramps in the Tennyson Road S. and Winton Grove Thelma Neighborhood

Amount of claim: \$142, 491

Functional Description of Project:
 Installation of wheelchair ramps in the – Tennyson Road S. and Winton area Neighborhood Neighborhoods in accordance with ADA requirements in order to provide greater mobility to disabled pedestrians.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

Project Elements:

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3	1,619,766	142,491	120,000	120,000	1,618,358
list all other sources:					
1.					
2.					
3.					
4.					
Totals	1,619,766	142,491	120,000	120,000	1,618,358

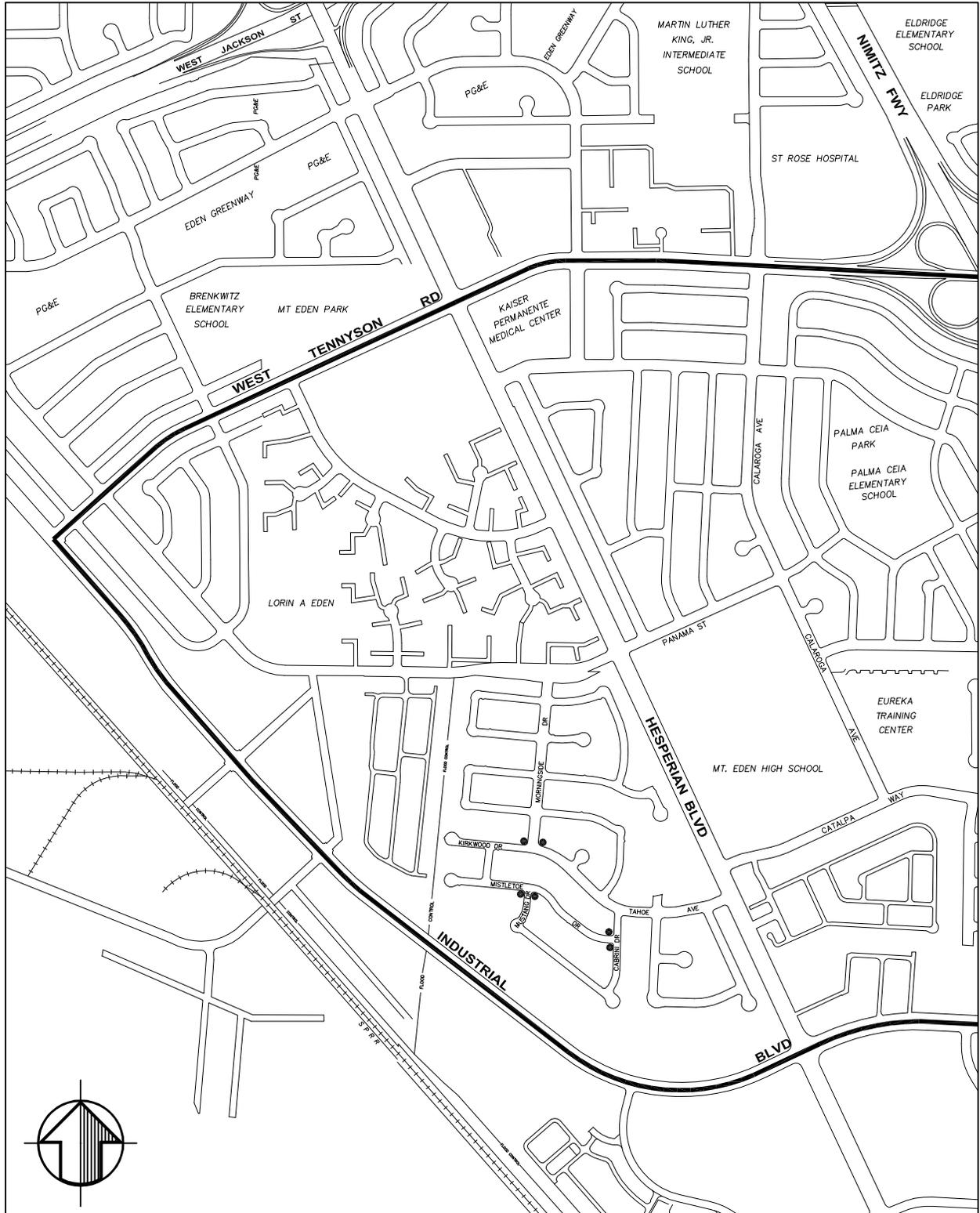
Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	Yes
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	n/a
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	n/a
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) _____	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes

B. Yes, funding for installation of wheelchair ramps is an ongoing project.

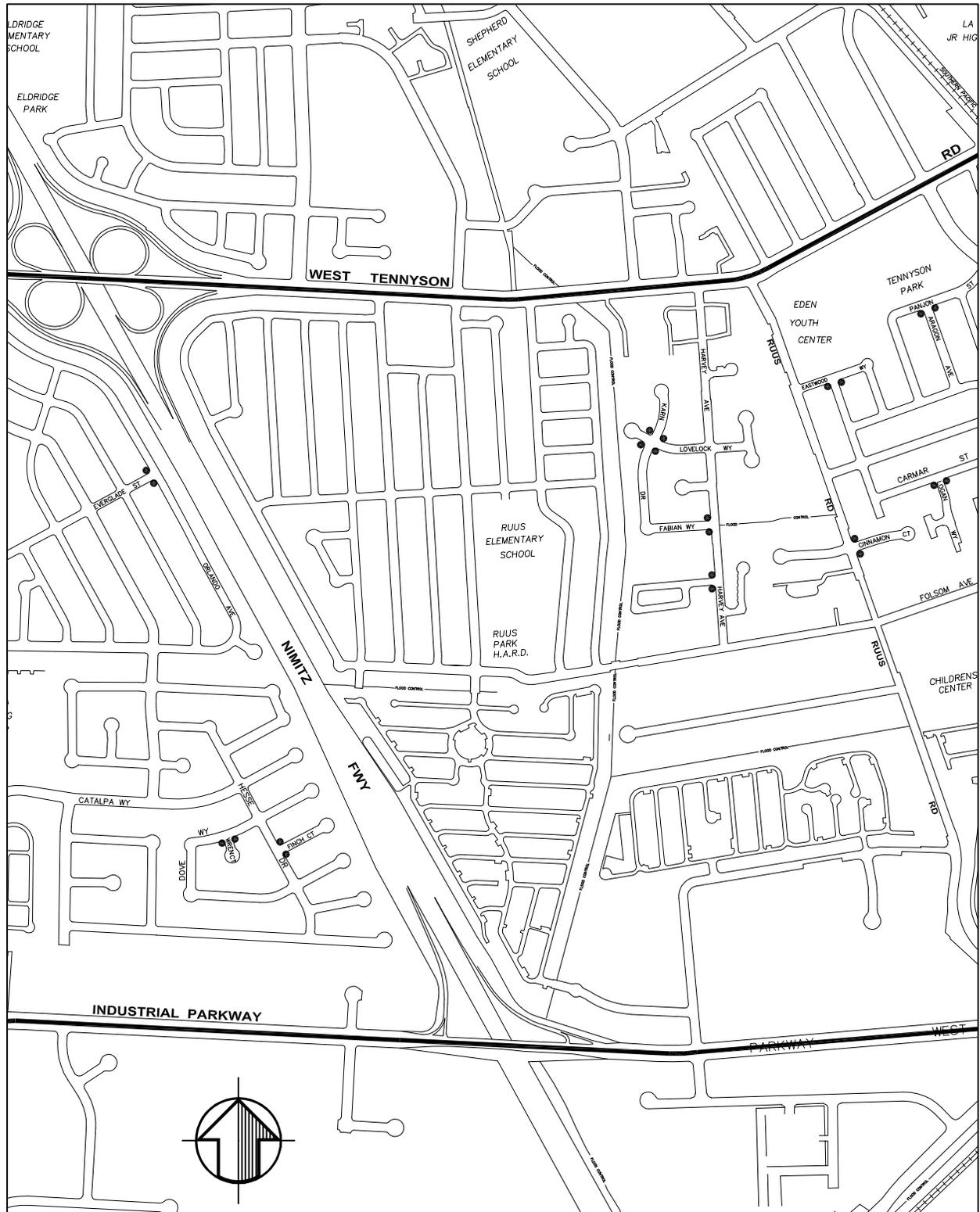
D. No, since the project does not pertain to bicycles.

STATEMENT

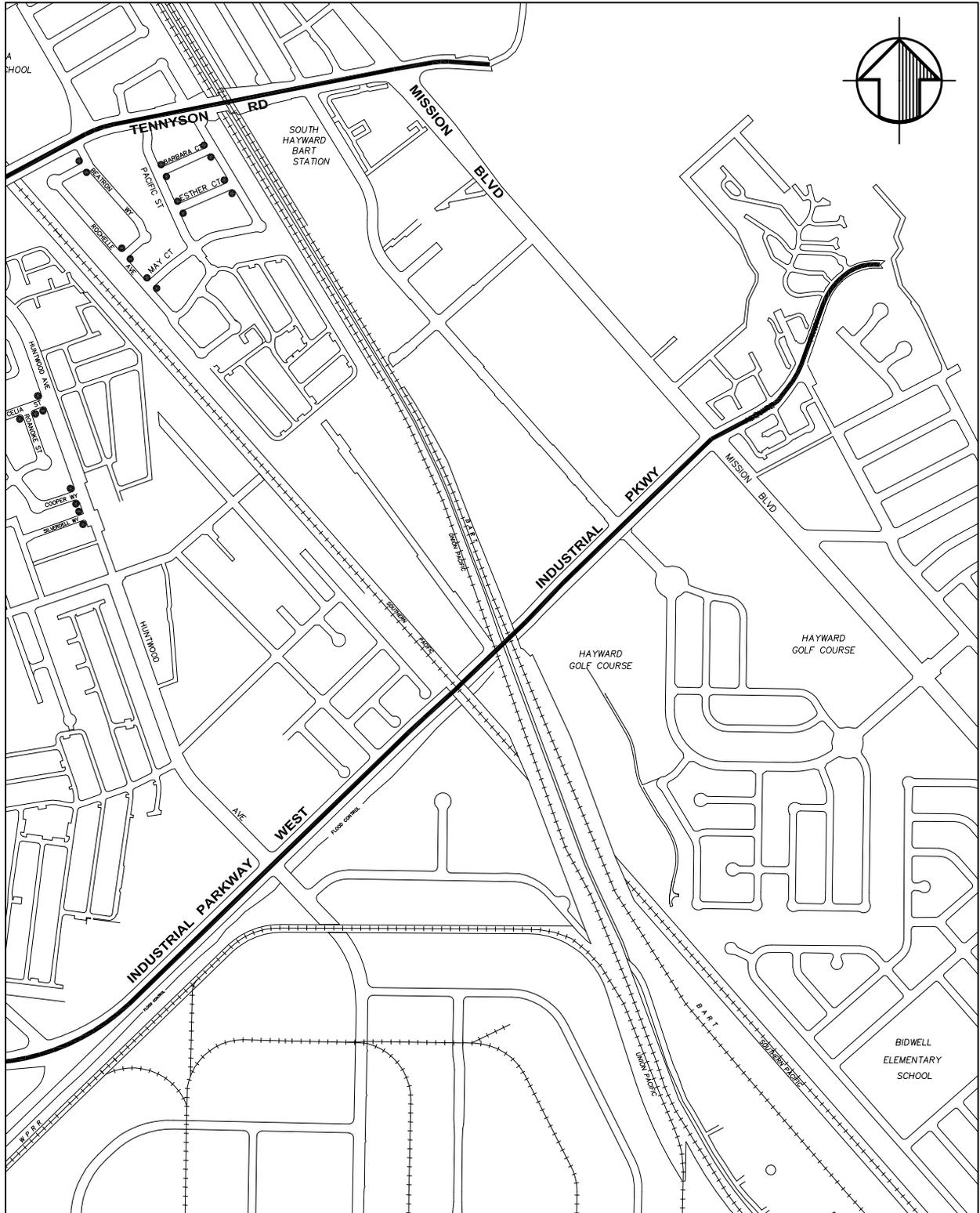
1. That the City of Hayward is not legally impeded from submitting a request to the Metropolitan Transportation Commission (MTC) for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Hayward legally impeded from undertaking the project(s) described in Attachment I-a of this resolution.
2. That the City of Hayward has committed adequate staffing resources to complete the project(s) described in Attachment I-a.
3. A review of the projects(s) described in Attachment I-a has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attended to the successful completion of project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment I-a have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the projects described in Attachment I-a comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the City of Hayward is in possession of the document(s) supporting such compliance, said document(s) having been made available for public review and stamped by the City Clerk or County Recorder of the county in which the claimant is located.
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment I-a, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. The project(s) described in Attachment I-a are for capital construction and/or design engineering
8. That the project(s) described in Attachment I-a are ready to commence implementation during the fiscal year of the requested allocation.
9. That the City of Hayward agrees to maintain, or provide for the maintenance of the project(s) and facilities described in Attachment I-a, for the benefit of and use by the public.



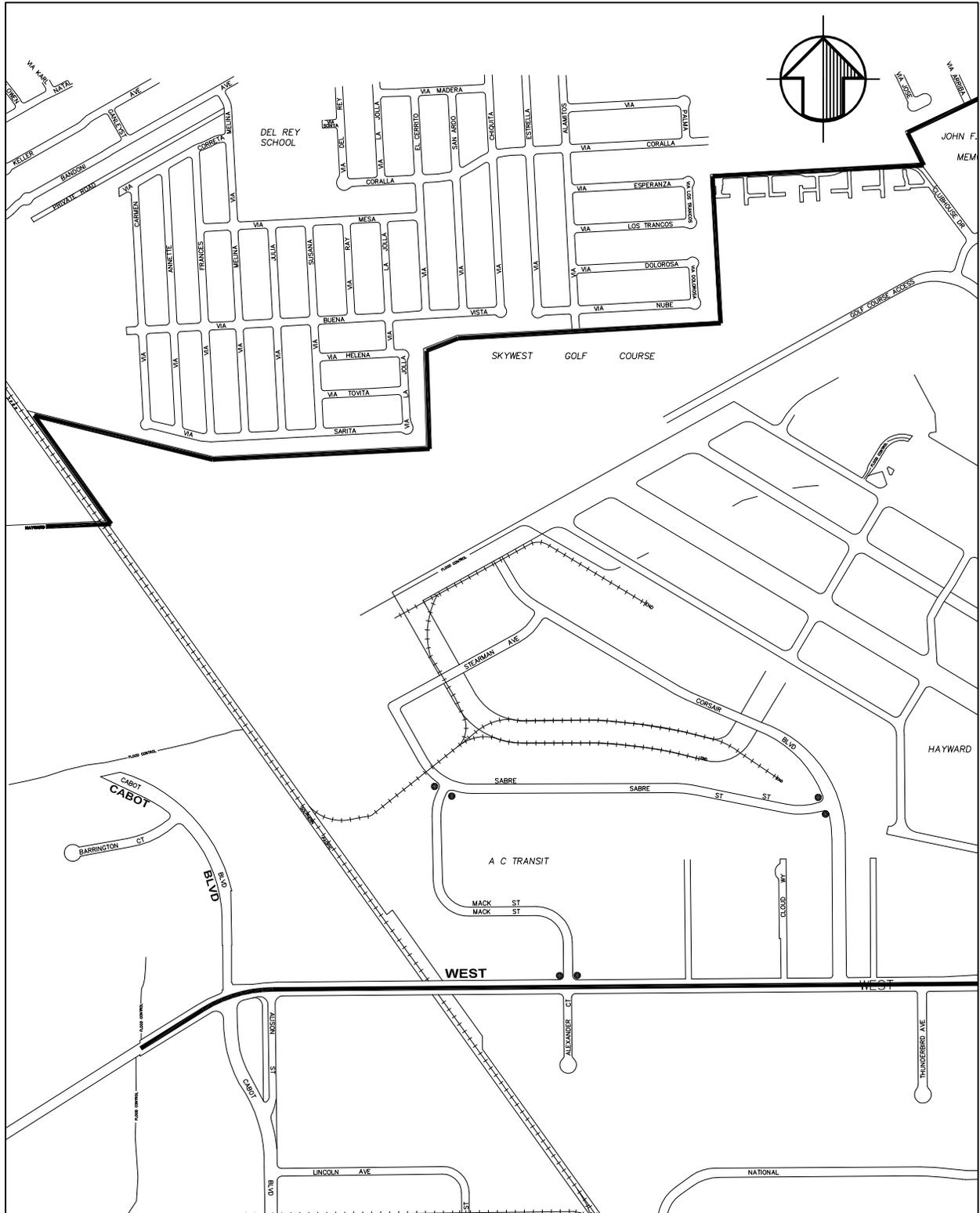
DISTRICT NO. 6 - LOCATION MAP
WHEELCHAIR RAMPS FY16 AT TENNYSON RD
PROJECT NO. - TBD



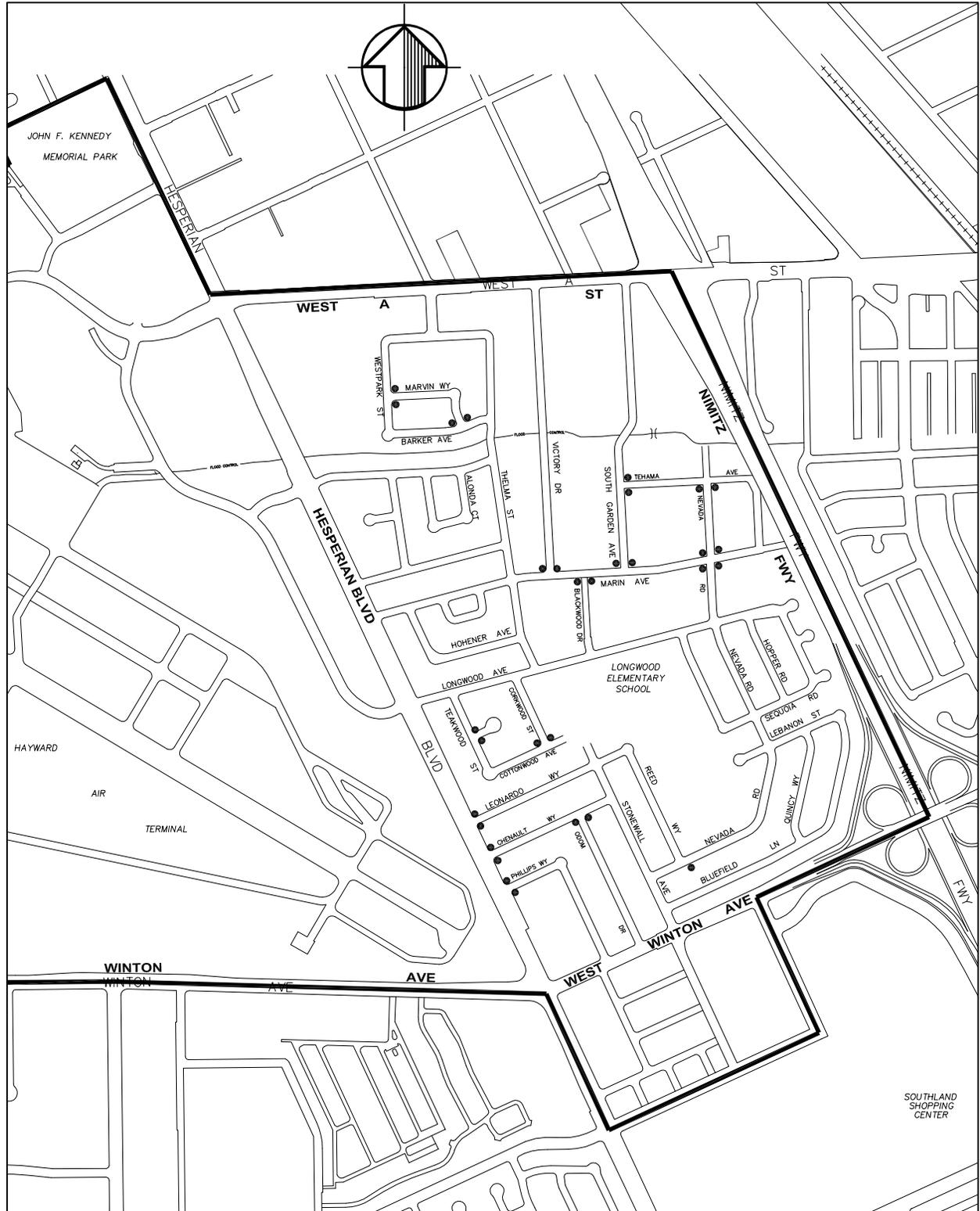
DISTRICT NO. 6 - LOCATION MAP
WHEELCHAIR RAMPS FY16 AT TENNYSON RD
PROJECT NO. - TBD



DISTRICT NO. 6 - LOCATION MAP
WHEELCHAIR RAMPS FY16 AT TENNYSON RD
PROJECT NO. - TBD



**DISTRICT NO. 9 - LOCATION MAP
WHEELCHAIR RAMPS FY16 AT WINTON
PROJECT NO. - TBD**



LOCATION MAP
WHEELCHAIR RAMPS FY12
DISTRICT NO. 9 - PROJECT NO. 5168



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-329

DATE: June 21, 2016

TO: Mayor and City Council

FROM: Maintenance Services Director

SUBJECT

Adoption of Resolution Authorizing the City Manager to Execute an Agreement with Worley's Home Design Center, Inc. for Carpet Tile Replacement for City Hall

RECOMMENDATION

That the Council adopts the attached Resolution (Attachment I) authorizing the City Manager to execute an agreement with Worley's Home Design Center, Inc. to replace carpet tile at City Hall.

BACKGROUND AND DISCUSSION

In April 2016, staff released a Request for Quotation (RFQ) for Carpet Tile Replacement for City Hall. The City received two responses. The Facilities & Building Manager reviewed the bids and recommends Worley's Home Design Center, Inc. as the successful low bidder. The second bidder was Anderson Carpet.

Worley Home Design Center, Inc. met all specifications of the RFQ, offered competitive rates and has significant experience in the installation of carpet tiles. Worley Home Design Center, Inc., has agreed to comply with the City's Living Wage Ordinance and Nuclear Non-Involvement Affirmation.

FISCAL IMPACT

Worley's Home Design Center, Inc. and Anderson Carpet submitted a bid to the RFQ for Carpet Tile Replacement for City Hall. The bids include the locations and item prices listed below:

Item Description	Worley's Price	Anderson's Price
First Floor Office Area	\$129,876	\$210,364
Second Floor Office Area	\$134,987	299,031
Council Chambers	\$23,894	82,531
Third Floor Office Area	\$129,487	239,920
Total	\$418,244	\$831,846

File #: CONS 16-329

This project is funded in the Facilities Division Capital Improvement Program which is adopted annually and included in the General Fund budget.

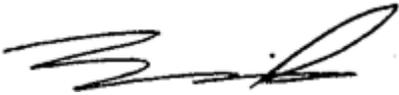
NEXT STEPS

If the City Council authorizes the City Manager to execute this contract, staff will prepare and execute the necessary documents. Worley's Home Design Center, Inc. will begin replacing the carpet tile for City Hall in August 2016.

Prepared by: Allen Koscinski, Facilities & Building Manager

Recommended by: Todd Rullman, Maintenance Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I

Attachment II

Attachment III

Resolution

RFQ #1623-030216 Worley's Home Design
Center, Inc.

RFQ #1623-030216 Anderson Carpet

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WORLEY’S HOME DESIGN CENTER, INC. FOR CARPET TILE REPLACEMENT FOR CITY HALL

WHEREAS, the City of Hayward released a Request for Quote to five contractors for carpet tile replacement at City Hall, which included the First Floor Office Area, Second Floor Office Area, Council Chambers, and Third Floor Office Area.

WHEREAS, the City of Hayward invited five contractors to a mandatory bid walk on May 9, 2016, where four contractors attended. The City of Hayward obtained bids from two companies by the deadline of May 24, 2016.

WHEREAS, the City of Hayward intends to award the contract to Worley’s Home Design Center, Inc. for the bid price of \$418,244 as they were the low bidder.

WHEREAS, the project is funded in the Facilities Division Capital Improvement Program, which is adopted annually and is included in the General Fund budget.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute an agreement with Worley’s Home Design Center, Inc. for carpet tile replacement for City Hall.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

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

BID FORM

for

RFQ #1623-030216 TO FURNISH AND INSTALL CARPET TILES

TO: THE CITY OF HAYWARD

FROM: Worley's Home Design Center Inc(company name)

Pursuant and in compliance with your Instructions and Conditions and all other documents relating thereto, the undersigned offer or, having familiarized himself with the terms of the contract, the local conditions affecting the performance of the contract, the cost of the work at the place where the work is being done, and with the specifications and other contract documents, hereby proposed and agrees to perform within the time stipulated, in contract, including all of its component parts, and everything required to be performed, and to provide and furnish any and all of the labor, materials, tools, expandable equipment, and all utility and transportation services necessary to perform all of the work required in connection with **Bid #1623-030216**, all in strict conformity with the specifications and other contract documents filed at the Office of the Purchasing Manager of the City of Hayward.

ITEM NO.	ITEM DESCRIPTION	APPROX. QUANTITY	UNIT OF MEASURE	ITEM PRICE (In Figures)
1	First Floor Office Area	1	LS	129,876. ⁰⁰
2	Second Floor office areas	1	LS	134,987. ⁰⁰
3	Council Chambers	1	LS	23,894. ⁰⁰
4	Third Floor Office Area	1	LS	129,487. ⁰⁰
TOTAL BASE BID				
Lump sum, all labor, materials, equipment, transportation, disposal, taxes, licenses, fees and permits				
Four hundred eighteen thousand two hundred and				dollar \$ 418,244. ⁰⁰
(Amount in words)				forty four (Amount in figures)

COMPLETION

2-year warrenty on labor

Project Start Date: T.B.D

Working days to complete the entire project: Forty Five (45) working days

Estimated completion date for the project: T.B.D by start date

TERMS

Cash terms (if applicable) 2 % 15 Days

FOB

Destination

Replaces Pg. 20 of the bid package

THE REPRESENTATIVES MADE HEREIN ARE MADE UNDER PENALTY OF PERJURY.

VENDOR'S LICENSE STATEMENT

The undersigned certifies that he or the firm he represents holds the appropriate license as required and specified for by the City Engineer or Project Manager.

License No. 948793 Expiration Date 6/30/16

Classification No. & Title C-15 C-61 D-52

DIR Registration No.: 1000038356 COH License No.: 143817 219318

Expiration Date: 12/31/16 Expiration Date: 12/31/16

THE REPRESENTATIVES MADE HEREIN ARE MADE UNDER PENALTY OF PERJURY.

NO BID IS VALID UNLESS SUBMITTED ON THIS FORM AND SIGNED BY AUTHORIZED AGENT FOR YOUR COMPANY.
SUBMITTED BY:

COMPANY NAME: Worley's Home Design Center, Inc

ADDRESS: 2751 Castro Valley Blvd

CITY: Castro Valley STATE: CA ZIP: 94546

TELEPHONE: 510 - 582 - 6400

EMAIL: John@worleyshomedesigncenter.com

SIGNATURE: [Signature]
(Authorized Agent)

NAME: Les Worley
(Please Print)

TITLE: President

DATE: 5/23/16

NOTE: If bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of authorized officers or agents; if bidder is a partnership, the true name of the firm shall be set forth above, together with the signature of the partnership; and if bidder is an individual, his signature shall be placed above.

THIS DOCUMENT MUST BE COMPLETED, EXECUTED AND SUBMITTED WITH THE BID FORM

ADDITIONAL WORK

Additional costs will be billed at the following unit price rates:

- Labor: \$ 100⁰⁰ /HR -- unforeseen floor prep
Classification
- Labor: \$ 100⁰⁰ /HR -- Moving of personal items
Classification
- Labor: \$ _____ /HR -- _____
Classification
- Labor: \$ _____ /HR -- _____
Classification

END OF SECTION

THIS DOCUMENT MUST BE COMPLETED, EXECUTED AND SUBMITTED WITH THE BID FORM

BIDDER'S REFERENCE AND STATEMENT OF EXPERIENCE

The bidder is required to state below work of similar character to that included in the proposed contract he has done and provide references which will fully disclose his responsibility, experience, skill and business standing. Please list below your qualified commercial references within the last five (5) years:

Company Name City of Hayward
 Address City Hall Building, 777 B Street
 CONTACT Liz Sanchez / Vic Avila PHONE # 583-4822
 Email liz.sanchez@hayward-ca.gov
 Name of Project City Hall Building
 Date/Period of Service 11/24/14 - 1/1/15
 Total Amount of Project: \$ 21,418.00

Brief Description of Project

Installed carpet tile and rubber base
pulled up existing glued down carpet

Company Name City of Hayward
 Address Streets + Fleet Dept Soto Rd / Barnes Ct
 CONTACT Allen Kowcinski PHONE # 510-376-0577
 Email allen.kowcinski@hayward-ca.gov
 Name of Project Streets + Fleet Dept
 Date/Period of Service 11/23/15 - 11/25/15
 Total Amount of Project: \$ 4413.00

Brief Description of Project

Installed carpet tile and rubber base

Company Name City of Hayward
 Address 28605 RVVS Rd Hayward, CA 94541
 CONTACT Liz Sanchez / Vic Avila PHONE # 510-583-4820
 Email liz.sanchez@hayward-ca.gov
 Name of Project Temporary Fire Station #7
 Date/Period of Service 6/2014 - 6/2014
 Total Amount of Project: \$ 21,357.00

Brief Description of Project

Installed plywood underlayment, commercial sheet vinyl /
flooring, pad, carpet and rubber base throughout the
temporary fire station.

Company Name County of Alameda
 Address Martinelli Center in Livermore
 CONTACT Andre Benson PHONE # 510-455-1474
 Email andre.benson@acgov.org
 Name of Project Martinelli Center
 Date/Period of Service April 9, 2015 - April 15, 2015
 Total Amount of Project: \$ 40,152⁰⁰

Brief Description of Project

Install commercial carpet and luxury vinyl plank
in rooms and main extent center

Company Name County of Alameda
 Address Camp Sweeney in San Leandro
 CONTACT Ed Smith PHONE # 1-925-551-6673
 Email ed.smith@acgov.org
 Name of Project Camp Sweeney Classrooms
 Date/Period of Service Dec 21, 2013 - Jan 10, 2014
 Total Amount of Project: \$ 26,879⁰⁰

Brief Description of Project

Installed commercial carpet tile and rubber
base in 4 classrooms, main office and 2
smaller offices

Company Name County of Alameda
 Address 1401 Lakeside Oakland CA 94612
 CONTACT Scott Cutter PHONE # _____
 Email scott.cutter@acgov.org
 Name of Project Lakeside
 Date/Period of Service March 29, 2013 - May 14, 2013
 Total Amount of Project: \$ 31,410⁰⁰

Brief Description of Project

Installed commercial carpet tiles in the elevator
lobbies and some common hallways with rubber
base.

THIS DOCUMENT MUST BE COMPLETED, EXECUTED AND SUBMITTED WITH THE BID FORM

DESIGNATION OF SUBCONTRACTORS

In compliance with the provisions of the Government Code of the State of California each bidder shall set forth below the name and the mill, shop, or office of each subcontractor who will perform work or labor or render service to the Contractor in or about the construction of the work or improvement to be performed under these specifications and the portion of the work which will be done by each subcontractor.

If the Contractor fails to specify a subcontractor for any portion of the work to be performed under the contract, he shall be deemed to have agreed to perform such portion himself, and he shall not be permitted to subcontract that portion of the work under the conditions hereinafter set forth.

Subletting or subcontracting of any portion of the work as to which no subcontractor was designated in the original bid shall only be permitted in cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the legislative body of the CITY.

<u>TRADE NAME</u>	<u>CONTRACTOR'S LICENSE NO.</u>	<u>EXPIRATION DATE</u>	<u>DIR REGISTRATION NO.</u>	<u>EXPIRATION DATE</u>
<i>No subcontractors</i>				

THE REPRESENTATIONS MADE HEREIN ARE MADE UNDER PENALTY OF PERJURY.

THIS DOCUMENT MUST BE COMPLETED, EXECUTED AND SUBMITTED WITH THE BID FORM

ACKNOWLEDGMENT OF ADDENDA

Failure to execute the following may be considered as an irregularity in the bid. Receipt of the following addenda issued during the time of bidding is acknowledged, and the information contained therein has been considered in the preparation of this bid:

- | | | | |
|-------------------------------------|-------|--------------------------|-------|
| <input type="checkbox"/> | None | <input type="checkbox"/> | No. 3 |
| <input checked="" type="checkbox"/> | No. 1 | <input type="checkbox"/> | No. 4 |
| <input type="checkbox"/> | No. 2 | <input type="checkbox"/> | No. 5 |

(Check Appropriate Space(s) for Addenda Received)

Warning

If an addendum or addenda have been issued by the City and not noted above as being received by the bidder, this Proposal may be rejected.

THIS DOCUMENT MUST BE COMPLETED, EXECUTED AND SUBMITTED WITH THE BID FORM

NONCOLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID.

State of California)
County of Alameda) ss.

Les Worley, being first duly sworn, deposes and says that he or she is of the party making the foregoing bid that the bid is not made in the interest of or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder as not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price of any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

NO BID IS VALID UNLESS SIGNED BY THE PERSON MAKING THE BID

SIGNATURE: Les Worley
PRINT NAME: Les Worley
DATE: 5/23/16

*

THIS DOCUMENT MUST BE COMPLETED, EXECUTED AND SUBMITTED WITH THE BID FORM

CONTRACTOR'S CERTIFICATE
REGARDING WORKER'S COMPENSATION

LABOR CODE SECTION 3700

"Every employer except the State and all political subdivisions or institutions thereof, shall secure the payment of compensation in one or more of the following ways:

- (a) By being insured against liability to pay compensation in one or more insurers duly authorized to write compensation insurance in this State.
- (b) By securing from the Director of Industrial Relations a certificate of consent to self-insure, which may be given upon furnishing proof satisfactory to the City of Industrial Relations of ability to self-insure and to pay any compensation that may become due to this employees.'

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of this contract.

SIGNATURE: _____

Les Worley

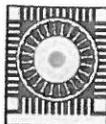
Print Name: _____

Les Worley

Date: _____

5/23/16

(In accordance with Article 5 [commencing at Section 1860], Chapter I, Part 7, Division 2 of the Labor Code, the above certificate must signed and filed with the awarding body prior to performing any work under this contract.)



CITY OF
HAYWARD
HEART OF THE BAY

NONDISCRIMATORY EMPLOYMENT PRACTICES
AND
AFFIRMATIVE ACTION CERTIFICATION STATEMENT

The Respondent to a City of Hayward Request for Proposals/Request for Quotation hereby certifies that it is in compliance with all executive orders, federal and state laws regarding fair employment practices and nondiscrimination in employment.

1. That it shall demonstrate compliance with the requirements established in the Affirmative Action provisions (EEO) for supply and services contracts.
2. That it fully understands that the provisions contained in the City's special Affirmative Action provisions shall be considered a part of its contractual agreement with the City in the event of award of contract.
3. That it is in compliance with all executive orders, federal, state and local laws (including Hayward Municipal Code Chapter 2, Article 7) regarding fair employment practices and nondiscrimination in employment.

Les Worley
(Print/Type Name of Company Official)

Les Worley
(Signature of Company Official)

President
(Title)

5/23/16
(Date)

Name of Project: Carpet Tile Replacement for City Hall

Name of Firm: Worley's Home Design Center, Inc

Address: 2751 Castro Valley Blvd Castro Valley, CA 94546
Street Address City/State/Zip

Telephone: (510) 582-6400 (510) 582-0974
FAX

Please check below as appropriate:

- Prime Contractor () Subcontractor () Professional Services
- () Supplier of Goods () Supplier of Services

DEPARTMENT OF FINANCE
777 B STREET, HAYWARD, CA 94541-5007
TEL: 510/583-4802 • FAX 510/583-3600 • TDD: 510/583-3340

CITY OF HAYWARD
SPECIAL AFFIRMATIVE ACTION PROVISION FOR SUPPLY AND
SERVICE CONTRACTS

ATTACHMENT II

In accordance with section 2-7.04 of the Hayward Municipal Code (HMC), this provision shall be included in every nonconstruction contract estimated by the City to equal or exceed \$10,000 annually, where the contract has a potential for more than one delivery on City request and the Contractor employs more than ten (10) persons, and for every other nonconstruction contract equal to or in excess of \$25,000 (whether paid in one sum upon delivery or completion, or paid periodically and such periodical payments are estimated by the City to total \$25,000 or more in one year) the following requirements must be met in addition to those set out in The City of Hayward Nondiscriminatory Employment Practices Provision (Sec. 2-7.02, HMC):

1. IN THE PERFORMANCE OF THIS CONTRACT, THE CONTRACTOR AGREES AS FOLLOWS:

(a) The contractor that submits the apparent low bid shall, on behalf of itself and those of its subcontractors, if any, where the dollar amount of such subcontract exceeds \$10,000, furnish the City Manager such information concerning its employment practices and existing and projected work forces in the form and manner as may be requested by the City Manager.

(b) The contractor that submits the apparent low bid and each of its subcontractors, if any, where the dollar amount of such subcontract is \$10,000 or more, may be required to attend a conference with the City Manager at such time and place as may be fixed by the City Manager to determine whether the information earlier submitted shows compliance with the nondiscrimination requirements of this article.

In making such determination, the City Manager shall consider the following factors:

- (1) The size of the contractor's or subcontractor's existing work force;
- (2) The size of the anticipated work force necessary for the contractor or subcontractor to perform the contract or subcontract for or on behalf of the City;
- (3) The projected turnover, vacancies, or work force expansion that the contractor or subcontractor expects to occur during the term of the contract;
- (4) The specific plans of the contractor or subcontractor to recruit applicants for employment and to select, train, and promote employees hired to complete the contract with or on behalf of the City in like proportion to their numbers in the contractor's or subcontractor's typical, geographic labor market;
- (5) An analysis showing the projected work force that would be expected, after all necessary selection is completed, to perform the contract or subcontract with or on behalf of the City absent any discriminatory employment practices;
- (6) Any other qualitative or quantitative data which would assist the City Manager in determining the contractor's or subcontractor's commitment to meet the nondiscriminatory employment practices requirements of this contract.

(c) Following such conference, the apparent low bidder shall enter into a memorandum of understanding with the City in a form agreed to by such contractor and the City Manager, which memorandum of understanding shall set forth the measures that the contractor and its subcontractors who have attended the conference shall take in furthering and meeting its nondiscrimination employment practices commitment during the performance of the contract.

(d) In the event the apparent low bidder fails to submit the requested written information, appear at the conference, or enter into a

memorandum of understanding that is acceptable to the City Manager, the City Manager shall, after giving notice and an opportunity to respond to the apparent low bidder, contact the second lowest bidder for the purpose of conducting the procedure set out in subsections (a) through (c) herein.

2. IMPLEMENTING RULES AND REGULATIONS, ENFORCEMENT PROCEDURE, AND DELEGATION OF RESPONSIBILITY. (Sec. 2-7.05, HMC)

The City Manager shall promulgate all rules, regulations, and forms necessary to implement the provisions of this article. So far as is practical, such rules, regulations, and forms shall be similar to those adopted pursuant to federal Executive Order 11246 and the Fair Employment Practices Act of the State of California.

The City Manager shall monitor the performance of the contractors and subcontractors in their achievement of the nondiscriminatory employment practices requirements provided herein, conduct on-site inspection of their work forces and employment records and submit periodic reports on such performances to the City Council and Human Relations Commission for advisory review to the City Council regarding modifications of this article so as to ensure its effectiveness.

The City Manager shall designate a Contract Compliance Officer and may, at his discretion, delegate responsibility and authority for administering the provisions of this article to the Contract Compliance Officer and to such other officers or employees of the City as necessary for proper administration of this program.

3. EXEMPTIONS. (Sec. 2-7.06, HMC)

The following contracts are exempt from the provisions of this article:

- (a) Contracts with other governmental jurisdictions;
- (b) Contracts with manufacturers whose principal place of business is located outside the United States;
- (c) Contracts with the United States manufacturers whose principal place of business is located outside the State of California;
- (d) Contracts with any single or sole source supplier of any goods or service; and
- (e) Contracts resulting from exigent emergency requisitions where any delay in completion or performance of the contract would jeopardize the public health, safety, or welfare of the citizens of the City of Hayward, or where in the judgement of the City Manager the operational effectiveness of a significant City function would be significantly threatened if the contract were not entered into expeditiously.

4. CONTRACTS SUBJECT TO EXECUTIVE ORDER 11246. (Sec. 2-7.07, HMC)

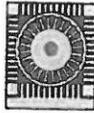
No provision of this article shall be construed to apply to any federally assisted construction contract entered into by the City that is subject to Executive Order 11246 or any order amending or superseding Executive Order 11246, the rules and regulations promulgated pursuant to said order, or the Federal Equal Employment Opportunity Bid Conditions for Alameda County.

5. OTHER REMEDIES. (Sec. 2-7.08, HMC)

The provisions of this article shall not be construed to prevent the City from pursuing and obtaining any remedy or relief as may be prescribed by law.

6. CONTACT

City of Hayward Purchasing and Contract Compliance Specialist, (510) 583-4802.



CITY OF
HAYWARD
HEART OF THE BAY

AFFIRMATION ON NON-INVOLVEMENT IN
DEVELOPMENT OF PRODUCTION OF NUCLEAR WEAPONS

The undersigned hereby certifies:

That it understands that City of Hayward Ordinance No.87024 C.S. prohibits award of contract to, or purchase of goods or services from, "any person which is knowingly or intentionally engaged in the development or production of nuclear weapons."

That it understands the ordinance defines "Nuclear Weapon" as "any device the intended explosion of which results from the energy released by fission or fusion reactions involving atomic nuclei."

That it understands the ordinance defines "Person" as "any person, private corporation, institution or other entity..."

As the owner or company official of the firm identified below, I affirm that this company is not knowingly or intentionally engaged in such development or production.

Worley's Home Design Center, Inc
Print/Type Company Name

Les Worley President
Print/Type Official Name & Title

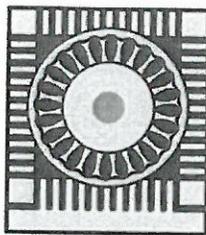
2751 Castro Valley Blvd
Company Address

Les Worley President
Signature of Company Official

Castro Valley, CA 94546
City/State/Zip Code

5/23/16
Date

**Department of Finance
Purchasing Division**



CITY OF
HAYWARD
HEART OF THE BAY

Bid #1623-030216
Carpet Tile Replacement for City Hall
for
Facilities Division, Maintenance Department

Bids must be received no later than:

May 24, 2016 @ 3:30 pm

Deliver response to the office of
Purchasing Manager
City of Hayward
777 B Street 3rd Floor
Hayward, CA 94541

TABLE OF CONTENTS

1. General Conditions and Instructions	Pages 3 - 15
2. Specifications/Scope of Work	Pages 16 - 19
3. Bid Form	Pages 20 - 21

To be completed and returned along with the bid form:

- Bidders Reference
- Designation of Subcontractors
- Acknowledgement of Addenda
- Signature Affidavit for Non-Collusion
- Contractor's Certificate Regarding Worker's Compensation
- Non-discriminatory Employment Practices
- Affirmative Action Provision
- Non-Nuclear Involvement

Attachments:

- Shaw Carpet Specifications
- Performance and Payment Bond
- General Provisions

NOTE: The Table of Contents is to be made a part of the above referenced bid.

BID FORM**for****RFQ #1623-030216 TO FURNISH AND INSTALL CARPET TILES**

TO: THE CITY OF HAYWARD

FROM: ANDERSON CARPET (company name)

Pursuant and in compliance with your Instructions and Conditions and all other documents relating thereto, the undersigned offer or, having familiarized himself with the terms of the contract, the local conditions affecting the performance of the contract, the cost of the work at the place where the work is being done, and with the specifications and other contract documents, hereby proposed and agrees to perform within the time stipulated, in contract, including all of its component parts, and everything required to be performed, and to provide and furnish any and all of the labor, materials, tools, expandable equipment, and all utility and transportation services necessary to perform all of the work required in connection with **Bid #1623-030216**, all in strict conformity with the specifications and other contract documents filed at the Office of the Purchasing Manager of the City of Hayward.

ITEM NO.	ITEM DESCRIPTION	APPROX. QUANTITY	UNIT OF MEASURE	ITEM PRICE (In Figures)
1	First Floor Office Area	1	LS	210,364
2	Second Floor office areas	1	LS	299,031
3	Council Chambers	1	LS	82,531
4	Third Floor Office Area	1	LS	239,920
TOTAL BASE BID				
Lump sum, all labor, materials, equipment, transportation, disposal, taxes, licenses, fees and permits				
<u>EIGHT HUNDRED THIRTY ONE THOUSAND,</u>				
<u>EIGHT HUNDRED FORTY SIX 00/100</u> — dollar \$ <u>831,846</u>				
				(Amount in figures)

COMPLETIONProject Start Date: 6/1/16Working days to complete the entire project: Forty Five (45) working daysEstimated completion date for the project: JULY, 2016 PER PHASE**TERMS**Cash terms (if applicable) NET % 30 Days**FOB**

Destination

Replaces Pg. 20 of the bid package

ADDITIONAL WORK

Additional costs will be billed at the following unit price rates:

- Labor: \$ 125 /HR -- JOURNEYMAN
Classification
- Labor: \$ _____ /HR -- _____
Classification
- Labor: \$ _____ /HR -- _____
Classification
- Labor: \$ _____ /HR -- _____
Classification

END OF SECTION

THE REPRESENTATIVES MADE HEREIN ARE MADE UNDER PENALTY OF PERJURY.

VENDOR'S LICENSE STATEMENT

The undersigned certifies that he or the firm he represents holds the appropriate license as required and specified for by the City Engineer or Project Manager.

License No. 242102 Expiration Date 2/28/17

Classification No. & Title C-15 FLOORING

DIR Registration No.: 100 000 2246 COH License No.: 150564 (230753)

Expiration Date: 6/30/2017 Expiration Date: 12/3/16

THE REPRESENTATIVES MADE HEREIN ARE MADE UNDER PENALTY OF PERJURY.

NO BID IS VALID UNLESS SUBMITTED ON THIS FORM AND SIGNED BY AUTHORIZED AGENT FOR YOUR COMPANY.
SUBMITTED BY:

COMPANY NAME: LINOLEUM SALES CO., INC.
dba ANDERSON CARPET

ADDRESS: 1000 W. GRAND AVE

CITY: OAKLAND STATE: CA ZIP: 94607

TELEPHONE: 510-652-1032

EMAIL: JOE @ ANDERSONCLS.COM

SIGNATURE: [Signature]
(Authorized Agent)

NAME: JOSEPH CHRISTOPHE
(Please Print)

TITLE: V.P.

DATE: 5/24/16

NOTE: If bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of authorized officers or agents; if bidder is a partnership, the true name of the firm shall be set forth above, together with the signature of the partnership; and if bidder is an individual, his signature shall be placed above.

THIS DOCUMENT MUST BE COMPLETED, EXECUTED AND SUBMITTED WITH THE BID FORM

THIS DOCUMENT MUST BE COMPLETED, EXECUTED AND SUBMITTED WITH THE BID FORM

BIDDER'S REFERENCE AND STATEMENT OF EXPERIENCE

The bidder is required to state below work of similar character to that included in the proposed contract he has done and provide references which will fully disclose his responsibility, experience, skill and business standing. Please list below your qualified commercial references within the last five (5) years:

Company Name _____
Address _____
CONTACT _____ PHONE # _____
Email _____
Name of Project _____
Date/Period of Service _____
Total Amount of Project: \$ _____
Brief Description of Project **SEE ATTACHED**

Company Name _____
Address _____
CONTACT _____ PHONE # _____
Email _____
Name of Project _____
Date/Period of Service _____
Total Amount of Project: \$ _____
Brief Description of Project _____

Company Name _____
Address _____
CONTACT _____ PHONE # _____
Email _____
Name of Project _____
Date/Period of Service _____
Total Amount of Project: \$ _____
Brief Description of Project _____

**Anderson Carpet
1000 W. Grand Ave.
Oakland, Ca. 94607**

School Projects

job #	School name	Contractor	Amount	Completed	Contact Info
190557	San Clement	Lathrop	277,154	2014	Anthony Reed 707-746-8000
190426	Gompers	Lathrop	1,002,192	2015	Kyle Martellaro 707-746-4410
190537	Cesar Chavez	Alpha Bay	347,202	2014	Sherman Chiu 415-282-6188
190602	Height Elementary	F & H	525,951	2014	Brad Seabourne 209-603-7686
190795	James Lick	BHM	344,652	2015	Dave Senano 707-643-4580
Various	UC Berkeley	UC Berkeley	100's of jobs every year (ranging from \$ 500 - \$ 500,000)		Paul Oda 510-642-9440

NOTE : We install floors in dozens of schools every year



MAIN OFFICE
1000 WEST GRAND AVENUE, OAKLAND, CA 94607
(510) 652-1032 • FAX (510) 652-5344
WWW.ANDERSONCARPET.NET

Listed below is a list of our completed projects and reference contact information.

PROJECT	CONTRACTOR	JOB	AMOUNT	NAME	CONTACT
950 W Maude	XL Construction	221788	\$605,318.00	Jerod Creese	408-240-6053
1000 W Maude	XL Construction	221789	\$821,875.00	Jerod Creese	408-240-6053
Intuit	Hathaway Dinwiddie	120156	\$821,000.00	Tim McGarvey	650-567-9280 x16
Alice Griffith Block 2	BGI/NIBBI	170888	\$797,000.00	Tim Barrow	415-863-1820 x217
Alice Griffith Block 4	BGI/NIBBI	170889	\$597,000.00	Tim Barrow	415-863-1820 x217
Emeryville Community Center	Turner Construction	120154	\$737,000.00	Araceli Mayorquin	510-915-1531
Cambrian Center	BBI Construction	190742	\$707,000.00	Henry Tsai	510-286-8200 x114
Rotary Plaza	D+H Construction	190760	\$615,000.00	Jansen Lum	510-237-7883 x105

SACRAMENTO OFFICE
1501 SILICA AVENUE, SACRAMENTO, CA 95815
(916) 929-4283 • FAX (916)929-4896

SANTA CLARA OFFICE
2301 CALLE DE LUNA, SANTA CLARA, CA 95054
(510) 238-9882



MAIN OFFICE
1000 WEST GRAND AVENUE, OAKLAND, CA 94607
(510) 652-1032 • FAX (510) 652-5344
WWW.ANDERSONCARPET.NET

References

<u>NAME</u>	<u>ADDRESS</u>	<u>CONTACT</u>	<u>PHONE</u>	<u>EMAIL</u>
Alameda School District	2060 Challenger Drive Alameda, Ca	Robbie Lyng	510-337-7090	rl yng@alameda.k12.ca.us
UC Berkeley	1936 University Ave. Room 250 Berkeley, Ca	Paul Oda	510-642-9440	poda@berkeley.edu
Clark Construction	180 Howard Street Suite1200 San Francisco, Ca	Tegan Sullivan	805-207-9403	tegan.sullivan@clarkconstruction.com
McCarthy Builders	343 Sansome Street San Francisco, Ca	Rich Henry	415-397-5151	rhenry@mccarthy.com
Childrens Hospital	747 52nd Street Oakland, Ca	Henry Trudel	510-428-3291	htrudel@mail.cho.org
Bayer Health Care	800 Dwight Way Berkeley, Ca	Ulysess Ecijan	510-705-4363	ulysess.ecijan@bayer.com
San Francisco General Hospital Facilities	1001 Potrero Ave. San Francisco, Ca	Greg Chase (Director)	415-509-8063	greg.chase@sfgph.org
San Francisco General Hospital Facilities	1001 Potrero Ave. San Francisco, Ca	Bob Comaduran	415-706-8295	bob.comaduran@sfgph.org

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1501 SILICA AVENUE, SACRAMENTO, CA 95815
(916) 929-4283 • FAX (916)929-4896

SANTA CLARA OFFICE
2301 CALLE DE LUNA, SANTA CLARA, CA 95054
(510) 238-9882

ATTACHED

Company Name _____
Address _____
CONTACT _____ PHONE # _____
Email _____
Name of Project _____
Date/Period of Service _____
Total Amount of Project: \$ _____

Brief Description of Project

Company Name _____
Address _____
CONTACT _____ PHONE # _____
Email _____
Name of Project _____
Date/Period of Service _____
Total Amount of Project: \$ _____

Brief Description of Project

Company Name _____
Address _____
CONTACT _____ PHONE # _____
Email _____
Name of Project _____
Date/Period of Service _____
Total Amount of Project: \$ _____

Brief Description of Project

N/A

THIS DOCUMENT MUST BE COMPLETED, EXECUTED AND SUBMITTED WITH THE BID FORM

DESIGNATION OF SUBCONTRACTORS

In compliance with the provisions of the Government Code of the State of California each bidder shall set forth below the name and the mill, shop, or office of each subcontractor who will perform work or labor or render service to the Contractor in or about the construction of the work or improvement to be performed under these specifications and the portion of the work which will be done by each subcontractor.

If the Contractor fails to specify a subcontractor for any portion of the work to be performed under the contract, he shall be deemed to have agreed to perform such portion himself, and he shall not be permitted to subcontract that portion of the work under the conditions hereinafter set forth.

Subletting or subcontracting of any portion of the work as to which no subcontractor was designated in the original bid shall only be permitted in cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the legislative body of the CITY.

<u>TRADE NAME</u>	<u>CONTRACTOR'S LICENSE NO.</u>	<u>EXPIRATION DATE</u>	<u>DIR REGISTRATION NO.</u>	<u>EXPIRATION DATE</u>
NO		SUBS		

THE REPRESENTATIONS MADE HEREIN ARE MADE UNDER PENALTY OF PERJURY.

THIS DOCUMENT MUST BE COMPLETED, EXECUTED AND SUBMITTED WITH THE BID FORM

ACKNOWLEDGMENT OF ADDENDA

Failure to execute the following may be considered as an irregularity in the bid. Receipt of the following addenda issued during the time of bidding is acknowledged, and the information contained therein has been considered in the preparation of this bid:

- | | |
|---|--------------------------------|
| <input type="checkbox"/> None | <input type="checkbox"/> No. 3 |
| <input checked="" type="checkbox"/> No. 1 | <input type="checkbox"/> No. 4 |
| <input type="checkbox"/> No. 2 | <input type="checkbox"/> No. 5 |

(Check Appropriate Space(s) for Addenda Received)

Warning

If an addendum or addenda have been issued by the City and not noted above as being received by the bidder, this Proposal may be rejected.

THIS DOCUMENT MUST BE COMPLETED, EXECUTED AND SUBMITTED WITH THE BID FORM

NONCOLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID.

State of California)
County of ALAMEDA) ss.

JOSEPH CHRISTOPHE, being first duly sworn, deposes and says that he or she is of the party making the foregoing bid that the bid is not made in the interest of or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder as not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price of any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

NO BID IS VALID UNLESS SIGNED BY THE PERSON MAKING THE BID

SIGNATURE: 
PRINT NAME: JOE CHRISTOPHE
DATE: 5/24/16



CITY OF
HAYWARD
HEART OF THE BAY

NONDISCRIMATORY EMPLOYMENT PRACTICES
AND
AFFIRMATIVE ACTION CERTIFICATION STATEMENT

The Respondent to a City of Hayward Request for Proposals/Request for Quotation hereby certifies that it is in compliance with all executive orders, federal and state laws regarding fair employment practices and nondiscrimination in employment.

1. That it shall demonstrate compliance with the requirements established in the Affirmative Action provisions (EEO) for supply and services contracts.
2. That it fully understands that the provisions contained in the City's special Affirmative Action provisions shall be considered a part of its contractual agreement with the City in the event of award of contract.
3. That it is in compliance with all executive orders, federal, state and local laws (including Hayward Municipal Code Chapter 2, Article 7) regarding fair employment practices and nondiscrimination in employment.

ROBERT MULLARKEY
(Print/Type Name of Company Official)

CFO
(Title)

Robert J Mullarkey
(Signature of Company Official)

5/23/16
(Date)

Name of Project: HAYWARD CARPET REPLACEMENT CITY HALL

Name of Firm: ANDERSON CARPET

Address: 1000 W. GRAND AVE OAKLAND CA 94607
Street Address City/State/Zip

Telephone: (510) 652-1032 () _____

Please check below as appropriate:

- Prime Contractor () Subcontractor () Professional Services
() Supplier of Goods () Supplier of Services

DEPARTMENT OF FINANCE
777 B STREET, HAYWARD, CA 94541-5007
TEL: 510/583-4802 • FAX 510/583-3600 • TDD: 510/583-3340

*

THIS DOCUMENT MUST BE COMPLETED, EXECUTED AND SUBMITTED WITH THE BID FORM

CONTRACTOR'S CERTIFICATE
REGARDING WORKER'S COMPENSATION

LABOR CODE SECTION 3700

"Every employer except the State and all political subdivisions or institutions thereof, shall secure the payment of compensation in one or more of the following ways:

- (a) By being insured against liability to pay compensation in one or more insurers duly authorized to write compensation insurance in this State.
- (b) By securing from the Director of Industrial Relations a certificate of consent to self-insure, which may be given upon furnishing proof satisfactory to the City of Industrial Relations of ability to self-insure and to pay any compensation that may become due to this employees.'

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of this contract.

SIGNATURE: Robert J. Mullarkey

Print Name: ROBERT J. MULLARKEY

Date: 5/23/16

(In accordance with Article 5 [commencing at Section 1860], Chapter I, Part 7, Division 2 of the Labor Code, the above certificate must signed and filed with the awarding body prior to performing any work under this contract.)



CITY OF
HAYWARD
HEART OF THE BAY

AFFIRMATION ON NON-INVOLVEMENT IN
DEVELOPMENT OF PRODUCTION OF NUCLEAR WEAPONS

The undersigned hereby certifies:

That it understands that City of Hayward Ordinance No.87024 C.S. prohibits award of contract to, or purchase of goods or services from, "any person which is knowingly or intentionally engaged in the development or production of nuclear weapons."

That it understands the ordinance defines "Nuclear Weapon" as "any device the intended explosion of which results from the energy released by fission or fusion reactions involving atomic nuclei."

That it understands the ordinance defines "Person" as "any person, private corporation, institution or other entity..."

As the owner or company official of the firm identified below, I affirm that this company is not knowingly or intentionally engaged in such development or production.

ANDERSON CARPET
Print/Type Company Name

ROBERT J. MULLARKEY
Print/Type Official Name & Title

1000 W. GRAND AVE
Company Address

Robert J Mullarkey
Signature of Company Official

OAKLAND, CA 94607
City/State/Zip Code

5/24/16
Date

**Department of Finance
Purchasing Division**



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-332

DATE: June 21, 2016

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

FY 2016 - Pavement Rehabilitation Project: Award of Contract

RECOMMENDATION

That Council adopts the attached resolution (Attachment I) awarding the contract to O'Grady Paving, Inc., in the amount of \$11,198,918; and authorizing the expenditure of an additional \$2,350,000 on this contract for additional street work and contingencies.

BACKGROUND

On March 15, 2016, Council approved the plans and specifications for the FY 2016 - Pavement Rehabilitation Project, and called for bids to be received on April 26, 2016. Subsequent addenda extended the bid opening date to June 3, 2016.

DISCUSSION

The approval of the Measure C local sales tax in 2014 made additional funds available to the City's Street Pavement Management Program that are over and above funds the City receives annually from Measure B, Measure BB, Gas Tax, Vehicle Registration Fees, and from the Street System Improvements Fund. This has allowed the City to engage in the largest street pavement improvement program in the City's history, and provides a one-time opportunity to improve more of the City's street network. The City's Pavement Management Program falls into two main categories: 1) Street Pavement Preventative Maintenance & Resurfacing Program, which was award by the Council on May 24, 2016; and 2) Street Pavement Rehabilitation & Reconstruction Program, which is presented in this report.

The Pavement Rehabilitation & Reconstruction Program involves repairing severely deteriorated streets to return them to acceptable pavement condition standards and may involve one of several types of treatments: 1) standard overlay of the existing street pavement with new Hot Mix Asphalt Concrete; 2) Cold-In-Place Recycling (CIR), which involves pulverization of the top layer of existing asphalt concrete pavement, treating the resulting aggregates with chemicals and placing the resulting material back followed by a new layer of Hot Mix Asphalt Concrete; or 3) Full Depth Reclamation (FDR), where the

entire pavement section down to the subgrade is pulverized, reusing the pulverized aggregate material as a compacted and stabilized base course that is capped with new Hot Mix Asphalt Concrete. A fourth pavement treatment method, which is being introduced to Hayward for the first time after a thorough study by staff, is known as Hot-In-Place Recycling (HIR). This method involves heating the existing deteriorated asphalt concrete pavement in-place, mixing in rejuvenating chemicals, and placing the pavement back as a smooth rideable surface, followed by a two-inch cap of Hot Mix Asphalt or Micro-Surfacing slurry seal. This treatment is used on those streets where the damage is limited to the top two-inch layer of the pavement.

Over recent years and consistent with Council's objectives in the use of environmentally friendly products and reduction of carbon footprint, Engineering staff has moved toward the use of environmentally friendly materials and methods for pavement construction. Additionally, these methods have also proven to reduce cost and time. The pavement methods described above all involve reusing the existing pavement. In addition to the cost savings from not off-hauling a significant portion of the old asphalt concrete material, the reduced number of truck trips also reduces carbon footprint.

On March 15, 2016, staff submitted a scope of work for the FY 2016 Pavement Rehabilitation & Reconstruction project that involved fifty-eight street sections. A further review of construction market trends, talking to contractors who perform this type of work, and unit cost savings from the economy of scale due to the relatively large budget indicated that the unit prices that staff had previously used in estimating the construction cost were too conservative, and that more streets could be done than originally estimated. Also, the addition of the HIR method to the mix of treatments together with savings in the economy of scale allowed staff to add forty-one more street sections to the scope of work for a total of ninety-nine street sections, which were put out to bid instead of the fifty-eight streets originally reported. Please see Attachment II for the list of streets included in the project.

The added streets were selected based on staff's analysis of their Pavement Condition Indices (PCI) identified through the City's computerized Pavement Managements Program (PMP), field examination, and the functional classification of each street. Some of these streets also came from a street log of residents' complaints kept by staff. This project will cover thirty-seven lane-miles of streets. Overall, the City is responsible for the maintenance of 657 lane-miles of roadway. Other work included in this project includes upgrading wheelchair ramps to the latest Americans with Disabilities Act (ADA) standards.

The rather large number of streets included in this year's program, as compared to prior years, is made possible by the infusion of additional funds from the Measure C local sales tax in 2014. This one-time increase in funding will improve the overall city street network PCI from sixty-six to sixty-eight or more in FY 2017. However, in the ensuing years when the pavement budget drops back to \$6 million, the PCI will continue to drop. As previously reported, there will still be a significant number of streets in need of repairs despite this infusion of Measure C funds. Areas such as the Old Hayward Highlands Area (OHHA) neighborhood, which has very poor street infrastructure, would require basic roadway reconstruction (i.e. excluding concrete curbs, sidewalks, and other mitigation works) at a cost of over \$12 million in order to bring streets in this neighborhood to current standards, according to a study performed in 2007. Staff will revisit this issue with Council at a future work session to identify current street maintenance needs in OHHA, and discuss ongoing efforts to identify funding sources to address the overwhelming

street maintenance backlog in that area in a manner that will not negatively impact the overall City Pavement Rehabilitation program.

On June 3, 2016, three bids were received for the FY 2016 Pavement Rehabilitation Project. O’Grady Paving, Inc., of Mountain View, California, submitted the low bid of \$11,198,918.05, which is 3.75% above the engineer’s estimate of \$10,794,040. DeSilva Gates Construction LP of Dublin, California submitted the second low bid in the amount of \$11,458,679.00, which is 6.16% above the engineer’s estimate. The bids range from \$11,198,918.05 to \$12,457,818.30.

Staff recommends using the balance in funds afforded by the low bid for contingencies and to complete additional street work, including more street pavement section improvements and upgrading more wheelchair ramps. Additionally, streets that may be repaired once contingencies associated with the currently selected streets have been exhausted may include:

- a) Tampa Avenue - between Sumatra Street & Gomer Street
- b) Western Boulevard - between A Street to City limits

All bid documents and licenses are in order. Staff recommends that Council approves the award of contract to the responsible low bidder, O’Grady Paving, Inc., in the amount of \$11,198,918.05 and authorize staff to spend an additional \$2,350,000 for contingencies, including additional street work as described above.

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

FISCAL IMPACT

The estimated project costs are as follows:

Construction Contract	\$11,198,918
Construction Contingency – ACO	\$2,350,000
Design and Administration	\$396,082
Construction Inspection and Testing	\$460,000
TOTAL	\$14,405,000

The Recommended FY 2017 Capital Improvement Program includes funding from various sources as follows:

Measure B (Fund 215)	\$2,266,000
Measure BB (Fund 212)	\$1,959,000
Gas Tax (Fund 210)	\$1,200,000
Vehicle Registration Fund (Fund 218)	\$850,000
Measure C Fund (Fund 406)	\$7,380,000
Street System Improvement	\$750,000
TOTAL	\$14,405,000

The Recommended FY 2016 Capital Improvement Program includes \$12,000,000 in Measure C funds of which \$7.5 million will be used for this project. The remaining \$4.5 million has been used for the FY 2016 Pavement Preventative Maintenance and Resurfacing Project, which was approved by the City Council at its May 24, 2016 meeting.

PUBLIC CONTACT

Because of the large number of street sections to be improved throughout the City, staff will undertake efforts, to the extent feasible, to prevent traffic congestion and limit inconvenience to the community. Therefore, construction work will begin and end in one area before moving to another. The contractor will be required to allow local traffic at all times, and to keep side streets open to allow residents to find parking spaces not far from their homes.

Immediately after the construction contract is awarded, a preliminary notice explaining the project will be posted and distributed to all residents and businesses along the affected streets scheduled for construction. After the construction work has been scheduled, signs on barricades will be posted indicating the date and time of work for each street. The notice will explain the duration of time necessary for allowing the pavement surface to dry before the streets can be reopened to traffic. Residents will be advised to park their vehicles on side streets outside of the work area during the period when the streets are being treated.

COMPLETE STREETS

The existing bicycle facilities, sidewalk, and street lighting will be maintained during construction of this project. Existing bike lanes and markers will be re-striped, and the project will install new green bike lane striping at select intersections to increase bike lane and rider visibility. The project will install new wheelchair ramps where missing and required, reconstruct existing curb ramps not compliant with current Americans with Disabilities Act (ADA) standards and retrofit existing ramps with truncated dome if required. Proposed improvements are consistent with the City's adopted Complete Streets Policy that ensures consideration be given to all users and all modes of transportation on public roadways.

File #: CONS 16-332

SCHEDULE

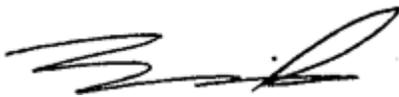
Begin Work
Complete Work

July 2016
February 2017

Prepared by: Yaw Owusu, Assistant City Engineer

Recommended by: Morad Fakhrai, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

Attachment I
Attachment II
Attachment III

Resolution
List of Streets & Maps
Bid Summary

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-_____

Introduced by Council Member _____

RESOLUTION APPROVING AWARD OF CONTRACT FOR FY 2016 – PAVEMENT RAHABILITATION PROJECT, PROJECT NO. 05204, TO O’GRADY PAVING, INC.

WHEREAS, by resolution on March 15, 2016, the City Council approved the plans and specifications for the FY 2016 – Pavement Rehabilitation Project, Project No. 05204 and called for bids to be received on April 26, 2016; and

WHEREAS, by Addendum No. 1 the bid opening date was corrected to May 24, 2016, Addendum No. 2 extended the bid opening date to May 31, 2016, and Addendum No. 3 extended the bid opening date to June 3, 2016 which was the final bid opening date.

WHEREAS, on June 3, 2016, three bids were received ranging from \$11,198,918.05 to 12,457,818.30.; O’Grady Paving, Inc., of Mountain View, California submitted the lowest bid in the amount of \$11,198,918.05, which is 3.75% above the Engineer’s Estimate of \$10,794,040; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that O’Grady Paving, Inc., is the lowest responsible bidder whose bid complies with the specifications and is hereby awarded the construction contract for the FY 2016 – Pavement Rehabilitation Project, Project No. 05204, for the amount of \$11,198,918.05, and in accordance with the aforementioned plans and specifications on file in the office of the City Clerk of the City of Hayward; and to award an additional \$2,350,000.00 for potential additional work and contingencies. All other bids are hereby rejected.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the Director of Public Works is authorized to expend up to \$14,405,000 for project design, construction, construction inspection, testing, project administration, and contingency costs to complete the project.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the contract with O’Grady Paving, Inc., in the name of and for and on behalf of the City of Hayward, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

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

**ATTACHMENT II - FY 2016 Pavement Rehabilitation Project
Streets List and Location Map**

No.	Street Name	Begin Location	End Location
1	ADDISON WAY	INDUSTRIAL PARKWAY	END
2	AMERICAN AVENUE	CLAWITER ROAD	NATIONAL AVENUE @ SIGN *
3	ARBOR CREST CIRCLE	SILVERTHRONE	SILVERTHRONE PLACE
4	ARMSTRONG STREET	MAIN STREET	END
5	ARNOLD COURT	ALICE STREET	ALICE STREET
6	ATHERTON STREET	D STREET	END
7	B STREET	GRAND AVE	MEEKLAND AVE *
8	BANBURY ST	WILLIMET WAY	BROADMORE AVE *
9	BANBURY ST	BROADMORE AVE	SANTA CLARA *
10	BERRY AVENUE	SILVERTHRONE PLACE	COUNTY CHANNEL
11	BOCA RATON COURT	BOCA RATON STREET	END
12	BOCA RATON STREET	SPEEYHOLLOW AVENUE	SCHOOL ENTRANCE
13	BOCA RATON STREET	CONTESSA STREET	SLEEPY HOLLOW AVENUE
14	BRAE BURN AVENUE	ROUSSEAU STREET	GRESEL STREET
15	BRAE BURN AVENUE	WHEELON AVENUE	GRESEL STREET
16	BROADWAY ST	MISSION BLVD	E 16TH ST *
17	CAPRI AVENUE	PORTSMOUTH AVENUE	W TENNYSON ROAD
18	CARLOS BEE BLVD	OVERLOOK AVE	HAYWARD BLVD *
19	CHESTERFIELD COURT	OLYMPIC AVENUE	CUL-DE-SAC (END)
20	CORONADO STREET	FLORIDA STREET	ORLANDO AVENUE
21	DAHILL LANE	LINDEN STREET	END
22	DAHILL LANE	LINDEN STREET	LINDEN STREET
23	DAVIS AVE	CABOT BLVD	FORBES AVE *
24	DAVIS CT	FORBES AVE	END *
25	DECATUR WAY	EVERGLADE STREET	MIAMI AVENUE *
26	DOWNEN PL	SANTA CLARA ST	MACKENZIE PL *
27	E 10TH STREET	JEFFERSON STREET	CUL DE SAC (END)
28	E 15TH ST	WEBSTER ST	CALHOUN ST *
29	EUGENIA AVE	HESSE DR	TULIP AVE *
30	FARMHILL DRIVE	DOBBEL AVENUE	PINEWOOD DRIVE
31	FRANCISCO STREET	WILLIS AVENUE	D STREET
32	FREITAS DRIVE	PEYTON DRIVE	RAYMOND DRIVE
33	HARRIS CT	TYRELL AVE	END *
34	HARRIS RD	TYRELL AVE	MANON AVE *
35	HAYWARD BOULEVARD	FARMHILL DRIVE	SKYLINE DRIVE
36	HEMMINGWAY COURT	SPENCER LANE	CUL-DE-SAC (END)
37	HESPERIAN FRONTAGE ROAD	PHILLIPS WAY	POLE #20550
38	HOLYOKE AVENUE	SPALDING STREET	BRANAUGH COURT
39	HOLYOKE AVENUE	BRANAUGH COURT	MEDITERRANEAN AVENUE
40	IRONWOOD COURT	DEPOT ROAD	END

* NEW STREET SEGMENT ADDED AFTER MARCH 15, 2016 CITY COUNCIL MEETING (41 TOTAL NEW STREET SEGMENTS).

**ATTACHMENT II - FY 2016 Pavement Rehabilitation Project
Streets List and Location Map**

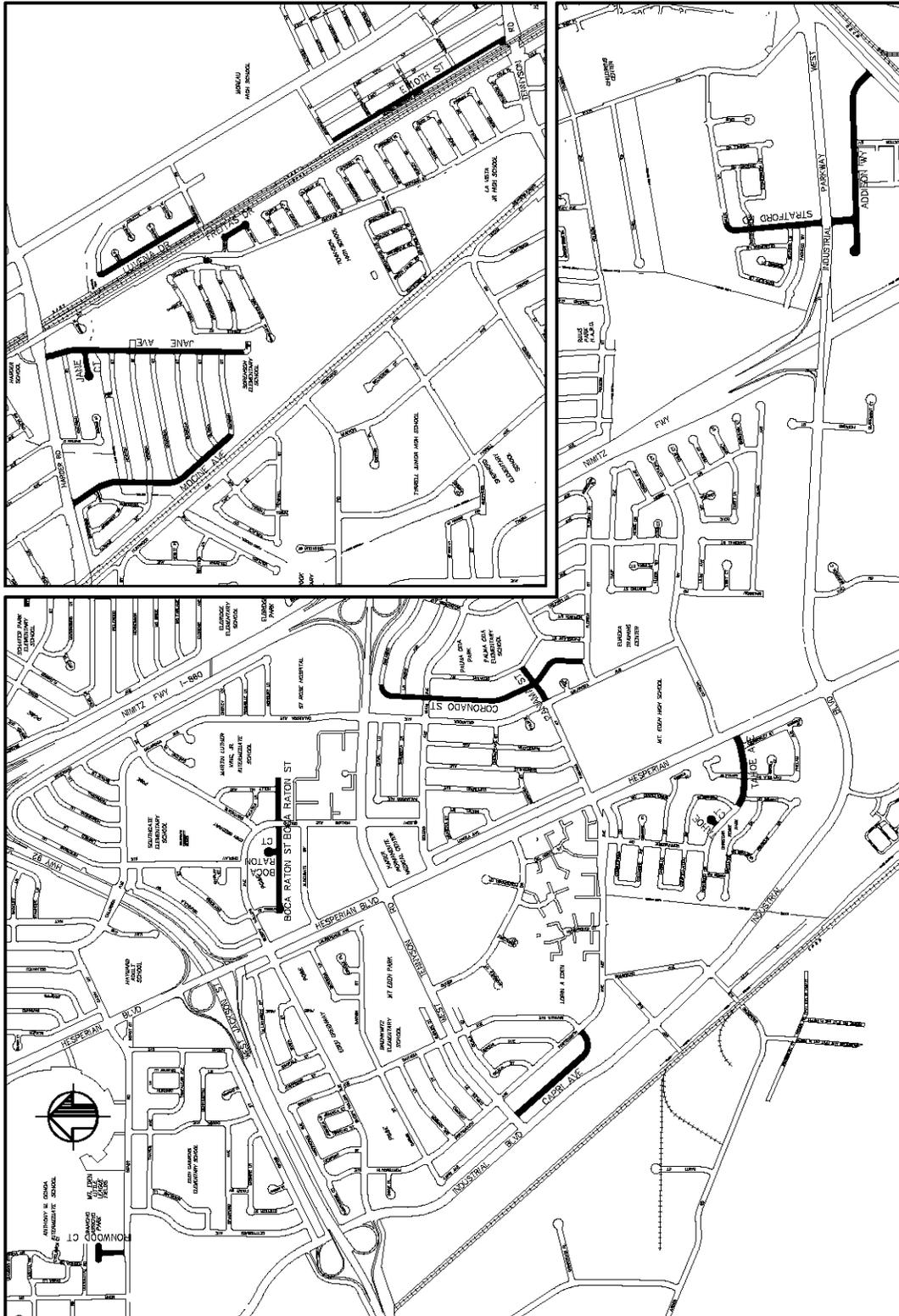
No.	Street Name	Begin Location	End Location
41	JANE A VENUE	STEEL STREET	HARDER ROAD
42	JANE COURT	JANE AVENUE	IN BULB (CUL-DE-SAC)
43	KELLOGG AVE	MISSION BLVD	CALHOUN ST *
44	LA MESA DRIVE	RESERVOIR (STRUCTURE)	EL PORTAL DRIVE
45	LA MESA DRIVE	FARMHILL DRIVE	RESEVOIR (STRUCTURE)
46	LA MESA DRIVE	EL PORTAL DRIVE	SKYLINE DRIVE
47	LILLA ROAD	SEQUOIA ROAD	LONGWOOD AVENUE
48	LINDEN ST	B ST	DAHILL LN *
49	LINDEN ST	DAHILL LN	DAHILL LN *
50	LUVENA DRIVE	SORENSEN ROAD	COLETTE STREET
51	MARIN AVENUE	HESPERIAN BOULEVARD FRONTAGE ROAD	VICTORY DRIVE
52	MCKEEVER AVENUE	MAIN STREET	MAPLE COURT
53	MEDITERRANEAN AVENUE	CHANCE STREET	TAYLOR AVENUE *
54	MEDITERRANEAN AVENUE	TAYLOR AVENUE	SOUTHWEST OF VENTNOR
55	MEDITERRANEAN AVENUE	VENTNOR COURT	HOLYOKE AVENUE
56	MERRITT LANE	KAY AVENUE	LINDENWOOD WAY
57	MOCINE AVENUE	GOODWIN STREET	HARDER ROAD
58	MORNINGSIDE DRIVE	TAHOE AVENUE	ARF AVENUE *
59	NATIONAL AVENUE	AMERICAN AVENUE @ SIGN	CLAWITER ROAD *
60	OCALA ST	PORTSMOUTH AVE	END *
61	OTTER COURT	FALLBROOK DRIVE	END
62	PANAMA STREET	CALAROGA AVENUE	DECATUR WAY
63	PIONEER AVENUE	MISTLETOE DRIVE	KIRKWOOD DRIVE *
64	PLEASANT HILL COURT	ROUNDHILL DRIVE	CUL DE SAC (END) *
65	POPPYWOOD COURT	SILVERTHRONE PLACE	END
66	PRESTWICK AVE	FAIRWAY ST	NASSAU LN *
67	PRESTWICK STREET	ROUSSEAU STREET	FAIRWAY STREET *
68	PRESTWICK STREET	NASSAU LANE	ST ANDREWS STREET *
69	ROMEY LANE	UPLAND WAY	LORAND WAY
70	ROUNDHILL DRIVE	NORTH ENTRANCE FROM FARM HILL	35 FEET WEST OF FALLEN LEAF COURT *
71	ROUNDHILL DRIVE	35 FEET WEST/OF FALLEN LEAF COURT	78 FEET SOUTHWEST OF HARVEST COURT *
72	ROUNDHILL DRIVE	78 FEET SOUTHWEST OF HARVEST COURT	SOUTH ENTRANCE FROM FARM HILL *
73	ROUSSEAU STREET	BRAE BURN AVENUE	MISSION BOULEVARD
74	SANDOVAL WAY	HUNTWOOD AVENUE	PAVEMENT CHANGE AT 651 SANDOVAL WAY
75	SEAVER CT	SEAVER ST	CUL DE-SAC *
76	SEAVER ST	CATHY WY	BARNARD ST *
77	SEAVER ST	BARNARD ST	FRY LN *

* NEW STREET SEGMENT ADDED AFTER MARCH 15, 2016 CITY COUNCIL MEETING (41 TOTAL NEW STREET SEGMENTS).

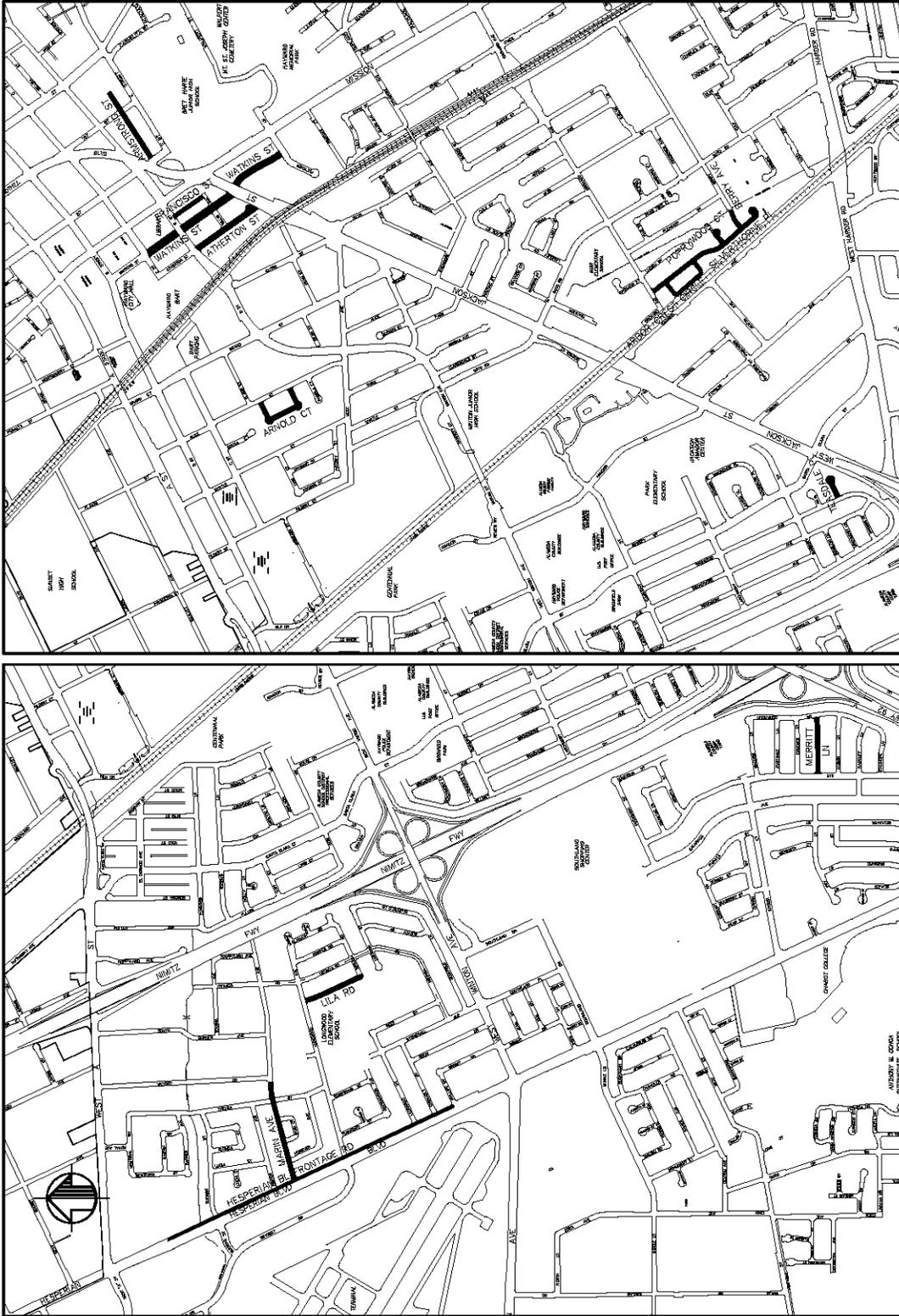
**ATTACHMENT II - FY 2016 Pavement Rehabilitation Project
Streets List and Location Map**

78	SHERIDAN LN	THAIS LN	GADING RD *
79	SILVERTHRONE PLACE	ORCHARD AVENUE	END
No.	Street Name	Begin Location	End Location
80	SPALDING STREET	TAYLOR AVENUE	HOLYOKE AVENUE
81	SPENCER LANE	DOBBEL AVENUE	HAYWARD BOULEVARD *
82	STONEHAVEN COURT	TAYLOR AVENUE	END
83	STRATFORD ROAD	RUUS LANE	INDUSTRIAL PARKWAY
84	STRATFORD ROAD	INDUSTRIAL PARKWAY	ADDISON WAY
85	TAHOE AVENUE	HESPERIAN BOULEVARD	PEACHTREE DRIVE
86	TAHOE AVENUE	100 FEET EAST OF CABRINI DRIVE	MORNINGSIDE DRIVE *
87	TAHOE COURT	TAHOE AVENUE	END (CUL-DE-SAC)
88	TAYLOR AVENUE	INDUSTRIAL PARKWAY	MEDITERRANEAN AVENUE
89	TAYLOR AVENUE	MEDITERRANEAN AVENUE	FOLSOM AVENUE
90	TEASDALE PLACE	TOWNSEND AVENUE	CUL DE-SAC (END)
91	TOWNSEND AVENUE	LARCHMONT STREET	WILLIMET WAY *
92	TOWNSEND AVENUE	ELMHURST STREET	LARCHMONT STREET *
93	TRAFALGAR ST	THAYER AVE	ADRIAN AVE *
94	WATKINS STREET	JACKSON STREET	C STREET
95	WATKINS STREET	FLETCHER LANE	JACKSON STREET
96	WHEELON AVENUE	BRAE BURN AVENUE	REVERE AVENUE
97	WILLIMET WAY	AT END NORTH OF BROADMORE AVENUE	LARCHMONT STREET *
98	WILLIMET WAY	LARCHMONT STREET	TOWNSEND AVENUE *
99	WOODACRE AVENUE	BANBURY STREET	ELMHURST STREET *

* NEW STREET SEGMENT ADDED AFTER MARCH 15, 2016 CITY COUNCIL MEETING (41 TOTAL NEW STREET SEGMENTS).



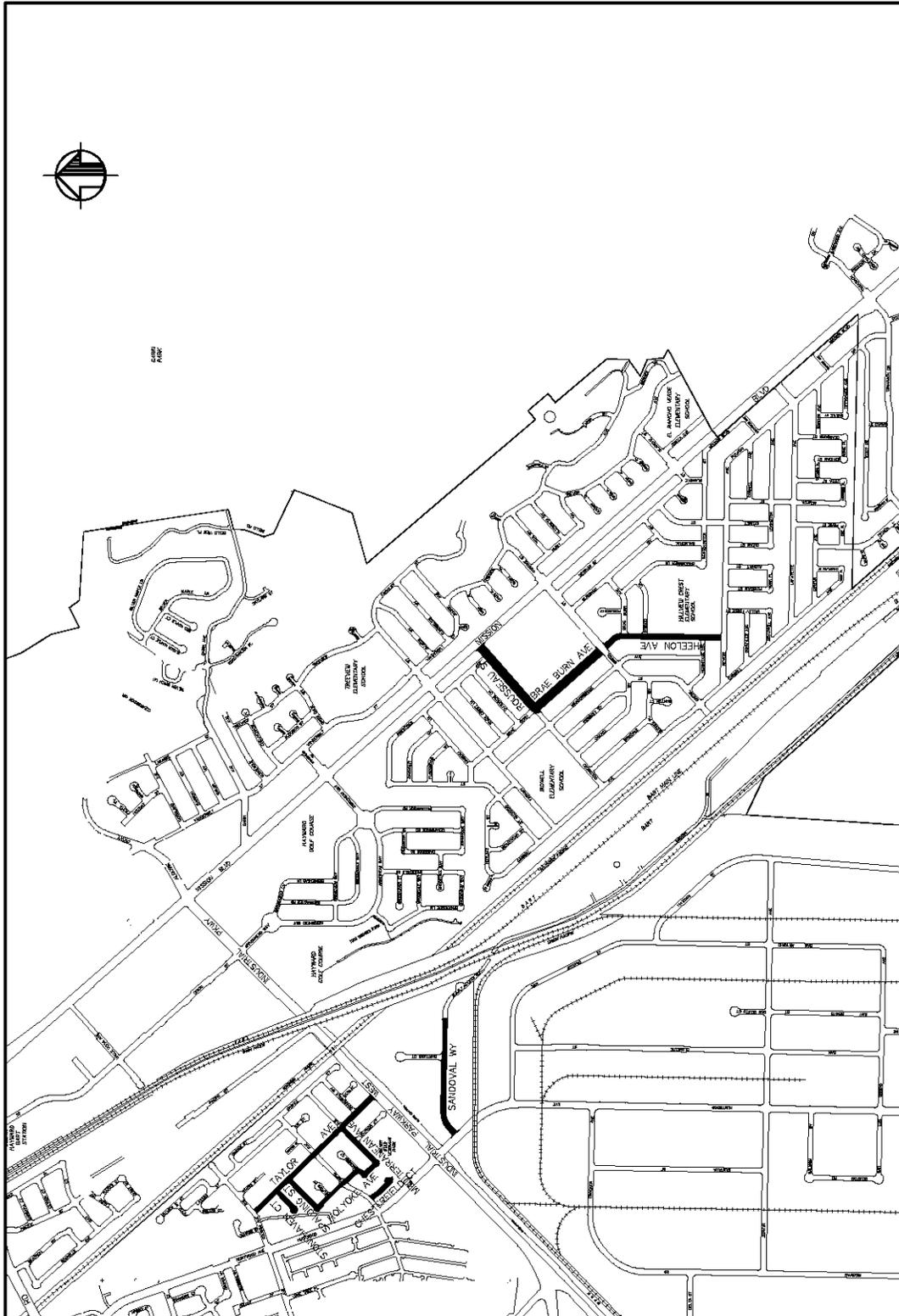
LOCATION MAP
FY2016 PAVEMENT REHABILITATION PROJECT



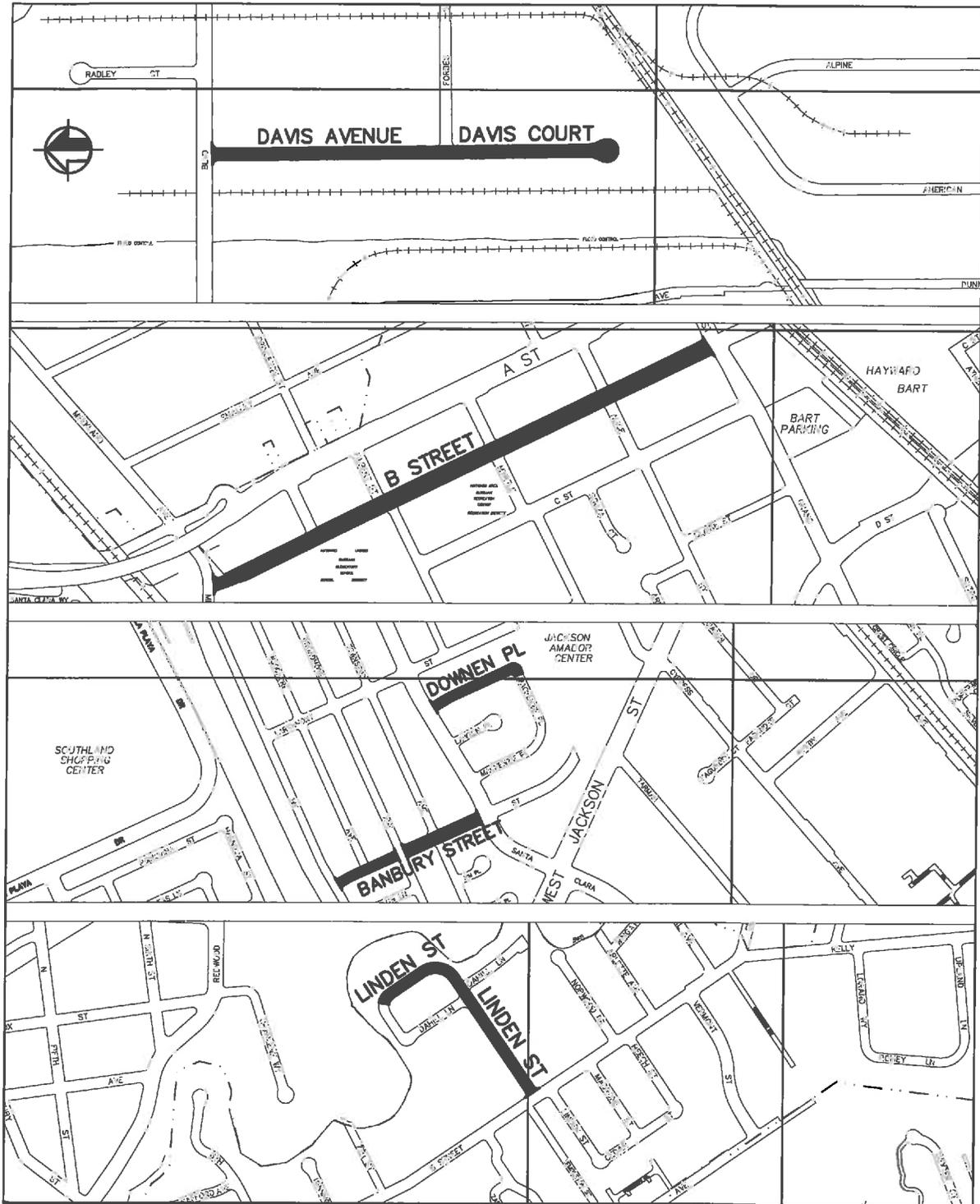
**LOCATION MAP
FY2016 PAVEMENT REHABILITATION PROJECT**



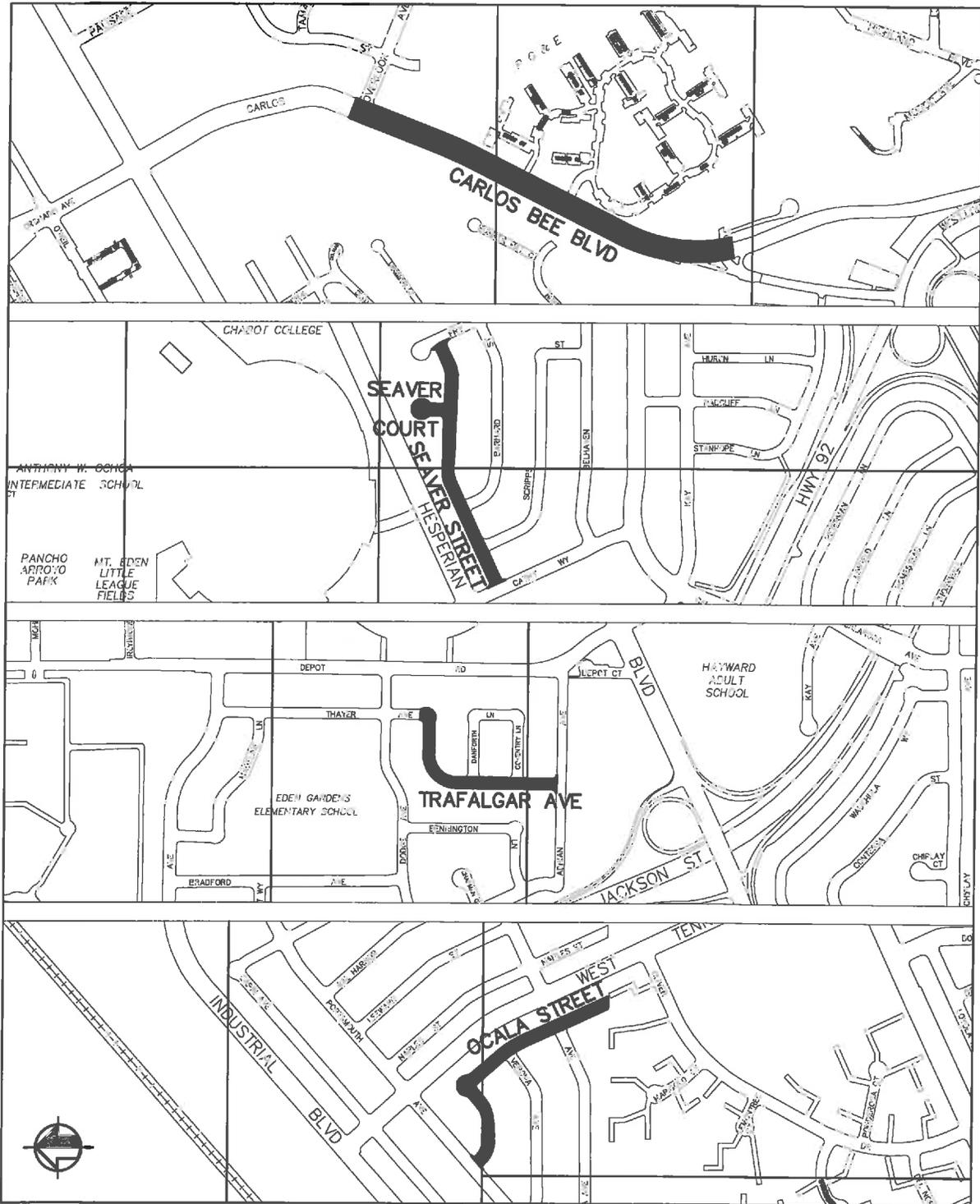
**LOCATION MAP
FY2016 PAVEMENT REHABILITATION PROJECT**



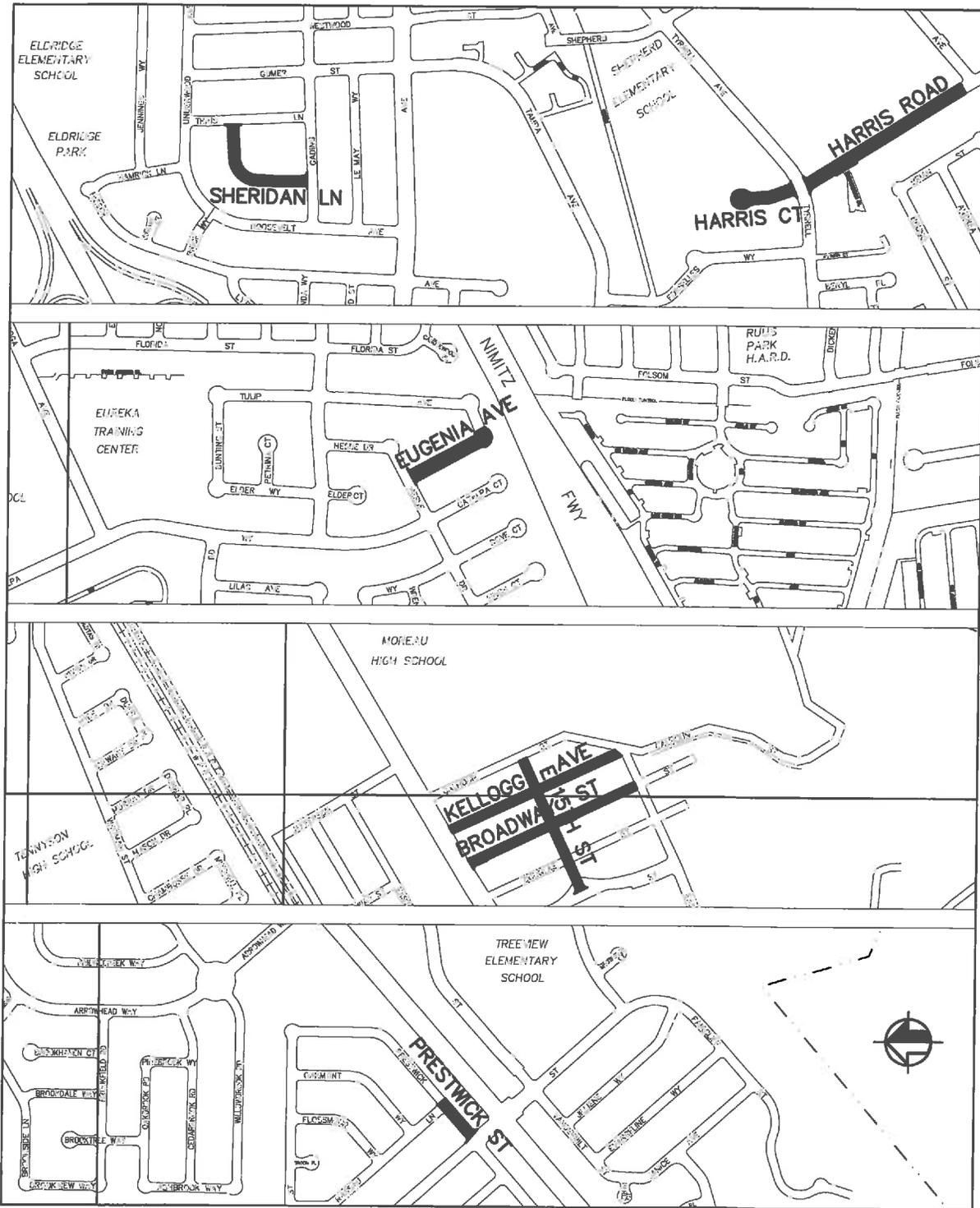
LOCATION MAP
FY2016 PAVEMENT REHABILITATION PROJECT



**LOCATION MAP
FY2016 PAVEMENT REHABILITATION PROJECT**



**LOCATION MAP
FY2016 PAVEMENT REHABILITATION PROJECT**



**LOCATION MAP
FY2016 PAVEMENT REHABILITATION PROJECT**

BID SUMMARY				ENGINEER'S ESTIMATE		O'Grady Paving, Inc. 2513 Wyandotte Street Mountain View, CA 94043 (650) 966-1926 (650) 966-1946 FAX		DeSilva-Gates Construction 11555 Dublin Blvd Dublin, CA 94568 (925) 829-9220 (925) 803-4263 FAX		Teichert Construction 400 Sunrise Ave, Suite #300 Roseville, CA 95661 (916) 757-6400 (916) 757-6499 FAX	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
36	5429	LF	STRIPING DETAIL # 10 (MARKERS)	\$2.00	\$10,858.00	\$0.65	\$3,528.85	\$1.00	\$5,429.00	\$0.80	\$4,343.20
37	3398	LF	STRIPING DETAIL # 21 (THERMOPLASTIC)	\$1.50	\$5,097.00	\$0.90	\$3,058.20	\$1.00	\$3,398.00	\$1.60	\$5,436.80
38	3930	LF	STRIPING DETAIL # 22 (THERMOPLASTIC) & MARKERS	\$2.00	\$7,860.00	\$1.10	\$4,323.00	\$1.00	\$3,930.00	\$1.60	\$6,288.00
39	4408	LF	STRIPING DETAIL # 23 MARKERS	\$1.50	\$6,612.00	\$1.00	\$4,408.00	\$1.00	\$4,408.00	\$1.60	\$7,052.80
40	105	LF	STRIPING DETAIL # 26 MARKERS	\$1.50	\$157.50	\$0.50	\$52.50	\$1.00	\$105.00	\$0.20	\$21.00
41	5068	LF	STRIPING DETAIL # 27B (THERMOPLASTIC)	\$1.50	\$7,602.00	\$0.45	\$2,280.60	\$0.50	\$2,534.00	\$0.65	\$3,294.20
42	358	LF	STRIPING DETAIL # 28 (THERMOPLASTIC)	\$2.00	\$716.00	\$0.90	\$322.20	\$1.00	\$358.00	\$3.15	\$1,127.70
43	400	LF	STRIPING DETAIL # 29 (THERMOPLASTIC) & MARKERS	\$2.25	\$900.00	\$1.10	\$440.00	\$1.00	\$400.00	\$3.15	\$1,260.00
44	184	LF	STRIPING DETAIL # 30 (THERMOPLASTIC)	\$2.50	\$460.00	\$1.10	\$202.40	\$1.00	\$184.00	\$3.15	\$579.60
45	1330	LF	STRIPING DETAIL # 32 (THERMOPLASTIC) & MARKERS	\$2.50	\$3,325.00	\$1.10	\$1,463.00	\$1.00	\$1,330.00	\$3.15	\$4,189.50
46	900	LF	STRIPING DETAIL # 38 (THERMOPLASTIC) & MARKERS	\$2.50	\$2,250.00	\$1.00	\$900.00	\$1.00	\$900.00	\$1.60	\$1,440.00
47	895	LF	STRIPING DETAIL # 38A (THERMOPLASTIC)	\$2.50	\$2,237.50	\$1.00	\$895.00	\$1.00	\$895.00	\$1.60	\$1,432.00
48	5942	LF	STRIPING DETAIL # 39 (THERMOPLASTIC)	\$1.50	\$8,913.00	\$0.70	\$4,159.40	\$0.50	\$2,971.00	\$0.80	\$4,753.60
49	160	LF	STRIPING DETAIL # 39A (THERMOPLASTIC)	\$2.00	\$320.00	\$0.70	\$112.00	\$0.50	\$80.00	\$0.55	\$88.00
50	2560	SF	PREFORMED GREEN PAVEMENT THERMOPLASTIC PANEL FOR BIKE LAN	\$10.50	\$26,880.00	\$12.00	\$30,720.00	\$10.00	\$25,600.00	\$15.10	\$38,656.00
51	46	EA	PREFORMED GREEN PAVEMENT THERMOPLASTIC PANEL WITH BIKE LANE RIDER SYMBOL	\$650.00	\$29,900.00	\$500.00	\$23,000.00	\$400.00	\$18,400.00	\$365.00	\$16,790.00
52	46	EA	PREFORMED GREEN PAVEMENT THERMOPLASTIC PANEL WITH BIKE LANE ARROW	\$675.00	\$31,050.00	\$500.00	\$23,000.00	\$400.00	\$18,400.00	\$365.00	\$16,790.00
53	116	EA	SHARED LANE MARKINGS (BIKE)	\$100.00	\$11,600.00	\$100.00	\$11,600.00	\$70.00	\$8,120.00	\$52.10	\$6,043.60
54	9301	LF	PAVEMENT CRACK SEALING	\$2.50	\$23,252.50	\$2.00	\$18,602.00	\$1.00	\$9,301.00	\$1.75	\$16,276.75
55	20	EA	CONSTRUCTION PROJECT FUNDING SIGN	\$500.00	\$10,000.00	\$400.00	\$8,000.00	\$200.00	\$4,000.00	\$200.00	\$4,000.00
56	1	LS	RECYCLING IMPLEMENTATION	\$25,000.00	\$25,000.00	\$1,000.00	\$1,000.00	\$500.00	\$500.00	\$32,000.00	\$32,000.00
57	33840	SY	MICRO-SURFACING, TYPE III	\$6.00	\$203,040.00	\$3.40	\$115,056.00	\$2.50	\$84,600.00	\$2.94	\$99,489.60
58	1	LS	PALMA CEIA PARKING LOT REPAIR	\$50,000.00	\$50,000.00	\$45,000.00	\$45,000.00	\$30,000.00	\$30,000.00	\$32,000.00	\$32,000.00
59	41144	SY	CITY OF HAYWARD CORPORATION YARD (MICRO-SURFACING, TYPE	\$10.00	\$411,440.00	\$4.00	\$164,576.00	\$2.50	\$102,860.00	\$3.45	\$141,946.80
TOTAL BID AMOUNT:					\$10,794,040.75		\$11,198,918.05		\$11,458,679.00		\$12,457,818.30

BID SUMMARY				ENGINEER'S ESTIMATE		O'Grady Paving, Inc. 2513 Wyandotte Street Mountain View, CA 94043 (650) 966-1926 (650) 966-1946 FAX		DeSilva-Gates Construction 11555 Dublin Blvd Dublin, CA 94568 (925) 829-9220 (925) 803-4263 FAX		Teichert Construction 400 Sunrise Ave, Suite #300 Roseville, CA 95661 (916) 757-6400 (916) 757-6499 FAX	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	MOBILIZATION	\$550,000.00	\$550,000.00	\$200,000.00	\$200,000.00	\$1,100,000.00	\$1,100,000.00	\$625,000.00	\$625,000.00
2	1	LS	TRAFFIC CONTROL	\$350,000.00	\$350,000.00	\$215,000.00	\$215,000.00	\$650,000.00	\$650,000.00	\$2,070,900.00	\$2,070,900.00
3	102,931	SY	COLD IN-PLACE RECYCLING (CIR), 2"	\$7.00	\$720,517.00	\$12.00	\$1,235,172.00	\$11.00	\$1,132,241.00	\$7.60	\$782,275.60
4	66,502	SY	COLD IN-PLACE RECYCLING (CIR), 3"	\$8.00	\$532,016.00	\$13.00	\$864,526.00	\$11.00	\$731,522.00	\$8.90	\$591,867.80
5	22,442	SY	FULL DEPTH RECLAMATION (FDR), 8"	\$12.00	\$269,304.00	\$19.00	\$426,398.00	\$15.00	\$336,630.00	\$15.20	\$341,118.40
6	174,381	SY	HOT IN-PLACE RECYCLING (HIR), 2"	\$5.75	\$1,002,690.75	\$5.50	\$959,095.50	\$5.00	\$871,905.00	\$5.40	\$941,657.40
7	1,170	TN	4" FULL DEPTH HMA SPOT REPAIR (4" EXCAVATION WITH 4" HMA) OR 6" FULL DEPTH HMA SPOT REPAIR (6" EXCAVATION WITH 6" HMA)	\$100.00	\$117,000.00	\$182.00	\$212,940.00	\$140.00	\$163,800.00	\$180.00	\$210,600.00
8	129,015	SY	PLANE PAVEMENT (WEDGE GRINDING)	\$2.75	\$354,791.25	\$2.50	\$322,537.50	\$3.00	\$387,045.00	\$2.30	\$296,734.50
9	7,513	SY	PLANE PAVEMENT 2" DEPTH, FULL WIDTH	\$4.00	\$30,052.00	\$3.25	\$24,417.25	\$3.00	\$22,539.00	\$3.00	\$22,539.00
10	41,950	TN	HOT MIX ASPHALT (HMA), TYPE A.OVERLAY, 2"	\$90.00	\$3,775,500.00	\$87.00	\$3,649,650.00	\$76.00	\$3,188,200.00	\$85.00	\$3,565,750.00
11	964	TN	HOT MIX ASPHALT (HMA) (LEVELING)	\$100.00	\$96,400.00	\$100.00	\$96,400.00	\$86.00	\$82,904.00	\$90.00	\$86,760.00
12	34,682	SY	PAVEMENT REINFORCING FABRIC	\$2.50	\$86,705.00	\$2.30	\$79,768.60	\$2.00	\$69,364.00	\$2.10	\$72,832.20
13	11,600	SF	CONSTRUCT ADA RAMP	\$18.00	\$208,800.00	\$29.00	\$336,400.00	\$20.00	\$232,000.00	\$28.00	\$324,800.00
14	112	EA	UPGRADE EXISTING ADA RAMP	\$4,250.00	\$476,000.00	\$6,300.00	\$705,600.00	\$4,000.00	\$448,000.00	\$6,000.00	\$672,000.00
15	163	EA	RETROFIT DETECTABLE WARNING SURFACE	\$1,200.00	\$195,600.00	\$1,630.00	\$265,690.00	\$700.00	\$114,100.00	\$1,500.00	\$244,500.00
16	387	EA	ADJUST MANHOLE FRAME & COVER TO GRADE	\$900.00	\$348,300.00	\$900.00	\$348,300.00	\$1,500.00	\$580,500.00	\$1,100.00	\$425,700.00
17	593	EA	ADJUST WATER VALVE BOX & COVER TO GRADE	\$500.00	\$296,500.00	\$600.00	\$355,800.00	\$900.00	\$533,700.00	\$550.00	\$326,150.00
18	282	EA	ADJUST SURVEY MONUMENT BOX & COVER TO GRADE	\$500.00	\$141,000.00	\$600.00	\$169,200.00	\$900.00	\$253,800.00	\$700.00	\$197,400.00
19	64	EA	ADJUST SEWER RISER BOX & COVER TO GRADE	\$750.00	\$48,000.00	\$600.00	\$38,400.00	\$900.00	\$57,600.00	\$775.00	\$49,600.00
20	14	EA	REMOVE EXISTING ASPHALT CONCRETE SPEED BUMP	\$2,500.00	\$35,000.00	\$1,000.00	\$14,000.00	\$500.00	\$7,000.00	\$830.00	\$11,620.00
21	1	EA	REMOVE EXISTING RUBBERIZED SURFACE MOUNTED SPEED LUMP	\$750.00	\$750.00	\$1,000.00	\$1,000.00	\$700.00	\$700.00	\$525.00	\$525.00
22	15	EA	RUBBERIZED SURFACE MOUNTED SPEED LUMP	\$10,000.00	\$150,000.00	\$7,000.00	\$105,000.00	\$5,000.00	\$75,000.00	\$2,950.00	\$44,250.00
23	36	EA	TRAFFIC DETECTOR LOOP	\$300.00	\$10,800.00	\$500.00	\$18,000.00	\$400.00	\$14,400.00	\$400.00	\$14,400.00
24	139	SF	RECONSTRUCT PCC VALLEY GUTTER	\$35.00	\$4,865.00	\$23.00	\$3,197.00	\$20.00	\$2,780.00	\$27.00	\$3,753.00
25	2	EA	PRUNE TREE ROOT	\$1,000.00	\$2,000.00	\$1,000.00	\$2,000.00	\$1,000.00	\$2,000.00	\$4,000.00	\$8,000.00
26	201	EA	BLUE RETROREFLECTIVE FIRE HYDRANT PAVEMENT MARKER	\$15.00	\$3,015.00	\$25.00	\$5,025.00	\$20.00	\$4,020.00	\$10.50	\$2,110.50
27	5023	SF	THERMOPLASTIC PAVEMENT MARKINGS	\$5.00	\$25,115.00	\$3.80	\$19,087.40	\$3.00	\$15,069.00	\$3.70	\$18,585.10
28	2348	LF	4" THERMOPLASTIC TRAFFIC STRIPE (WHITE)	\$1.25	\$2,935.00	\$0.45	\$1,056.60	\$0.50	\$1,174.00	\$0.55	\$1,291.40
29	1109	LF	4" THERMOPLASTIC TRAFFIC STRIPE (YELLOW)	\$1.25	\$1,386.25	\$0.45	\$499.05	\$1.00	\$1,109.00	\$0.55	\$609.95
30	8208	LF	6" THERMOPLASTIC TRAFFIC STRIPE (WHITE)	\$1.25	\$10,260.00	\$0.70	\$5,745.60	\$0.50	\$4,104.00	\$0.80	\$6,566.40
31	7722	LF	12" WHITE CROSSWALK/LIMIT LINE (THERMOPLASTIC)	\$4.00	\$30,888.00	\$3.40	\$26,254.80	\$3.00	\$23,166.00	\$3.40	\$26,254.80
32	7084	LF	12" YELLOW CROSSWALK/LIMIT LINE (THERMOPLASTIC)	\$4.50	\$31,878.00	\$3.40	\$24,085.60	\$3.00	\$21,252.00	\$3.40	\$24,085.60
33	3596	LF	STRIPING DETAIL # 1 (THERMOPLASTIC)	\$1.50	\$5,394.00	\$0.45	\$1,618.20	\$0.50	\$1,798.00	\$0.55	\$1,977.80
34	389	LF	STRIPING DETAIL # 2 (THERMOPLASTIC) & MARKERS	\$2.00	\$778.00	\$0.70	\$272.30	\$1.00	\$389.00	\$0.55	\$213.95
35	165	LF	STRIPING DETAIL # 8 (THERMOPLASTIC)	\$2.00	\$330.00	\$0.50	\$82.50	\$1.00	\$165.00	\$0.55	\$90.75



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-336

DATE: June 21, 2016

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Agreement for the Purchase and Sale of Real Property located at B Street and Meekland Avenue between the City of Hayward and Three Cedars, LLC.

RECOMMENDATION

That Council approves the sale of certain real property located at B Street and Meekland Avenue for a proposed development by Three Cedars, LLC, and adopts the attached resolution (Attachment 1) authorizing the City Manager to negotiate and execute an Agreement for Purchase and Sale of Real Property evidencing such transaction contingent on California Environmental Quality Act compliance (CEQA).

BACKGROUND

In 1981, the City acquired parcels along A Street for the A Street grade separation over the Southern Pacific Railroad. The developer is requesting to purchase 2,598 square feet of surplus property of one of these parcels. In 2005, the City realigned B Street and Meekland Avenue as part of the Cannery development project. The City vacated a portion of B Street and Meekland Avenue per Resolution 05-012, which the developer is also requesting to purchase. The area of the vacation is 5,783 square feet. The total square footage of the purchase is 8,381.

DISCUSSION

Staff reached a tentative agreement with Three Cedars for the sale of the above property. The agreement is contingent upon City approval of their project and associated tentative Parcel map as well as CEQA compliance.

The proposal will likely result in the development of four (4) single family homes. However, without actual ownership of the property, investment in the studies and preliminary work necessary to put the Developer's proposal in a form which would allow for a meaningful review under CEQA is premature. Accordingly, to allow for the Developer to invest in the preliminary work needed to form a reviewable project, staff worked on achieving a tentative agreement for the sale contingent on the required approvals.

FISCAL IMPACT

The agreed upon purchase price is set at \$20.00 per square foot for approximately 8,381 square feet for a total of \$167,620. As the original intent for purchase of the City properties was to benefit street improvements, staff recommends the proceeds be deposited into the Street System Improvement Fund for future roadway improvement projects.

PUBLIC CONTACT

The proposed development project will go through the standard public notice process, including a Planning Commission meeting for the required approvals.

Prepared by: Brian Spore, Surveyor

Recommended by: Morad Fakhrai, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

Attachment I

Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY LOCATED AT B STREET AND MEEKLAND AVENUE BETWEEN THE CITY OF HAYWARD AND THREE CEDARS, LLC.

WHEREAS, the City owns real property located at B Street and Meekland Avenue in the City of Hayward, County of Alameda, State of California; and

WHEREAS, Three Cedars, LLC (the “Developer”) proposes to develop the property with four single family homes; and

WHEREAS, the City desires to enter into a purchase and sale agreement with the developer, pursuant to which the City would sell the parcels to the developer for \$20.00 per square foot for approximately 8,382 square feet for a total of \$167,620, and the developer would develop the project on the site; and

WHEREAS, pursuant to Government Code section 37350, the City has the authority to dispose of its property for the common benefit of the City

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to negotiate and execute a purchase and sale agreement, and any other documents as may be reasonably necessary to consummate this transaction, with Three Cedars, LLC, for the disposition and development of the real property, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

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

Staff Report

File #: CONS 16-337

DATE: June 21, 2016

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201504833 Relating to a Residential Development at the Northeastern Corner of Olympic Avenue and Huntwood Avenue

RECOMMENDATION

That the Council adopts the Ordinance introduced on June 14, 2016.

BACKGROUND

The Ordinance was introduced by Council Member Zermeño at the June 14, 2016 meeting of the City Council with the following vote:

AYES:	Council Members: Zermeño, Mendall, Jones, Peixoto, Lamnin, Márquez Mayor Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

The summary of the Ordinance was published in the Hayward Daily Review on Friday, June 17, 2016. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

Fran David, City Manager

Attachments:

Attachment I Summary of Ordinance Published on 6/17/2016

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

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN PROPERTY IN CONNECTION WITH ZONE CHANGE APPLICATION NO. 201504833 RELATING TO A RESIDENTIAL DEVELOPMENT AT THE NORTHEASTERN CORNER OF OLYMPIC AVENUE AND HUNTWOOD AVENUE

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

Section 1. Rezoning.

Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to rezone the properties located at the northeastern corner of Olympic and Huntwood Avenues (APNs. 465-0055-012-03; 465-0055-013; 465-0070-019; and 465-0071-00) from Single Family (RS) Residential District with a Special Lot Combining District (B4), to Planned Development (PD) District.

Section 2. Severance.

Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided the remainder of the ordinance, absent the excised portion, can be reasonable interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

This ordinance shall become effective immediately upon adoption.

Introduced at the special meeting of the Hayward City Council held June 14, 2016, the above-entitled Ordinance was introduced by Council Member Zermeño.

This Ordinance will be considered for adoption at the special meeting of the Hayward City Council, to be held on June 21, 2016, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: June 17, 2016
Miriam Lens, City Clerk
City of Hayward



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-345

DATE: June 21, 2016

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Downtown Business Improvement Area Annual Report and Proposed Budget for FY 2017

RECOMMENDATION

That the City Council adopts a resolution accepting the Annual Report and declaring intention not to levy annual charges for the Downtown Hayward Business Improvement Area (DBIA) for Fiscal Year 2017.

BACKGROUND

Hayward's Downtown Business Improvement Area (DBIA) was established by the City Council in 1985. The DBIA's purpose is to promote the economic revitalization and physical improvement of the downtown business district and to attract new businesses to the downtown. Funding for the DBIA is direct from business owners collected through the City Business License.

Historically, the DBIA funds received were coupled with financial support from the Hayward Redevelopment Agency and were used to promote and improve Downtown Hayward. With the State of California's decision to eliminate Redevelopment Agencies in 2012, DBIA funding was essentially reduced by fifty percent and greatly reduced the program effectiveness. Coupled with the downturn in the economy, annual DBIA fee assessments have been averaging \$43,000 for the last four years and collected funds were directed to select services which included sidewalk cleaning, special event funding, and marketing. Administrative support of the DBIA has been handled through the City Manager's Office and staff time and resources to administer the collected DBIA funds has reduced time available for other priority programs.

The City is evaluating a Community Benefit District (CBD) to provide necessary funding to support the downtown. The project is still underway and the City is evaluating district boundaries and continues to outreach to property owners. By providing a stable source of revenue derived from property owners, including the City and Bay Area Rapid Transit, funding generated could provide for the desired services to improve the downtown including sidewalk cleaning, security, marketing, and special events.

Understanding that the City and DBIA are potentially moving away from assessing businesses, the DBIA Advisory Board made the decision to spend down the remaining DBIA fund balance held in reserve.

The DBIA's Annual Report and Proposed Budget for FY 2017 are included as Attachment II. Mandated by State legislation, the Annual Report is required to discuss a variety of topics concerning boundaries, levy rates, business classifications, recommended funding from the DBIA levy, and other sources. It also recommends the DBIA activities for the upcoming fiscal year.

DISCUSSION

Since the elimination of the Redevelopment Agency support in 2012, the DBIA funding and program effectiveness has been greatly reduced, creating a question of long term viability of the DBIA and its funding and administration structure. The Downtown remains a focal point of City activity; however its current needs in terms of marketing, maintenance, cleanliness, and hosting of community events is far greater than the DBIA assessments and funding capacity.

All administrative activities of the DBIA are administered through the City from the General Fund. Current activities of supporting the DBIA include: DBIA assessments and collections, administration and legal review of service contracts, DBIA Advisory Board quarterly meetings and special meetings, and fulfillment of regulatory requirements of the DBIA. Given the activities and funding level of the DBIA, City staff resources allocated to the collection and administration of the very limited annual DBIA revenues has become a strain on limited City resources.

In 2016, the City Council suspended collection of fees for 2016 in order to spend down reserves. The DBIA still has operational reserves and through discussions with the DBIA Advisory Board and current activities for the potential formation of the Community Benefit District, staff is recommending approval of the below 2017 budget and suspension of the Annual Downtown Business Improvement Area fees and annual Public Hearing to set levy amounts. The suspension of levying fees for the DBIA for next year will likely wind down activities of the DBIA in 2018 allowing the City and Downtown Property owners to determine if the CBD is a desired approach to address the needs of the Downtown. If the CBD approach is determined not a desired approach, then the City would re-evaluate the DBIA assessment during its next scheduled annual report

FISCAL AND ECONOMIC IMPACT

The Business Improvement Area exists to help create the conditions that support a robust downtown economy. The DBIA mission/vision statement is: "To create a safe, clean, and inviting downtown environment that supports existing businesses, attracts new businesses, and increases the number of downtown visitors."

As discussed above, the cost to levy, collect and administer the DBIA funds is handled through existing City staff. No administration fees or costs for services are charged to the DBIA. A fully burdened cost benefit analysis has not been prepared, but given the staff time supporting DBIA assessments and collections, administration and legal review of service contracts, DBIA Advisory Board quarterly meetings and special meetings, and fulfillment of regulatory requirements for collection of \$40,000 to \$50,000 annually has become an area of concern given limited City resources.

If the Community Benefits District comes to fruition, the monies generated could be used for additional downtown security, regular sidewalk cleanings, and to combat blight created by vacant properties; all the items and issues the DBIA has been unable to address with the steadily decreasing budget. If the Community Benefits District does not come to fruition, then collection of DBIA assessments could be reestablished.

PUBLIC CONTACT

The DBIA Advisory Board met on the following dates during FY 2016: November 6, 2015; January 15, 2016; and April 6, 2016. A representative from the Hayward Chamber of Commerce attended DBIA Board meetings to report on Chamber activities. The DBIA and Chamber coordinate closely on the street party implementation. A special DBIA meeting was held January 15, 2016 to discuss budget options. On April 6, 2016, a quorum of the DBIA Advisory Board adopted a motion approving the proposed FY 2017 budget.

NEXT STEPS

With the proposed suspension to collect DBIA assessment fees for fiscal year 2017, staff has not included a resolution to set a Public Hearing to determine fee amounts. Staff will continue to support the DBIA to implement the proposed DBIA budget 2017.

Prepared by: Ramona Thomas, Economic Development Specialist

Recommended by: Micah Hinkle, Economic Development Manager

Approved by:



Fran David, City Manager

Attachments:

Attachment I
Attachment II

Resolution
FY 2016 Annual Report and FY 2017 Proposed Budget

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

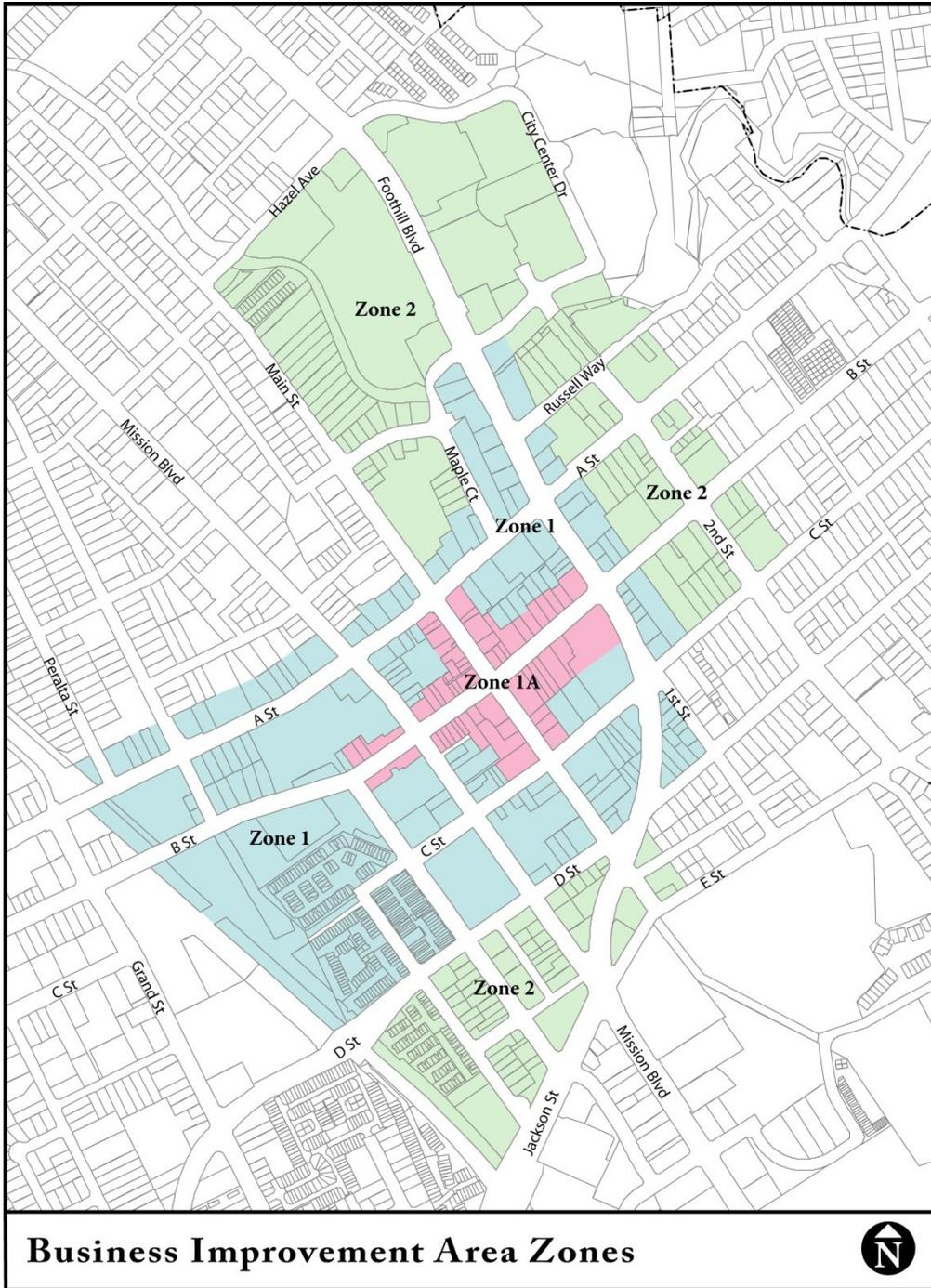
Introduced by Council Member _____

RESOLUTION ACCEPTING THE ANNUAL REPORT AND
 DECLARING INTENTION NOT TO LEVY ANNUAL
 CHARGES FOR THE DOWNTOWN HAYWARD BUSINESS
 IMPROVEMENT AREA (DBIA) FOR FISCAL YEAR 2017

BE IT RESOLVED by the City Council of the City of Hayward, as follows:

1. On January 1, 1985, the City Council established the Downtown Hayward Business Improvement Area pursuant to section 36500 et. seq of the Streets and Highways Code of the State of California, which was commonly known as the Parking and Business Improvement Area Law of 1979 and, as now codified, is commonly known as the Parking and Business Improvement Law of 1989.
2. Funds collected from the Hayward Business Improvement Area received were coupled with financial support from the Hayward Redevelopment Agency and were used to promote and improve downtown Hayward including sidewalk cleanness, security, marketing, and special events.
3. Since the elimination of the Hayward Redevelopment Agency support in 2012, the DBIA funding and program effectiveness has been greatly reduced creating a concern of long term viability of the DBIA and its funding and administration structure. The City is currently evaluating a Community Benefit District (CBD) to provide necessary funding to support downtown priorities including sidewalk cleanness, security, marketing, and special events.
4. The Advisory Board for the Downtown Hayward Business Improvement Area prepared an annual report for the fiscal year July 1, 2015, to June 30, 2016, on behalf of the Downtown Hayward Business Improvement Area pursuant to section 36533 of the California Streets and Highway Code, which report, on file in the office of the City Clerk, is hereby accepted by the City Council. Said report may be referred to for the particulars as to the detailed descriptions of improvements and activities to be provided, that the City does not intend to levy assessment charges, the benefit zones within the area, and exact boundaries of the area.
5. It is the intention of the City Council to spend down remaining funds within the Downtown Hayward Business Improvement Area during fiscal year 2017 as set forth in the annual report or such report as hereafter modified. Existing funds up to \$131,529 may be used for both new and returning events and beautification. The area of fund expenditure is generally described on the attached map.

Map of Downtown Business Improvement District



**DOWNTOWN BUSINESS IMPROVEMENT AREA
ANNUAL REPORT AND PROPOSED BUDGET FOR FY 2017**

BACKGROUND:

The Downtown Hayward Business Improvement Area (DBIA) was established in 1985. State law requires that an Advisory Board, appointed by City Council, submit an Annual Report identifying the activities, budget, boundaries, and proposed assessments to businesses within the Improvement Area. The report may propose changes, including such items as the boundaries or benefit zones within the area, the basis and method of levying the charges, and any changes in the classification of businesses. The City Council may approve the report as submitted by the Advisory Board or may modify any particular item contained in the report and approve the report as modified.

STATEMENT OF ACTIVITIES AND ACCOMPLISHMENTS FOR FISCAL YEAR 2016:

The DBIA's activities during fiscal year 2016 were funded by Business Improvement Area assessments held in reserves as the City did not levy fees in 2016. The FY 2016 budget can be found in Table 1 at the end of this attachment. DBIA activities in fiscal year 2016 fell under the following categories.

- 1) Events: Hayward Chamber of Commerce Special Event Series and funding support for other special events
- 2) Area Beautification - Street Cleaning (Suspended due to State Ordered water conservation efforts d)

ACTIVITIES AND ACCOMPLISHMENTS FOR FISCAL YEAR 2016:

Chamber of Commerce Special Event Series:	\$32,500
Downtown Hayward Summer Street parties, Bike Festival, Mariachi Festival, and Light Up the Season	

Vintage Alley Car Show	\$6,000
------------------------	---------

A majority of funding activity was focused on Special Event activity which is carried over into the proposed 2017 budget. Any unspent funds revert back into the DBIA reserve fund.

PROPOSED ACTIVITIES FOR FISCAL YEAR 2017:

Events:	\$39,500
----------------	-----------------

Board Members agreed that downtown events benefit local businesses and voted unanimously to fund the highly anticipated Summer Street Parties (July and August 2016, and June 2017), Vintage Alley Car Show, Mariachi Festival, Light Up the Season and Bicycle Festival.

Beautification:

\$22,000

DBIA Members voted to allocate \$22,000 for “Beautification.” At the counsel of staff, members were advised to allocate monies during the budget planning period and determine exact uses later. Money left unspent would roll back into reserves.

PROPOSED BUDGET EXPENDITURES FY 2017

The total proposed budget for fiscal year 2017 is \$61,500.

PROPOSED METHOD AND BASIS FOR LEVYING DBIA ASSESSMENTS

The DBIA zones are indicated below. Collection fees were suspended at the beginning of calendar year 2016.

The proposed budget has an ending balance of \$70,029.11 that would carry forward through fiscal year 2018, allowing time to evaluate CBD direction and determine if collection of fees should be resumed.

CLOSING STATEMENT OF THE BOARD

The Downtown Hayward BIA Advisory Board will continue to seek input from downtown merchants to ensure that the District’s limited funds best reflect the memberships’ priorities for downtown services. This year the Advisory Board will be focused on spending down reserves and representing downtown business interests while migrating to a property owner-based fee district.

FY 2016 DBIA BUDGET	
	Budget
REVENUES:	
DBIA Assessment	-
<i>Subtotal Revenue</i>	<u>-</u>
Total Revenue	-
EXPENSES:	
Events	
Street Parties (Third Thursday)	24,000.00
Annual Vintage Alley Car Show (9/12/15)	6,000.00
Mariachi Festival	500.00
Light Up The Season	500.00
Bicycle Rodeo	7,500.00
Asian Heritage Event	1,000.00
Unassigned Events	4,500.00
Artscape	7,000.00
<i>Subtotal Events</i>	<u>51,000.00</u>
Area Beautification	
Undetermined	45,000.00
<i>Subtotal Beautification</i>	<u>45,000.00</u>
Total Expenses	96,000.00
Net Change in Fund Balance	(96,000.00)
Beginning Fund Balances	139,516.02
Ending Fund Balances	43,516.02

Downtown Business Improvement Area		
Proposed FY 2017 Budget		
As of May 20, 2016		
		A
		July 1, 2016 to June 30, 2017
1		Fiscal Year 2017
2		Proposed Budget
3		
4	Beginning Fund Balance	\$ 131,529.11
5		
6	REVENUE	
7	DBIA Assessment	\$ -
8		
9	<u>Subtotal Revenue</u>	\$ -
10		
11	Total Revenue	\$ -
12		
13	EXPENSES	
14	Events	
15	Street Parties (Third Thursday)	\$ 24,000.00
16	Annual Vintage Alley Car Show	\$ 6,000.00
17	Mariachi Festival	\$ 500.00
18	Light Up The Season	\$ 1,500.00
19	Bicycle Rodeo	\$ 7,500.00
20		
21	<u>Events Subtotal</u>	\$ 39,500.00
22		
23	Area Beautification	
24	Rotary and HAHS Banners	\$ 7,000.00
25	Miscellaneous Beautification Activities	\$ 15,000.00
26		
27	<u>Beautification Subtotal</u>	\$ 22,000.00
28		
29	Total Expenses	\$ 61,500.00
30		
31	Change in Fund Balance	\$ (61,500.00)
32		
33	Ending Fund Balance	\$ 70,029.11
34		
35	Prepared by John Stefanski, Management Analyst	



CITY OF HAYWARD

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

Staff Report

File #: PH 16-064

DATE: June 21, 2016

TO: Mayor and City Council
Redevelopment Successor Agency Board of Directors
Housing Authority Board of Directors

FROM: Director of Finance

SUBJECT

Public Hearing for the Proposed FY 2017 Operating Budget for the City of Hayward, Hayward Redevelopment Successor Agency, and Hayward Housing Authority; and the FY 2017 Capital Improvement Program Budget

RECOMMENDATION

That the Council consider the Proposed FY 2017 Operating Budget, and the FY 2017 Capital Improvement Program Budget, including changes made through the Council Work Session process; conducts a Public Hearing on each; and that following public testimony and in preparation for adoption on June 28, 2016, the Council and Agency Board Members further review and comment on the:

- Proposed FY 2017 Operating Budget
- Proposed FY 2017 Capital Improvement Program (CIP) Budget

BACKGROUND

The City Manager presented the Proposed FY 2017 Operating Budget to City Council on May 3, 2016. The operating budget is comprised of a number of different funding sources, with the General Fund representing the single largest fund for which the City Council has the most discretion. The total City expenditure budget for the Proposed FY 2017 Annual Budget as presented on May 3, 2016, was \$286.1 million, with a General Fund budget of \$149.2 million.

Since May 3, Council has held three budget work sessions (May 21, May 24, and June 14) to further discuss the proposed budget. These work sessions included presentations, Council discussions, and a time for public input on

- the overall operating budget,
- department/program budgets and operations,
- the proposed CIP budget,
- Council priorities and program performance measures, and
- City's benefit liabilities and budget-related financial policies.

Following these work sessions, staff recommends several changes to the FY 2017 Proposed Operating and CIP Budgets - as detailed in this report. Tonight’s meeting has been advertised as a public hearing on the proposed operating and CIP budgets and is another opportunity to receive public input. Upon closure of the public hearing, Council will provide any additional comments and direction to staff before adopting the operating and CIP budgets on June 28, 2016.

The changes from the May 3 submission of the FY 2017 Proposed Budget, as included in this report, result in a small decrease to General Fund expenditures.

DISCUSSION

The Proposed FY 2017 Operating Budget and CIP documents provide the foundation for the budget discussions. As the budget process has progressed, both City Council and staff have recommended some minor adjustments to the proposed budget. This report contains a summary of the key changes to date, and the resultant impacts to both the General Fund and other revenue funds for FY 2017. At this point, staff is not recommending any changes to the General Fund revenue projections.

Both Tables 1 and 2 compare the Proposed FY 2017 Budget presented on May 3, 2016 and tonight’s (June 21, 2016) revision - as well as a comparison to the FY 2016 Adopted Budget.

Table 1 - Citywide Expenditure Budget Changes

<i>in the 1,000's</i>	FY 2016 Adopted	FY 2017 Proposed 5/21/16	FY 2017 Proposed 6/21/16	Change from 5/21/16	\$ Change from FY 2016	% Change from FY 2016
General Fund	140,422	149,187	149,039	(148)	8,617	6.1%
All Other Funds	138,913	136,912	136,554	(358)	(2,359)	-1.7%
Total City Budget	279,335	286,099	285,593	(506)	6,258	2.2%

There are a minimal number of changes to the originally proposed budget for FY 2017. Several of the changes have no monetary impact. The remainder constitutes a slight overall reduction of expenditures in both the General Fund and All Other Funds. The changes from the originally proposed budget for FY 2017 are highlighted below.

1. City Council Priorities - Update “Thrive” Potential Performance Metrics.
2. General Fund Fund Transfers - Elimination of transfer out from General Fund to Fleet Management Replacement Fund (CIP). The expense is already incorporated into the Internal Service Fees (-\$200,000).
3. General Fund Fund Transfers - Reduce General Fund Transfers Out Expense for Sweeper Equipment Operator position and related expenditures (-\$200,000). The position has been moved from the Stormwater Fund to the General Fund as the revenues that fully offset the

position are located in the General Fund.

4. City Manager Department - Correct South Hayward B.A.R.T. JPA "Other Department Operating Costs" expenditure amount. Page correction only, no cost impact to total fund expenditures.
5. Development Services Department - Deletion of 1.0 FTE Development Review Engineer, addition of 1.0 FTE Senior Civil Engineer (no cost impact).
6. Maintenance Services Department - Relocate 1.0 FTE Sweeper Equipment Operator from the Stormwater Fund (-\$106,348) to the General Fund (+\$106,348). The revenues to offset the cost of the position are located in the General Fund.
7. Maintenance Services Department - Update to Landscape & Lighting and Maintenance Districts Operating Budget based on FY 2017 projections. Decrease in revenues by \$187,176; decrease in expenditures by \$287,190. Subsequent impacts to Payroll Allocations resulted in a decrease to the General Fund (-\$2,000), an increase to the Enterprise Funds (\$27,348) and an increase to the ISF Funds (\$7,700) in the Maintenance Services Department pages.
8. Police Department - Relocate 1.0 FTE Police Officer from Special Grants Division to Patrol Division (cost impact at division level, no cost impact at department level).
9. Utilities & Environmental Services Department - Addition of "Fund Transfer In from D/S Fire Stn #7 from Gen Fund" (\$137,741). This transfer reflects the repayment of a loan from the Water Operating Fund to the General Fund for Fire Station #7.
10. Utilities & Environmental Services Department - Eliminate Stormwater Fund Transfers In Revenue for Sweeper Equipment Operator position and related expenditures (-\$200,000).
11. Utilities & Environmental Services Department - Addition of "Fund Transfers In from DS CEC Loan" revenue (\$219,913). This transfer reflects the debt service transfer from the Sewer Improvement Fund to the Sewer Operating Fund.
12. General Employee Costs - An additional \$125,141 has not yet been incorporated into the FY 2017 budget. This amount stems from the recently completed independent salary survey required in the SEIU Local 1021 Memorandum of Understanding. The study was conducted under the joint funding of the City and the bargaining group. It covers the three years of the contract with a total amount of \$233,550, \$125,141 of which is in FY 2017. The salary study was completed too late to incorporate the financial impact into the proposed budget. This will be added in when the newly approved budget is loaded into the system at the start of the FY 2017.
13. Increased "Grants Expenditure" - There may be a potential increased "Grants" expenditure line item of \$10,000 for Eden I&R in the Library & Community Services Department budget. A complete report on work staff members from the City and Eden I&R have done since the last public discussion of this topic will come to Council on 6/28. Should Council direct that an

additional \$10,000 should be allocated to Eden I&R, it will have to come from the General Fund Fund Balance (reserves).

Table 2 summarizes total proposed staffing. The revised total citywide staffing is 874.8 for FY 2017 - a total increase of 10.6 FTE (1.23%) over the FY 2016 Adopted Budget.

Of the 1.3 FTE increase in the General Fund and subsequent decrease in All Other Funds, 1.0 FTE is for the Sweeper Equipment Operator position that was originally proposed to be housed in the Stormwater Fund and funded by a transfer from the General Fund. It has been decided to house the position in the fund where the revenue source for the position exists. The additional 0.3 FTE is due to reallocation of employee time charged to the Landscape & Lighting Districts and Maintenance Districts funds after receipt of the updated budget for those funds.

Even with these staffing additions in FY 2017, overall city staffing remains significantly reduced from prior year highs (e.g., FY 2003 total staffing was 936.8 FTE).

Table 2 - Citywide Position Changes

	FY 2016 Adopted	FY 2017 Proposed 5/21/16	FY 2017 Adopted 6/21/16	Change from 5/21/16	\$ Change from FY 2016	% Change from FY 2016
General Fund	646.70	649.90	651.20	1.30	4.50	0.7%
All Other Funds	217.50	224.90	223.60	(1.30)	6.10	2.8%
Total City Budget	864.20	874.80	874.80	0.00	10.60	1.2%

Capital Improvement Program (CIP) FY 2017 - FY 2026

The City’s capital improvement program budget has followed a similar review and public process as the operating budget. On May 4, the Council Budget & Finance Committee reviewed and discussed the proposed FY 2017 CIP budget. On May 24 during the Council Budget Work Session, Council reviewed and discussed the FY 2017 CIP budget; and on May 26, the Planning Commission held a public hearing and found the document in conformance with the General Plan.

The CIP for FY 2017 totals approximately \$195 million with a total of about \$518 million budgeted through FY 2026.

Minor changes made to CIP Funds since the May 24 Council Budget Work Session are as follows:

1. Fund 405 - Capital Projects (Governmental) - Additional \$100,000 added to Project 07452 Fire Special Operations; to purchase equipment needed for the upcoming fire season.
2. Fund 405 - Capital Projects (Governmental) - Mutual Aid Reimbursement for FY 2016 was increased by \$138,000 to accurately reflect revenues and cover the increased purchase for Project

07452 Fire Special Operations.

3. Fund 611 - Move Project 07544 Storm Water Trash Capture Device Phase II and corresponding grant funding from FY 2017 to FY 2018.

Staff has prepared a document in response to questions and areas of emphasis brought up by members of Council in the budget work sessions held on May 21, May 24, and June 14, which questions have not previously been addressed or discussed in prior meetings: See Attachment I. These topics are not listed in any particular order of occurrence or priority. The information has been prepared as a response to some of Council's expressed interests, concerns, and/or suggestions during the budget discussions. It is not intended that each response be detailed and complete, but rather simply to give Council some basic information and a clear indication that staff has been listening. The responses may evolve as staff tackles each area in greater details and with more focus. Staff invites comment and any additional clarity on Council's concerns where needed.

FISCAL IMPACT

The above items reflect the changes received to date for the City of Hayward's Proposed Operating Budget for Fiscal Year 2017 - with Table 1 (on page 2) summarizing the expenditure changes to the City's General, Special Revenue, and Enterprise Funds should all proposed changes be approved.

PUBLIC CONTACT

The Proposed FY 2017 Operating Budget has been discussed by City Council over the last couple of months. A public notice was published in *The Daily Review* on June 11 and June 18, 2016 announcing the date, time, location, and subject matter of this public hearing. A notice advising residents about the Planning Commission's public hearing on the CIP was published in the *Daily Review* newspaper more than the requisite ten days in advance.

The FY 2017 Proposed Operating Budget is currently available for public review in the City Clerk's Office at City Hall, at the Main Library and the Weekes Branch, and on the City's website at:

<http://www.hayward-ca.gov/sites/default/files/Proposed%20FY%202017.pdf>

A schedule of the FY 2017 Proposed Operating Budget work sessions is available for public information on the City's website at:

<http://www.hayward-ca.gov/services/city-services/review-city-budget-and-finance-reports>

The FY 2017 Capital Improvement Program Budget is currently available for public review in the City Clerk's Office at City Hall and on the City's website at:

<http://www.hayward-ca.gov/sites/default/files/Recommended%20%20FY17-%20FY26%>

NEXT STEPS

Council's direction from this Public Hearing will be incorporated into the operating and CIP budgets and will be reflected in the resolutions prepared for formal budget adoption at the City Council meeting of

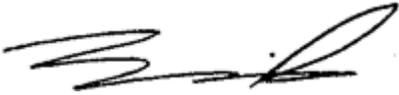
File #: PH 16-064

June 28, 2016.

Prepared by: Nan Barton, Budget Officer

Recommended by: Dustin Claussen, Director of Finance (Acting)

Approved by:

A handwritten signature in black ink, appearing to read 'Fran David', with a stylized flourish at the end.

Fran David, City Manager

Attachments:

Attachment I

Responses to Council Queries

Responses to Council Queries from Budget Work Sessions

Illegal Dumping and Blight: *What are our hotspots and how does Waste Management support the City in the effort to abate illegal dumping?*

Per our current franchise agreement, City staff can contact Waste Management Company (WMAC) directly for the removal of illegally dumped items within the City. While the City does utilize this service, staff accesses it on a case by case basis. Many times, illegally dumped items range from household debris to hazardous waste and it may not be appropriate for WMAC to dispose of the materials; and, City staff may have the capacity to respond faster for a particular situation.

The Maintenance Services Department determines which incidents should be handled by WMAC and which will be more effectively and efficiently handled by City staff. WMAC's response times vary between 24-72 hours based on experience. Having WMAC respond also requires staff time to receive a follow-up report from WMAC as to what's been completed so staff can effectively notify the requesting party of the action and ensure satisfaction. When items are dumped directly in front of a home or business, the City will seldom send these requests to WMAC, as their response time, while effective, may not reflect the urgency City staff believes is reasonable for the circumstance (e.g., location, type of materials, etc.). The most common instances in which the City utilizes WMAC services is where debris is neither along a main thoroughfare nor fronting property where it's easily visible to all that pass by.

The area in town with the most blight is consistently South Hayward and along Union Pacific Rail Road tracks on both Huntwood and Whitman Avenues. The area bordered by Harder/Gading/Tennyson/Huntwood has consistently been the most problematic for many years.

Sustainability in City Operations and Developments: *Council would like all City operations to employ sustainable practices to the greatest extent possible – how are we doing?*

Recycled Water

As mentioned during the June 14, 2016 discussion of the Urban Water Management Plan with Council, the City currently recycles about 15% of wastewater that comes to the treatment plant. With the expectation of an increase in demand from Russel City Energy Center (RCEC) in the coming years, and phase one of the City's recycled water project, currently in design phase, this will likely reach percentages of nearly 30%. There are proposed state legislations that require 50% wastewater recycling by 2033 (SB 163). Staff thinks that this is a realistic goal and intends to meet or exceed the requirement.

Staff anticipates costs of between \$12 and \$20 million for the first phase of the recycled water project, based on whether the City would use tertiary treatment or get treated wastewater

from RCEC. Costs associated in expansion to 50% are preliminarily estimated at an additional \$30 million.

Solar

Council recently passed a resolution requiring new City facilities to be Zero Net Energy (ZNE), with some practical flexibility. ZNE buildings rely heavily on renewable energy efficiency, the use of solar photovoltaic and solar hot water. Staff is preparing a report to show where the City currently stands in its efforts to make existing City facilities grid neutral, which of course, relies heavily on the use of solar energy. This report is currently in draft form, but a twenty to thirty year timeline and significant expenses would be expected in completing the work it will take to make all City facilities grid neutral. Unfortunately for practical reasons, not every City building can accommodate solar equipment, some due to space constraints others due to regulations, e.g. prohibiting roof glare.

Staffs in the Development Services Department are currently preparing analysis to determine how to require solar photovoltaic systems on all new large residential developments.

Waste Diversion

The City's goal, to achieve 80% waste diversion by 2018, is aggressive and may prove to be unattainable. Progress over the years, however, has been significant. In 2000 52% of waste was diverted; 67% in 2010; and 74% in 2013.

In 2015 staff calculated the City's 2014 diversion rate at 76%; CalRecycle rejected this calculation and said that the City's rate should have been 72%. Staff is actively working with CalRecycle to resolve the difference.

Meeting the 2018 goal will be challenging, but staff is working with Waste Management and StopWaste to increase organics collection and recycling at businesses and multi-family properties. Another possible challenge is that CalRecycle's changes to their method of calculating diversion rates may make it even more difficult for Hayward to reach its goal of 80% by 2018.

Grey Water & Rain Catchment

The Plumbing Code currently allows residential use of grey water, and in fact, doesn't require a permit for 'laundry-to-landscape' systems. A newly adopted regulation requires new single family homes to have such 'laundry to landscape' systems for all "New construction projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review (per Section 10-12.14 of our Bay Friendly Landscaping Ordinance.)"

The City has also included changes to the Bay Friendly Landscaping Ordinance rain catchment provisions. Section 10-12.15(f) of the Ordinance requires that the same type of new single

family projects defined above “shall install a minimum fifty (50) gallon covered rain catchment device per residence.”

Traffic Impacts of the Second and Walpert Development: *This development appears to have the potential to make a difficult traffic situation worse – how are we mitigating the potential negative impact?*

In response to Council’s concerns please note, as with most development projects, the Second and Walpert development (ninety-seven single family homes) was required to prepare a very thorough traffic analysis prior to the project’s approval. The multi-modal analysis, reviewed by Public Works Department staff, attempted to identify any and all potential impacts and develop mitigation measures to address identified impacts. The report was completed after several rounds of revisions to the analysis in response to comments by City staff. The analysis was comprehensive addressing the needs of auto, pedestrian, bike and transit modes. Project benefits are as follows:

- A new traffic signal at the intersection of Second and Walpert will improve levels of service from LOS F to LOS A. It will also facilitate student and pedestrian movement across Second Street from the proposed development.
- A student drop off area on Walpert just west of Second (provided by the development) will facilitate student access and reduce congestion.
- Parking on both sides of Second Street adjacent to the project site will help reduce speeding along the corridor by visually narrowing the roadway width.
- Installation of new sidewalk along the project’s frontage will provide safer pedestrian accessibility.
- Installation of Bike Route pavement markings (sharrows) and slow school crossing pavement markings on Second Street.
- According to the study the intersection of Mission and Fletcher will remain at an acceptable level of service in both peak periods upon completion of the project.

Also, the FY17 New Sidewalk Project in the recommended CIP will provide a continuous sidewalk for pedestrian access on the north side of Walpert from Second to Mission.

As with all development projects, staff will continue to monitor traffic operations once the project is complete.

California Air National Guard Hangar: *What’s happening with the CANG and is it possible to retain it as a historical building?*

Staff issued a Request for Proposal (RFP) for the development of the California Air National Guard hangar (CANG) in March 2016. Late last May 2016, two proposals were received in response to the RFP to develop the CANG site. Staff’s initial review of the proposals was not favorable and neither is considered responsive to the RFP’s requirements. Staff will continue working to market this site in the early parts of the new fiscal year, and will involve the Council Airport Committee (CAC) in the discussion of options and alternatives; and the ultimate

recommendation will ultimately come before the full Council. It is not reasonable to keep the CANG hangar as an historical building, as it sits on highly valuable land and would require enormous amounts of money to convert it to anything else besides a hangar.

Human Resources Practices and Outcomes related to recruitment and Public Safety Diversity:

What issues is staff facing in recruiting quality candidates for the City; how are we progressing in achieving better diversity in Public Safety?

What are the conversion rates from Police academies? (Data covers a three-year period):

- Thirty Police Trainees were sent to academies. Five did not make it through the academy and one did not pass the Field Training Program. This gives the department an 80% conversion rate for police officer trainees.
- Academy Participant/Graduates (These are individuals that the City hired while they were attending an academy or after graduating from an academy). Fourteen were hired. Four did not pass the Field Training Program. This gives the City a 71.5% conversion rate for Academy Graduate/Participant.
- Lateral Police Officers (Individuals who have prior law enforcement experience and possess a valid Peace Officers Standards & Training [POST] certificate. Twenty Lateral officers were hired. One did not pass the Field Training Program. This gives the City a 99.4% conversion for lateral officers.

What are the costs associated with Police Academies and what are our hiring rates? (Data covers a three-year period):

- Police Officer Trainee (per person) costs \$13, 544. These costs include: Background Investigation; Polygraph examination; Psychological screening and evaluation; police academy uniforms, regular uniforms and equipment; academy tuition.
- Lateral Police Officer/Academy Graduate or Participant (per person) costs \$9,124. These costs include: Background Investigation; Polygraph examination; Psychological screening and evaluation; regular uniforms and equipment.
- This does not include salary paid to police officer trainees while they are in the academy.

Other costs are borne by the Personnel/Training Unit. These costs include the following:

1. Background Investigations; polygraph examinations; psychological screening and evaluations for positions other than police officer. I.e. Communications Operator, Call-Taker, Community Service Officer, Reserve Police Officer, Crime Scene Technicians, Evidence and Property Technicians etc...
2. Candidates who are not selected upon completion of the hiring process or those who fail out of the police academy or Field Training Programs
 - For Fiscal Year 2016, eleven applicants for sworn positions were non-selects or failed to meet job standards costing the department approximately \$27,700.

- For Fiscal Year 2016, there were seven professional staff applicants who were non-selects or who failed to meet job standards costing the department approximately \$16,275.

Recruitment and Hire Statistics for the Police Department

Recruitment Activities:

- A diverse recruitment team was put in place in June 2014. The team consists of officers and supervisors of mixed races, cultural backgrounds, genders, etc...
- A diverse team of officers is sent to every recruiting event.
- The recruiting team attending numerous recruiting events throughout the state such as:
 - i. City of Hayward Job Fair
 - ii. Hayward Mariachi Festival
 - iii. Chabot College Job Fair
 - iv. Bay Area Women's Expo in San Mateo
 - v. San Francisco LGBT Career Fair
 - vi. The Annual Diversity Employment Day Career Fair, City of San Francisco
 - vii. Military & Veterans Career Expo at DeAnza College, Cupertino
 - viii. Military Job Fair, San Diego
 - ix. Law Enforcement Action Readiness Summit at Mt. Eden H.S.
 - x. Cal-Opps.org
 - xi. Plus other local events
- Advertising was also conducted with advertisers whose audience consists of minorities and women (National Minority Update)

Number of Applicants:

- There were 465 individuals who applied for the last Police Officer Trainee position. However, for reasons such as failure to turn in required documents within time limitation; failure to respond to emails from HR; failure to show up for written exam; failing the Personal Background Survey Monkey; Failure to show up for oral exam, only 49 of the 465 applicants actually made it to the eligibility list. (See Table 1 below.)

Diversity Statistics:

- Over the previous three years the Police Department has hired Full Time Sworn Officers representing the following segments of population. (Data is summarized in Table 1 below):
 - Females: ten hired, three failed to complete Field Training ; seven remain; two candidates are in the hiring process for the August 2016 academy
 - African American: six hired; two failed to complete Field Training; four remain; two candidates are in the hiring process for the August 2016 academy; one lateral candidate is in the hiring process

- Hispanic: twelve hired; three failed to complete Field Training; nine remain as Regular Officers; one remains as CSO/Reserve Officer; one candidate is in the hiring process for the August 2016 academy
- Asian/Pacific Islander: eight hired; one failed to compete Field Training; seven remain; one candidate is in the hiring process for the August 2016 academy

Table I

	Hired	% of Total Hired Population*	Failed Field Training	Continuing Candidate Pool	Still in process	In process for 8/16 Academy	Other
Females	10	28%	3	7	5	2	
African/American	6	17%	2	4	1	2	1
Hispanic	12	33%	3	9	7	1	1
Asian/Pacific Islander	8	22%	1	7	6	1	
Totals	36		9	27	19	6	2
Percent			25%	75%		17%	6%

What is our conversion rate of Police Explorers into Police Officer?

- Zero (0%)
- One former Police Explorer was recently hired as a non-sworn Community Service Officer

Recruitment and Hire Statistics for Fire:

Applicants: Current Eligibility List (expires 09/29/16): There were 611 individuals who applied for the last Firefighter Trainee position. However, only ninety-seven applicants met the minimum qualifications and successfully completed all testing and were placed on the eligibility list. Applicants were disqualified for a variety of reasons including: failure to turn in required documents within time limitation; failure to respond to emails from HR; failure to show up for written exam; failing the written exam; failure to show up to the physical agility; failing the physical agility; failure to show up for oral interview; and failing the oral interview.

Number of Firefighter Recruits: There were thirty-four recruits during the past three years selected off of the eligibility list. Nineteen were hired, six didn't complete the academy, and nine Firefighter Trainees are in the current academy. This is an 87.5% conversion rate for recruits to Firefighter Trainees.

Costs: Firefighters have a sixteen-week academy. The total cost from selection to completion of training, including salary is approximately \$30,559. These costs include: Background Investigation; Class B uniforms, Structure Fire Personal Protective Equipment, Wildland Fire Personal Protective Equipment and salary during academy.

Diversity Efforts and Current Data: The Fire Department has attended recruiting events throughout the area. The Department is most excited and proud of its burgeoning relationship with the local Regional Occupational Program (ROP) related to developing the next generation of firefighters, especially from within the City. The results have thus far been very encouraging, with many youth expressing interest in joining the Department. Although a new program, it is expected that interest will gain even more traction over the next several years. Refer to Table 2 below for diversity data.

Table 2

Ethnicity/ Gender	Applicants	Written Exam	Physical Agility Test	Oral Panel	On Eligibility List	% Conversion of Applicant Pool to Eligibility List	% of Eligibility List
White	317	120	72	63	57	18%	59%
Asian/Pacific Islander	47	17	5	5	5	11%	5%
Black	50	19	5	5	4	8%	4%
Hispanic	121	47	19	17	15	12%	15%
Other Bi-racial	35	18	5	4	4	11%	4%
Unknown	26	13	10	10	10	38%	11%
American Indian/Alaskan Native	15	6	3	3	2	13%	2%
Female	37	13	3	3	3	8%	3%
Male	550	208	100	88	78	14%	80%
No response	24	19	16	16	16	67%	17%
Total Applicants	611	240	119	107	97	16%	100%

Recruitment Concerns Regarding Key Non-Sworn Positions: What issues are we having, if any, filling key technical and other non-sworn positions in the City?

Staff is currently in the process of doing a comprehensive assessment of the City's recruitment processes. Staff will be using the "Accelerator" process to conduct interviews of all stakeholders, including people who previously applied for but did not accept City positions when they were offered. With this information, we expect to improve our processes and ultimately the outcome of our recruitments. Meanwhile, the City has made recent changes that have improved our applicant pool on some of our more difficult to fill positions, which includes:

- The best way to build up the City's talent pipeline is through candidate-facing social media channels such as LinkedIn, Twitter, and Facebook.
 - We continue to use LinkedIn and have seen an increase in the number of applications the City receives.

- The City recently started to post jobs on Facebook through the City of Hayward's Facebook page
 - Facebook is the medium accounting for over 56% of all shared content on the Internet.
 - By recruiting on Facebook, the City can tap into the network of current employees, and the networks of Company Facebook Fan Page visitors.
 - The City of Hayward Facebook page has about 4,379 likes so even by just sharing the posting through the page, the City can reach out to over 4K Facebook users.
- The City is also reaching out to our mobile audience and also passive candidates that may not necessarily be actively looking for a position. For example, the City posted the Communications and Marketing Officer position on Facebook in addition to CareerBuilder, Monster and LinkedIn and received about 100 applicants so far.
 - One of the most tremendous aspects of the Web is that people with all sorts of interests are able to find and connect with like-minded people.
 - By collaborating with the department hiring managers, the City seeks niche online communities where people with these similar interests gather, and seek to attract candidates that meet a specific profile. For example, for the Airport Operations Specialist recruitment, the City posted the position on the following two niche industry specific websites and received about thirty-five applicants in a week:
 - American Association of Airport Executives: <http://careercenter.aaae.org/employers/>
 - Southwest Chapter of the American Association of Airport Executives <http://www.swaaae.org/networking/>
 - The City also continues to post some positions on the popular major job searching sites such as Indeed, Monster, and CareerBuilder. Careerbuilder features more candidates that have college degrees. Indeed and Monster both cater to temporary job seekers, those with only high school education and those who are fresh out of college.
 - The City is partnering with a new Applicant Tracking System (ATS) provider which is NEOGOV. This partnership comes with a www.governmentjobs.com subscription, which is one of the premier job searching sites for the public sector.
 - We also intend to tap into our existing pool of candidates that have already submitted their applications for previous job postings and maintain and rekindle communication with them and make sure the City doesn't leave qualified talent on the table.
 - The City continues to share our postings with sister agencies in the Bay Area.
 - Update on some sample "key" positions:

- Web Development Position - the City will initiate the recruitment for this position once we have hired the Communications and Marketing person.
- Communications and Marketing Position - the City received over 100 applications for this position. Interviews will occur in the next 30 days. I anticipate that we will have someone onboard in August at the latest.
- Finance Director- This is an extremely difficult recruitment as there is a very limited talent pool. The City contracted with a recruiter to conduct the recruitment. All of the above described outreach methods will be used, as well as direct contact with known qualified applicants. First review will occur in August.

Candidate Attraction for Key positions and Retention of Technical Staff

The City uses all of the above strategies and has also started posting jobs on DICE, which is a very popular job posting site for technical positions like tech developers, engineers, programmers, and tech writers. Council expressed concern about the City competing with Special Districts (e.g., EBMUD and others) and how that impacts our ability to compete for and recruit technical talent in these areas. The City has traditionally resisted matching compensation since these Districts tend to pay higher base salaries and have greater staff resources thereby demanding less of their individual employees. However, technical talent is now very scarce. And, while we remain an “employer of choice” in many areas, we often struggle in attracting and retaining the experienced talent we want. H.R. is reviewing and will be making recommendations to the City Manager to address the need on a case-by-case basis and only after every other known strategy has failed.

Council Chambers Upgrades and Rotunda Improvement: *What did we accomplish in the last upgrade, what problems remain, and when will we upgrade the sound in the Rotunda?*

- Council Chambers Audio Video System

The existing AV system was ten years old, no longer supported by the vendor, and used analog technology (not HD or digital); components were failing on a regular basis. The new system is internally all HD video quality and digital audio, with the ability to broadcast and stream in HD, as Cable and streaming providers upgrade their systems in the future. The new system features energy efficient flat screen display technology, replacing the inefficient projector systems. We also have added the ability to broadcast and stream from Conference Room 2A.

The City’s default internal video presentation, broadcast, and recording quality is high definition. Any cable or streaming media live or rebroadcast is controlled solely by the provider. We as a city provide them with an HD quality video stream. They often broadcast at standard definition or lower quality. Our providers, such as Comcast will eventually accept a digital or HD signal, and we contact them periodically requesting status updates. Staff recently reached out to the Director of Franchise Operations and they are going to look into the

possibility of replacing the very old Comcast equipment, this may improve the quality of the image.

- **Agenda Management System**

Our previous Agenda and Meeting Management System consisted of a custom developed application that was no longer being updated and depended on several in-house developed and maintained solutions that were very labor intensive and without systems integration. Our new solution, Granicus, consists of an integrated suite of products for agenda creation, meeting management, video streaming, indexing, and archiving. The Granicus web portal, despite the challenges of the new system, is a major improvement over our previous website; and the automated indexing makes navigating meeting videos much easier for Hayward residents. The web streaming user limit was previously thirty connections, and with Granicus the connections are unlimited.

- The total cost of the Council Chambers Audio Video technology Upgrade was \$860,000.
- The total cost of the Granicus deployment was \$35,290.
- The yearly maintenance cost of the Council Chambers audio video system is \$58,770.
- The yearly Granicus software and hardware maintenance cost is \$34,200.

Significant improvements have been made, and there are still minor outstanding issues staff is working to address. Granicus is working on an updated release that will further improve notification of status and other bug fixes, although there is no ETA on release date as of yet.

Prior to the current Director of Information Technology's arrival at the City, the Council Technology Application Committee (CTAC) was provided with a Staff Report for the Agenda Management Project (Granicus) and an oral report for the Council Chambers Audio Video Upgrade Project by Analyst John Stefanski. These reports included a description of the RFP process, and justification for vendor selection.

Staff will be engaging a vendor to assess the acoustic properties of the rotunda and the vendor will produce a suggested solution based on their findings. This solution will be presented to Council for discussion and approval.

Street Sweeping: *Stencils for the drains and update on ticketing policy?*

Council asked if we could stencil the storm drains to the waste water system similar to what we see in other cities (e.g., "Drains to the Bay", "Save our Bay", etc.); but perhaps be more creative. Staff is investigating application and maintenance costs and community involvement programs for the stencils. If these prove we can have a feasible program, the creative aspect will be assigned to the in-coming Communications and marketing Officer when s/he arrives.

It is very difficult to not ticket cars parked on the side of the street posted for street sweeping that day, even when the sweeper has already passed. It erodes enforceability because residents get lackadaisical over time about moving their cars. However, staff is reviewing what we might

be able to do within resources and in a balanced approach to both an effective street sweeping program and quality customer service.

Master Plans and Reports to Council: *Council likes the frequent reports from the Police Department throughout the year; and responded favorably to the annual report presented by the Fire Department during the budget work sessions. How can there be more of these?*

During your discussion, you identified a list of topics on which you would like a single update report, more frequent reports throughout the year, and/or a Strategic Plan. Staff will develop a plan to present as many of these as possible to Council throughout the year. Staff is reviewing how we might better utilize the Council Committee structure to also inform Council as a whole on several different matters (i.e., utilize reports to Committees to also report formally or informally to Council as a whole.) Finally, staff will review and revise the 2018 budget development and presentation process to include more year-end information across a broader range of departments.

Master Plans or Strategic Plans currently exist for I/T, HPD, the water treatment and distribution system, economic development, climate action, land use (General Plan), etc. Staff will develop a list of what exists, when it was first presented to Council, and an effective targeted update. This will be shared with the respective Council Committee and a reporting plan/schedule developed for Council, which will also incorporate the developing performance indicators.

Council requested that staff prepare a planned/priority paving schedule for the year and allow Council to have some discussion and input into the project list. Staff will assure that this is scheduled prior to or in conjunction with the presentation of the City Manager's proposed Budget for FY 2018; and that there will be sufficient time for Council to suggest or recommend amendments to the list.

Some specific larger topics on which Council requested work sessions or information include: inclusionary housing and affordable housing; CDBG/Social Services funding; operations plan for the new Library and Community Learning Center; community engagement and the evolution of the Neighborhood Partnership Program; the Paratransit Program; succession/continuation plan for the Hayward Promised Neighborhood initiative; changes in community para-medicine; and a few more. Staff is working on an annual schedule for FY 2018 to accommodate these more in-depth discussions. This schedule will come back to Council in September 2016.

Finally, the City manager is assessing what topics or departmental activities can and/or should be reported more regularly to Council and on what schedule; and will discuss this further with the Executive Team. A final off-agenda report will be given to Council with the results of that discussion.

Bicycle Patrols: *What is the plan to maintain and/or increasing them?*

The Police Chief is constantly assessing how and on what schedule we can maintain the bike patrols Downtown and along Tennyson. Adding any other areas at this time is problematic and not easily done given the numbers of our sworn staff. However, we are continually reviewing what is possible. Staff is very well aware that the bike patrols are a valued program by the entire community and that almost everyone would like to see more of them in other areas of the community.

Timely Notice of Events: *Council wants more direct, timely, and personal notification of City and community events.*

Staff is reviewing some software and calendaring tools that might assist in accomplishing this including how we might partner with community advocates to publish, populate, and maintain a robust community calendar. In the meantime, the City Manager's Office continues to review internal procedures to assure that Mayor and Council know as soon as the City Manager's Office knows about important upcoming internal and community-driven events.

The City's web site will eventually include some version of the community calendar and is already more informative than in the previous version. Please see "View Calendar of Events" on the City's home page (<http://www.hayward-ca.gov/discover/calendar>).

New WEB Site: *Provide More "Dashboards" for Council and Community.* This will occur as we move through the process of fully implementing the new WEB site. Staff was slowed in this effort with the loss of the Communications & Marketing Officer. However, we now have a contract in place with Rolling Orange to assist staff in making headway on full, robust implementation, including "dashboards"; and as reported earlier in this document, the City manager is moving through the recruitment for re-filling this key position. Once that occurs, we will be able to again make much more rapid process on things like this.

Misc:

- *Improve the appearance of overpasses within Hayward, particularly Tennyson over I-880:* Staff will increase efforts to accomplish this. Unfortunately, CalTRANS' willingness to do this is much more focused on new roads and freeways. However, we will continue to partner with them and to identify ways to accomplish this task wherever we are engaged in a new project with them related to I-880 or I-580.
- *Expand the mural program to include AT&T utility boxes:* Unfortunately, we have been unable to make any headway on this issue and it is not expected any will be gained in the future. AT&T has a universal policy that no one paints or touches their utility boxes.
- *South Hayward Family Services Center: When will Council get a report on this and what actions will they be asked to take:* Staff will be preparing a report on this issue no later than

an early meeting in September. Some issues, among others, that might be included in that report are:

- Update on project development
- On-going governance membership and structure
- Funding gap
- Program focus and resulting tenants/partners
- Project ownership
- Facilities design
- Program design



CITY OF HAYWARD

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

Staff Report

File #: PH 16-065

DATE: June 21, 2016

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Continuation of Public Hearing to Consider Annexing Spindrifft at Eden Shores into Benefit Zone No. 12 of the City of Hayward Landscaping and Lighting Assessment District 96-1 and Order Levy of Assessments for Fiscal Year 2017

RECOMMENDATION

That the City Council:

1. Reopen the public hearing for the proposed annexation of Spindrifft at Eden Shores into Benefit Zone No. 12 of Landscaping and Lighting Assessment District 96-1;
2. After conclusion of the public input portion of the public hearing, closes the balloting period, and directs the City Clerk to tabulate ballots received and announce results; and
3. If majority protest does not exist, adopts the attached resolution (Attachment I):
 - a. Approving the Engineer's Report
 - b. Conforming Diagram and Assessments
 - c. Approving the annexation into Benefit Zone No. 12
 - d. Levying the assessments for FY 2017

SUMMARY

The Engineer's Report associated with the proposed annexation is included as Attachment II and includes the following information: (1) an estimated budget for the Annexation Area; (2) a description of the improvements to be operated, maintained, and serviced by Benefit Zone No. 12 of the District; (3) special Benefits section including the General Benefit calculation and methodology; and (4) the assessment apportionment and list of the assessments proposed to be levied upon each assessable parcel within the Annexation Area.

BACKGROUND

At its June 14 meeting, the City Council continued the public hearing to June 21, to allow time for submittal of a ballot from the Spindrifft development property owner in support of the proposed annexation. Staff mistakenly assumed such ballot was to be submitted by June 14, based on input from the owner. The remainder of this report and attachments are the same as those presented to City

Council on June 14, with the exception of dates being revised and language added to the resolution related to the continuation of the public hearing.

The Landscaping and Lighting Act of 1972 (Streets and Highways §22500) is a flexible tool used by local government agencies to form Landscaping and Lighting Districts for the purpose of financing the costs and expenses of operating, maintaining and servicing landscaping (including parks) and lighting improvements in public areas.

In 1996, six separate Landscaping and Lighting Districts, Benefit Zones 1-6, were consolidated into one district, Consolidated Landscaping and Lighting District No. 96-1, by the adoption of Resolution No. 96-63. In subsequent years, Benefit Zones 7-13 were individually created and annexed into the District.

On February 24, 2016, SCI Consulting Group (SCI) was hired to assist the City of Hayward with the formation and/or annexation of three benefit zones to the existing District. Annexation to Zone 13 of the District for the Blackstone Development at the Cannery was approved by the City Council on May 17. Formation of a new Zone 14 to the District for the La Vista development is proposed for consideration by the City Council on June 14. This proposed annexation is for the Spindrift at Eden Shores development, which is a two-phased project that will consist of 118 single-family residences. Per the Development Agreement, the construction of the residential lots must be done proportionally with commercial development north of the Annexation Area. At this time, only 58.4% of the Annexation Area, or sixty-six single-family residences, can be developed.

The annexation of Spindrift property into Benefit Zone No. 12 of the District is proposed to provide funding for the maintenance and improvements to neighborhood-serving facilities at the Alden E. Oliver Sports Park. City staff worked with SCI to prepare the attached documentation, as well as the ballot documents.

DISCUSSION

On May 24, 2016, the City Council approved the resolution preliminarily approving the Engineer's Report and levy of assessment for FY 2017, and set the public hearing for June 14, 2016. This was the first step in the annexation of Spindrift at Eden Shores into Benefit Zone No. 12 of the District. This is the final step, to hold the public hearing and approve the Engineer's Report, confirming the diagram of assessment that shows all the properties that are included in the Annexation Area.

On June 14, 2016 the City Council continued the Public Hearing to 7:00 p.m. on June 21, 2016.

The purpose of the Public Hearing is to give all interested parties the opportunity to hear, and have heard, comments regarding the proposed assessments and assessment ballot proceeding. In addition, the balloting period officially closes at the conclusion of the public input portion of the public hearing.

Following the close of the public input portion of the public hearing, City Council should direct the City Clerk to commence tabulation of all valid ballots that were received prior to the close of the public input portion of the public hearing. After tabulation is complete, staff recommends that City Council consider, provided a majority protest does not exist, a resolution to levy the assessments for FY 2017.

The annual assessments are based on the following developed rates per Single Family Equivalent (SFE). The maximum amount shown in the Engineer's Report (Attachment II - page 10) for FY 2017 is \$194.97 per SFE. Page 18 of the Engineer's Report also indicates the vacant residential land is assigned 0.30 SFE

(\$58.49) per parcel, until the parcel is improved.

The Engineer's Report specifies a maximum assessment amount based on the maintenance costs of the fully constructed Alden E. Oliver Sports Park. With the addition of the sixty-six lots in Phase I and the future fifty-two lots in Phase II (a total of 118 lots), the total number of lots paying into the Sports Park will increase from 261 lots to 379 lots once both phases of the Eden Shores project are completed. As a result, it will likely be possible to reduce the assessments for maintenance of the Sports Park in future fiscal years, assuming that additional capital improvements are not constructed.

FISCAL IMPACT

There would be no fiscal impact to the City's General Fund from this action because expenditures are to be paid for by the Benefit Zone No. 12 Landscaping and Lighting District No. 96-1 fund accounts.

NEXT STEPS

As the developer is the sole property owner involved in the balloting to complete the annexation of the Spindrifft at Eden Shores project into the District, and this approval is needed to meet adopted project Conditions of Approval, it is highly unlikely that the District will not be approved. Also, the owner has indicated to staff that he supports the LLD annexation.

Immediately upon the adoption of this resolution, but in no event later than the second Monday in August following such adoption for the fiscal year in which the assessments will initially be levied, the City shall file a certified copy of the assessments and a certified copy of this resolution with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment roll. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to Benefit Zone No. 12 of the District.

Prepared by: Peter Rei, PE, PLS, Contract Development Review Engineer

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I
Attachment II

Resolution
Engineer's Report for Spindrifft at Eden Shores Property

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF ASSESSMENT FOR FISCAL YEAR 2017 FOR THE ANNEXATION OF SPINDRIFT AT EDEN SHORES PROPERTY TO BENEFIT ZONE NO. 12 OF THE CITY OF HAYWARD LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1

WHEREAS, the City of Hayward provides for the maintenance and improvement of street lighting, open space, parks, landscaping, and detention basins through the City's Landscaping and Lighting Assessment District No. 96-1 ("District"); and

WHEREAS, these maintenance services and improvements provide direct and special benefits to properties in the District; and

WHEREAS, the annexation of property to Benefit Zone No. 12 of the District was a condition of development approval for the property known as Spindrift at Eden Shores (the "Annexation Area"); and

WHEREAS, this proposed annexation would provide direct and special benefits to the Annexation Area by providing partial funding for the maintenance and improvement of the Alden E. Oliver Sports Park; and

WHEREAS, the procedures for the proposed annexation of the Annexation Area provide owner(s) of the property with the opportunity to submit ballots for the proposed annexations and assessment levies that would fund the maintenance services and improvements; and

WHEREAS, this Council designated SCI Consulting Group as Engineer of Work and ordered said Engineer to make and file an Engineer's Report ("Report"); and

WHEREAS, the Report was duly made and filed with the Council and duly considered by this Council and found to be sufficient in every particular aspect, whereupon it was determined that the Report should stand as the Engineer's Report for all subsequent proceedings; and

WHEREAS, pursuant to Article XIID and Government Code §53753, a joint notice and mail ballot was duly and regularly given, including the notice that this Council would be conducting a public hearing on June 14, 2016, on the question of the proposed benefit zone annexation; and

WHEREAS, on June 14, 2016, at the hour of 7:00 PM, at the City Council Chambers of the City of Hayward, 777 B Street, Hayward, California, 94541, the public hearing was

continued to allow time for the property owner to submit a ballot in support of the proposed annexation; and

WHEREAS, on June 21, 2016, at the hour of 7:00 PM, at the City Council Chambers of the City of Hayward, 777 B Street, Hayward, California, 94541, the continued public hearing was held, and all persons interested and desiring to be heard were given an opportunity to speak and be heard, and all matters and things pertaining to the proposed annexation and levies were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly considered; and

WHEREAS, at the public hearing, the City Clerk, as directed by the City Council tabulated the mail ballots and found that a majority protest as defined by Article XIID did not exist, and this Council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessments prepared by and made a part of the Report to pay the costs and expenses thereof.

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

1. The weighted assessment ballot submitted in favor of the annexation of Spindrift at Eden Shores property into Benefit Zone No. 12 of the City of Hayward Landscaping and Lighting Assessment District No. 96-1 exceeded those weighted ballots submitted in opposition to the annexation and assessments.
2. The property benefitted by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by maps thereof filed in the office of the Council, which maps are made a part hereof by reference thereto.
3. The Engineer's Report as a whole and each part thereof, includes:
 - (a) The Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith; and
 - (b) The diagram showing the Annexation Area, and the boundaries and dimensions of the respective lots and parcels of land within the Annexation Area; and
 - (c) The assessment of the total amount of the costs and expenses of the proposed maintenance of the improvements at the Alden E. Oliver Sports Park in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto.
4. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimates of the costs and expenses, the diagrams and the

assessments, as contained in the Report as hereinabove determined and ordered, is intended to and shall refer and apply to the Report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with any resolution or order, if any, heretofore duly adopted or made by this Council.

5. The annexation of Spindrifft at Eden Shores into the existing Benefit Zone No. 12 of the City of Hayward Landscaping and Lighting Assessment District 96-1 is hereby approved.

6. The assessments to pay the costs and expenses for the maintenance of the improvements within the Alden E. Oliver Sports Park for Fiscal Year 2017 are hereby levied.

7. The property within the Annexation Area shall be levied assessments according to the special benefits received pursuant to the assessment rate and methodology described in the Engineer's Report for the Annexation Area.

8. Based on the oral and documentary evidence, including the Engineer's Report offered and received at the hearing, this Council expressly finds and determines: (a) That each of the several lots and parcels of land will be specially benefitted by the maintenance of the improvements at least in the amount if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively; and (b) That there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

9. Immediately upon the adoption of this resolution, but in no event later than the second Monday in August following such adoption for the fiscal year in which the assessments will initially be levied, the City shall file a certified copy of the assessments and a certified copy of this resolution with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment roll. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to Benefit Zone No. 12 of the Landscaping and Lighting Assessment District 96-1 of the City of Hayward.

10. The monies representing assessments collected by the County shall be deposited in a City fund or account specific to Zone 12 of Landscaping and Lighting District 96-1. Monies in the improvement funds shall be expended only for the maintenance, servicing, construction or installation of the improvements.

IN COUNCIL, HAYWARD, CALIFORNIA June 21, 2016

ADOTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: COUNCIL MEMBERS:

Miriam Lens, City Clerk, City of Hayward

ATTEST: _____

APPROVED AS TO FORM:

Michael Lawson, City Attorney of the City of Hayward



CITY OF HAYWARD

ANNEXATION OF SPINDRIFT AT EDEN SHORES PROPERTY TO

**LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT No. 96-1,
BENEFIT ZONE No. 12**

ENGINEER'S REPORT

MAY 2016

PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972
AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

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CITY OF HAYWARD

CITY COUNCIL

Barbara Halliday, Mayor
Al Mendall, Mayor Pro Tempore
Francisco Zermeño, Council Member
Marvin Peixoto, Council Member
Greg Jones, Council Member
Sara Lamnin, Council Member
Elisa Márquez, Council Member

CLERK OF THE COUNCIL

Miriam Lens

City Manager

Fran David

CITY ATTORNEY

Michael Lawson

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

OVERVIEW

On May 7, 1996, the City of Hayward ("City") formed the Consolidated Landscaping and Lighting Assessment District No. 96-1 ("District") by consolidating six separate Landscape and Lighting Assessment Districts into six separate zones of benefit within the new District. Since the formation, seven additional benefit zones (Benefit Zone No. 7 – No. 13) have been created and annexed into the District, creating thirteen separate zones of benefit.

The Annexation of Spindrift at Eden Shores ("Spindrift" or the "Annexation Area") properties into the existing Benefit Zone No. 12 of the District is proposed to provide partial funding for the ongoing maintenance and improvements to Alden E. Oliver Sports Park ("Improvements") to specially benefit the properties in the Spindrift subdivision. Benefit Zone No. 12 currently encompasses prior developments, consisting of 139 single-family units and 122 condominiums. Spindrift is a residential development to be constructed in two phases that will consist of 118 single-family residences. The 14.5-acre site that is located west of Hesperian Boulevard, east of Marina Drive, south of Eden Shores Boulevard and north of Eden Park Place.

This annexation, described in this Engineer's Report, results from agreements or conditions of development approval between the City of Hayward and the property owner, Legacy. Per the Development Agreement, the development of the residential lots must be done proportionally with non-residential development north of the Annexation Area and east of Marina Drive. With the development of the Costco site, 58.4 percent of the Annexation Area or 66 single-family residences can be developed at this time. The City and property owner agreed on maintenance and Improvements to neighborhood serving features at the Alden E. Oliver Sports Park in order to improve the utility of these properties through increased access and proximity to the amenities, improved views, extension of desirable outdoor space and other special benefits. Moreover, the City would not approve this development without these associated Improvements.

This Engineer's Report ("Report") was prepared to establish the budget for the services that would be funded by the proposed fiscal year 2017 assessments and to determine the benefits received from the maintenance and Improvements by Spindrift property within the Annexation Area and the method of assessment apportionment to lots and parcels. This Report and the proposed assessments have been made pursuant to the Landscaping and

Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "Act") and Article XIID of the California Constitution (the "Article").

Following submittal of this Report to the City of Hayward City Council (the "Council") for preliminary approval, the Council may, by Resolution, call for an assessment ballot proceeding and Public Hearing on the proposed establishment of assessments for the maintenance of Improvements.

If the Council approves such Resolution, a notice of assessment and assessment ballot will be mailed to property owners within the Annexation Area. Such notice would include a description of the proposed assessments as well as an explanation of the method of voting on the assessments. Each notice would also include a ballot on which the property owner could mark his or her approval or disapproval of the proposed assessments, and a postage prepaid envelope in which to return the ballot.

After the ballots are mailed to property owners in the Annexation Area, a minimum 45-day time period must be provided for the return of the assessment ballots, unless a petition is signed to waive the balloting period. Following the ballot period, a public hearing must be held for the purpose of allowing public testimony regarding the proposed assessments. This hearing is scheduled for June 21, 2016 at 7:00 p.m. At this hearing, the public will have the opportunity to speak on this issue and the returned ballots will be tabulated.

If it is determined at the public hearing that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the Council may take action to form the Spindrif Annexation Area, authorize the annexation, and approve the levy of the assessments for fiscal year 2017. If the assessments are so confirmed and approved, the levies would be submitted to the County Auditor/Controller in August 2016 for inclusion on the property tax roll for Fiscal Year 2017.

LEGISLATIVE ANALYSIS

PROPOSITION 218

Many of the Assessment Districts in the City of Hayward were formed prior to the passage of Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. (Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.) Although these assessments are consistent with Proposition 218, the California judiciary has generally referred to pre-Proposition 218 assessments as "grandfathered assessments" and held them to a lower standard than post Proposition 218 assessments.

Other Assessment Districts that were formed after Proposition 218, including those for Benefit Zone No. 12, are consistent with the approval procedures and requirements imposed by Proposition 218.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. v SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority (“SVTA vs. SCCOSA”). This ruling is the most significant legal document in further legally clarifying Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general, benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the Annexation Area

This Engineer’s Report and the assessments are consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIII C and XIII D of the California Constitution based on the following factors:

1. The assessment revenue derived from real property in the Annexation Area is extended only for specifically identified Improvements and/or maintenance and servicing of those Improvements in the Annexation Area that confer special benefits to property in that Annexation Area.
2. The use of the Annexation Area ensures that the Improvements constructed and maintained with assessment proceeds are located in close proximity to the real property subject to the assessment, and that such Improvements provide a direct advantage to the property in the Annexation Area.
3. Due to their proximity to the assessed parcels, the Improvements and maintenance thereof financed with assessment revenues in the Annexation Area benefit the properties in the Annexation Area in a manner different in kind from the benefit that other parcels of real property in the City derive from such Improvements, and the benefits conferred on such property in the Annexation Area are more extensive and direct than a general increase in property values.
4. The assessments paid in the Annexation Area are proportional to the special benefit that each parcel within the Annexation Area receives from such Improvements and the maintenance thereof because of the following:
 - a. The Engineer’s Report specifically identifies the permanent public Improvements that the assessments will finance;
 - b. The costs of such Improvements are estimated and calculated; and
 - c. Such improvement and maintenance costs in the Annexation Area are allocated to each property within the Annexation Area based upon the estimated special benefits received from the Improvements.

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th District Court of Appeals amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. Hence Dahms is good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeals overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeals issued a decision on the Steven Beutz v. County of Riverside (“Beutz”) appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

On September 22, 2011, the San Diego Court of Appeals issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in Beutz, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City of San Diego had failed to record the basis for the assessment on its own parcels.

COMPLIANCE WITH CURRENT LAW

This Engineer’s Report is consistent with the requirements of Article XIII C and XIII D of the California Constitution and with the SVTA decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the Annexation Area; and the Improvements provide a direct advantage to property in the Annexation Area that would not be received in absence of the assessments.

This Engineer’s Report is consistent with *Beutz*, *Dahms* and *Greater Golden Hill* because the Improvements will directly benefit property in the Annexation Area and the general benefits have been explicitly calculated and quantified and excluded from the

assessments. The Engineer's Report is consistent with *Bonander* because the assessments have been apportioned based on the overall cost of the Improvements and proportional special benefit to each property.

PLANS & SPECIFICATIONS

INTRODUCTION

The work and Improvements proposed to be undertaken by the City of Hayward and the annexation of Spindrift property to Benefit Zone No. 12 of the Landscaping and Lighting Assessment District No. 96-1 and the costs thereof paid from the levy of the annual assessments, will provide special benefit to Assessor Parcels within the Annexation Area as defined in the Method of Assessment herein. Consistent with the Landscaping and Lighting Act of 1972, (the "Act") the work and Improvements are generally described as follows:

Improvements within the Alden E. Oliver Sports Park include: picnic tables, barbeque areas, basketball courts, and soccer and baseball fields. Services provided include all necessary service, operations and maintenance of the Improvements.

Installation, maintenance and servicing of neighborhood-serving Improvements of the sports park complex, including but not limited to picnic tables, basketball courts, soccer and baseball fields, barbeque areas, turf, irrigation systems, fencing, walkways, graffiti removal and painting, and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, as applicable, for the Alden E. Oliver Sports Park that is owned or maintained by the City of Hayward (the "Improvements"). Any plans and specifications for these Improvements will be filed with the Park Superintendent of the City of Hayward and are incorporated herein by reference.

As applied herein, "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvement, including repair, removal or replacement of all or any part of any improvement; providing for the life, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; the removal of trimmings, rubbish, debris, and other solid waste; the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

"Servicing" means the furnishing of electric current, or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other Improvements; or water for the irrigation of any landscaping, or the maintenance of any other Improvements.

DESCRIPTION OF IMPROVEMENTS

Improvements include all work associated to maintain all neighborhood-serving Improvements, landscaping and irrigation in Alden E. Oliver Sports Park such as picnic tables, basketball courts, soccer and baseball fields, barbecue areas and all other park amenities. Maintenance also includes graffiti removal, renovations and replacements.

SUMMARY FIGURE OF COSTS

The budget depicted below reflects estimated costs for Fiscal Year 2017. As shown on Figure 4, total maintenance costs for the Spindrift annexation are anticipated to total **\$23,006.46**, equating to **\$194.97** per single family equivalent.

FISCAL YEAR 2016-17 ESTIMATE OF COST AND BUDGET

FIGURE 1 – 2016-17 COST ESTIMATE

City of Hayward - Spindrift at the Eden Shores East Landscaping and Lighting District No. 96-01, Benefit Zone No. 12 Estimate of cost Fiscal Year 2016-17				
				<i>Total Budget</i>
Total Costs				
Total Annual Maintenance Costs				\$14,121
Total Annual Management Costs				\$8,500
County Collection Fee (1.7%)				\$385
Total Maintenance and Servicing and Related Expenditures				\$23,006
Total Maintenance and Servicing and Related Expenditures and Incidentals				
(Net Amount to be Assessed: Annual Costs - Existing Funds)				\$23,006
Budget Allocation to Property				
	Number of Parcels	Total SFE Units	Assessment per SFE	Total Assessment
	118	118	\$194.97	\$23,006.46

METHOD OF ASSESSMENT APPORTIONMENT

METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of Improvements and landscaping for the Annexation Area and the methodology used to apportion the total assessment to the properties within the Annexation Area.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the Annexation Area over and above general benefits conferred on real property or to the public at large. The assessment is apportioned to lots and parcels in proportion to the relative cost of the special benefits from the Improvements. Special benefit is calculated for each parcel in the Annexation Area using the following process:

1. Identification of all benefit factors derived from the Improvements
2. Calculation of the proportion of these benefits that are general
3. Determination of the relative special benefit with the two zones described below within the Annexation Area
4. Determination of the relative special benefit per property type
5. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type, property characteristics, improvements on property and other supporting attributes

The Spindrift parcels proposed for annexation to Benefit Zone No. 12 of the Landscaping and Lighting Assessment District No. 96-1 consist of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the Annexation Area properties in Benefit Zone No. 12 of the Landscaping and Lighting Assessment District No. 96-1, over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the Improvements."

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

In this case, the recent the SVTA v. SCCOSA decision provides enhanced clarity to the definition of special benefits to properties from similar public improvements in three distinct areas:

- Proximity
- Expanded or improved access
- Views

The SVTA v. SCCOSA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel, and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits. The SVTA v. SCCOSA decision also provides specific guidance that park improvements are a direct advantage and special benefit to property that is proximate to a park that is improved by an assessment:

The characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g. proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g. general enhancement of the district's property values).

Proximity, improved access and views, in addition to the other special benefits listed herein further strengthen the basis of these assessments.

The following benefit categories summarize the types of special benefit to residential and other lots and parcels resulting from the maintenance and servicing of the neighborhood-serving park improvements to be provided with the assessment proceeds. These categories of special benefit are derived from the statutes passed by the California Legislature and studies which describe the types of special benefit received by property from maintenance and improvements such as those proposed by the City of Hayward for the Spindrift annexation into Benefit Zone No. 12 of the Landscaping and Lighting Assessment District No. 96-1. These types of special benefit are summarized as follows:

- A. Improved access to Alden E. Oliver Park.
- B. Proximity to Alden E. Oliver Park.
- C. Improved Views.
- D. Extension of a property's outdoor areas and Landscaped Areas for properties within close proximity to the Improvements.
- E. Creation of individual lots for residential use that, in absence of the assessments, would not have been created.

The above benefit factors, when applied to property in the Annexation Area, specifically increase the utility and usefulness of the property within the Annexation Area. For example, the assessments will provide funding to improve and maintain Alden E. Oliver Park. Such improved and well-maintained park amenities enhance the overall quality, desirability, utility and safety of the properties.

GENERAL VERSUS SPECIAL BENEFIT

Article XIID, Section 4(a) of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.” The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. Property may be assessed to fund improvements to the extent of the special benefits conferred by the Improvements; but general benefits are not assessable. Accordingly, a separate estimate of the special and general benefit is given in this section.

Article XIID never defines the term “general benefit.” The definition of special benefit in Section 2(i) includes the statement that general enhancement of property value does not constitute special benefit. General benefit may be described as “an indirect, derivative advantage” resulting from the improvements. One infers from Article XIID that all benefit is either general or special.

In other words:

Total Benefit	=	General Benefit	+	Special Benefit
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There is no widely-accepted or statutory formula for quantifying the amount of any general benefit that is identified.

In this Report, the general benefit is first identified, generously estimated, and then budgeted so that it is funded, as required by Proposition 218, by sources other than the Spindrift Assessment.

The starting point for evaluating general and special benefits is the current, baseline level of service, which is funded primarily by the City. The proposed Spindrift Assessment will fund Improvements “over and above” this general, baseline level and the general benefits estimated in this section are over and above the baseline.

A formula to estimate the general benefit is listed below:

General Benefit	=	Benefit to Real Property Outside the Assessment District	+	Benefit to Real Property Inside the Assessment District that is Indirect and Derivative	+	Benefit to the Public at Large
------------------------	---	---	---	--	---	---------------------------------------

Special benefit, on the other hand, is defined in the California constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” A special benefit is conferred to a property if the property “receives a direct advantage from the improvement (e.g., proximity to a park).” In this proposed Assessment, as noted, properties in the Annexation Area have close and unique proximity, views of and access to the Improvements, and uniquely improved utility and desirability from the Improvements, and other properties and the public at large do not receive such benefits because they do not have proximity, access to or views of the Improvements. Therefore, the overwhelming proportion of the benefits conferred to property is special, and only minimal general benefit is conferred on property outside the Annexation Area or to the public at large.

In the 2010 *Beutz* case, the 4th Appellate Court rejected an assessment for parks in large part because the general benefits were not calculated and quantified. In its decision, the 4th Appellate Court suggests that the use of parks in an assessment district by people who live outside of the district likely is a general benefit. This Engineer’s Report includes a specific, quantified calculation of general benefits, as described below, that is based in part on such use by people outside of the Annexation Area. Moreover, the proportionality of the Assessments to the special benefits conferred on each parcel, based in large part on proximity, is established as well. Therefore, the Assessments and this Engineer’s Report are consistent with the *Beutz* decision.

CALCULATING GENERAL BENEFIT AND SPECIAL BENEFIT PAID FROM OTHER FUNDS

In this section, the general benefit not paid from the assessment, which must be paid from other funds, are conservatively estimated and described, and then budgeted so that it is funded by sources other than this Assessment.

BENEFIT TO PROPERTY OUTSIDE THE PROPOSED ANNEXATION AREA

In summary, real property located within the boundaries of the Annexation Area distinctly and directly benefit from closer proximity, access and views of the Improvements funded by the Assessments, the creation of developable parcels, and from the extension of usable land area provided by the assessments. The Improvements are specifically designed to serve

local properties in the Annexation Area. The Annexation Area has been narrowly drawn to include those parcels that receive a direct advantage from the Improvements. The public at large and other properties outside the development receive limited benefits from the Improvements because they do not have similar proximity, access or views of the Improvements. These are special benefits to property in the Annexation Area in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of specific proximate properties and make them more functional to use, safer and easier to access.

Properties within the proposed Annexation Area receive almost all of the special benefits from the Improvements, because properties in the Annexation Area enjoy unique and close proximity and access to the Improvements that are enjoyed less by other properties or the public at large. The Alden E. Oliver Sports Park and landscaping Improvements are specifically designed to benefit the properties in the Annexation Area.

Furthermore, there are multiple, proximate parks and other improvements outside of the Annexation Area, funded by other sources, that provide park benefits to nearby parcels that are outside of the Annexation Area. For example, parks facilities at nearby Gordon E. Oliver Eden Shores Park, Penke Park, Alvarado Park, Mariner Park and at Mt Eden High School, Leadership Public Schools, etc. as well as the Eden Shores private club facilities provide park improvements to proximate properties. The Alden E. Oliver Sports Park is primarily surrounded by non-residential and commercial/industrial properties that do not benefit from improved park facilities in the same way. Also, there are a number of natural barriers including Alameda Creek to the north and railroad tracks and a drainage canal to the West that effectively limit the access to Alden E. Oliver Sports Park to the Annexation Area. Finally, the Alden E. Oliver Sports Park improvements maintained by the proposed Assessments specially benefit the properties within the Annexation but other nearby improvements primarily benefit other proximate properties.

However, there are certain properties that are located outside the boundaries of the Annexation Area on the other side of Marina Drive that will benefit from the improvements at Alden E. Oliver Sports Park. The amount of benefit conferred to properties just outside the Annexation Area boundaries, must be deducted from the total benefit and not assessed to property in the Annexation Area. This benefit is calculated as 30% due to the fact that the Annexation Area included 70% of the street frontage along Eden Park Boulevard.

BENEFIT TO PROPERTY INSIDE THE DISTRICT THAT IS INDIRECT AND DERIVATIVE

The “indirect and derivative” benefit to property within the Annexation Area is particularly difficult to calculate. A solid argument can be presented that all benefit within the Annexation Area is special, because the Improvements are clearly “over and above” and “particular and distinct” when compared with the baseline level of service and the unique proximity, access to and views of the Improvements enjoyed by benefiting properties in the Annexation Area.

BENEFIT TO THE PUBLIC AT LARGE

The general benefit to the public at large can be estimated by the proportionate amount of time that the Annexation Area's park and recreational facilities are used and enjoyed by individuals who are not residents, employees, customers or property owners in the Annexation Area. Based on surveys and research conducted by SCI, in which visitors to similar destination sports parks; at various times of the day, evening, and week; were asked to look at a District map and to identify whether they lived or worked within the park's District, less than 50% of the use of similar parks and recreation areas is by the public at large. When people outside the Annexation Area use parks, they diminish the availability of parks for people within the Annexation Area.

TOTAL GENERAL BENEFITS TO BE FINANCIALLY CONTRIBUTED FROM OTHER FUNDS IS 80%

Using a sum of these three measures of general benefit, we find that approximately 80% of the benefits conferred by the Improvements may be general in nature and should be funded by sources other than the Assessments.

General Benefit Paid From Other Funds =

- 30% (Outside the district)
- + 0.0% (Inside the district - indirect and derivative)
- + 50% (Public at Large)

= 80% (Total General Benefit and Special Benefit paid from other funds)

SOURCE OF FINANCIAL CONTRIBUTIONS FROM OTHER FUNDS TO SATISFY THE 80% REQUIREMENT

The general benefit contribution is paid in part from other "in-kind" contributions from the City in the form of infrastructure critical to the continued maintenance of the Annexation Area Improvements, as described below. Also, general benefit contributions come from the "annuity" value of the improvements that were constructed by the developer.

The City of Hayward owns, maintains, rehabilitates and replaces the curb and gutter along the border of the Annexation Area. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City of Hayward toward general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In others words, if the Annexation Area were required to construct and maintain the local curb and gutter, the budget would increase by at least 10%.

The City of Hayward owns and maintains a storm drainage system along the border of the Annexation Area. This system serves to prevent flooding and associated damage to the Improvements, and manage urban runoff including local pollutants loading from the

Improvements. The contribution from the City of Hayward toward general benefit from the maintenance, rehabilitation, and replacement of the local storm drainage system is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In others words, if the Annexation Area were required to construct and maintain the local storm drainage system, the budget would increase by at least 10%.

The City of Hayward owns and maintains local public streets along the border of the Annexation Area. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Hayward toward general benefit from the maintenance, rehabilitation, and replacement of the local public streets is conservatively estimated to be 20%, based upon the relative cost to construct and maintain this critical local infrastructure. In others words, if the Annexation Area were required to construct and maintain the local public streets, the budget would increase by at least 20%.

The value of the initial Improvements constructed by the Developer can be quantified and monetized as an annuity to be amortized. Since the initial Improvements were performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs, and is conservatively estimated to contribute 10%. In others words, if the Annexation Area were required to construct all the Improvements, the annual budget would increase by at least 10%.

The City and the various sports team and leagues that use the Alden E. Oliver Sports Park also provide funding, investment, maintenance and capital improvements to the park. This general benefit has been conservatively estimated to be 30% of the overall financial contribution to the park.

Source of Financial Contributions from Other Funds to Satisfy 80% Requirement

- 10.0% (Curb and gutter)
 - + 10.0% (Storm drainage system)
 - + 20.0% (Public roads)
 - + 10.0% (Amortized value of initial construction)
 - + 30.0% (Direct contribution from City and sports team and leagues)
- = 80.0% (Total General Benefit paid from other funds)

In other words, the Annexation requires 80% contribution to offset the general benefits conferred by the Improvements, and there is an 80% contribution from City of Hayward supporting local infrastructure, along with the amortized value of initial construction. This 80% contribution more than satisfies the general benefit requirements.

ZONES OF BENEFIT

The boundaries of the Annexation Area have been carefully drawn to only include the properties in Annexation Area that are proximate to the proposed Improvements and that would materially benefit from the Improvements. Certain other properties surrounding and outside the Annexation Area were excluded from the proposed Annexation Area because these properties are generally less proximate to the Improvements and/or they do not enjoy the same access.

Within the Annexation Area, zones of benefit are not justified or needed because the Improvements are provided relatively evenly across the entire area and for all parcels. Parcels of similar type in the District receive similar benefits on a per parcel and land area basis. Therefore, zones of benefit are not justified.

ASSESSMENT APPORTIONMENT

The assessments are apportioned among all lots and parcels within the Annexation Area on the basis of Single Family Equivalent (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single family home on one parcel. The "benchmark" property is the single family detached dwelling which is equal to one Single Family Equivalent benefit factor.

Spindrift is a residential development project consisting of 118 single-family residences. Each residential property receives similar benefit from the proposed improvements. Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all residential parcels is on an equivalent dwelling unit basis. Vacant parcels will also exist for a relatively short period of time prior to their development.

RESIDENTIAL PROPERTIES

All improved residential properties that represent a single residential dwelling unit, including both the single family residences and townhome style condominiums, are assigned 1.0 SFE. (The single family residences and townhome style condominiums are generally of similar size and generally house the same number of occupants and therefore are assessed the same SFE value.)

VACANT RESIDENTIAL

It is the Engineer's determination that approximately 30% of the benefit from the Improvements flows to the underlying land, and approximately 70% of the benefit flows to the improvements made to each parcel. Therefore, vacant residential land is assigned 0.30 SFE per parcel, until the parcel is improved.

OTHER PROPERTIES

There are no other property uses (other than vacant and residential) planned for the Annexation Area. If properties are developed in the future with other property uses, (i.e. commercial, agriculture, etc.), the engineer will individually calculate the associated special benefit for those properties at that time.

INITIATION OF ASSESSMENT ON PARCELS

Full benefit units will be assigned to all mapped and unmapped properties in the Annexation Area after costs are incurred by the Annexation Area.

ASSESSMENT

WHEREAS, the City Council of the City of Hayward, County of Alameda, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively “the Act”), adopted its Resolution Initiating Proceedings for the Annexation of Spindrift property to Benefit Zone No. 12 of the Landscaping and Lighting Assessment District No. 96-1;

WHEREAS, said Resolution directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Annexation Area and an assessment of the estimated costs of the improvements upon all assessable parcels within the Annexation Area, to which Resolution and the description of said proposed improvements therein contained, reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of the City of Hayward, hereby make the following assessments to cover the portion of the estimated cost of Improvements, and the costs and expenses incidental thereto to be paid by the Annexation Area.

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the Annexation Area and an assessment of the estimated costs of the improvements upon all assessable parcels within the Annexation Area;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of the City of Hayward, County of Alameda, California, hereby make the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the Annexation Area.

The amount to be paid for Improvements and expenses incidental thereto, that are to be paid by the annexation of Spindrift property to Benefit Zone No. 12 of the Landscaping and Lighting Assessment District No. 96-1, for the Fiscal Year 2016-17, are detailed below.

FIGURE 2 – SUMMARY COST ESTIMATE FOR SPINDRIFT ANNEXATION TO BENEFIT ZONE NO. 12 FOR FISCAL YEAR 2016-17

Budget Item	Cost
Total Annual Costs	\$22,621
Incidentals	\$385
Total Budget	\$23,006

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Spindrift Annexation Area. The distinctive number of each parcel or lot of land in said property proposed for annexation into existing Benefit Zone No. 12 of the said Landscaping and Lighting Assessment District No. 96-1, is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion said net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within said Spindrift Annexation Area, in accordance with the special benefits to be received by each parcel or lot from the improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessments are made upon the parcels or lots of land within Spindrift Annexation Area, in proportion to the special benefits to be received by the parcels or lots of land, from the Improvements.

The assessments are subject to an annual adjustment tied to the Consumer Price Index for the San Francisco Bay Area as of December of each succeeding year, with the maximum annual adjustment not to exceed 3%. In the event that the annual change in the CPI exceeds 3%, any percentage change in excess of 3% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 3%.

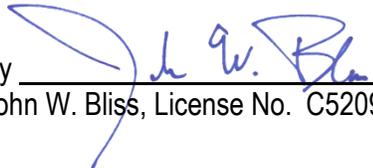
Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2016-17. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2016-17 for each parcel or lot of land within said Landscaping and Lighting Assessment District No. 96-1.

Dated: June 21, 2016

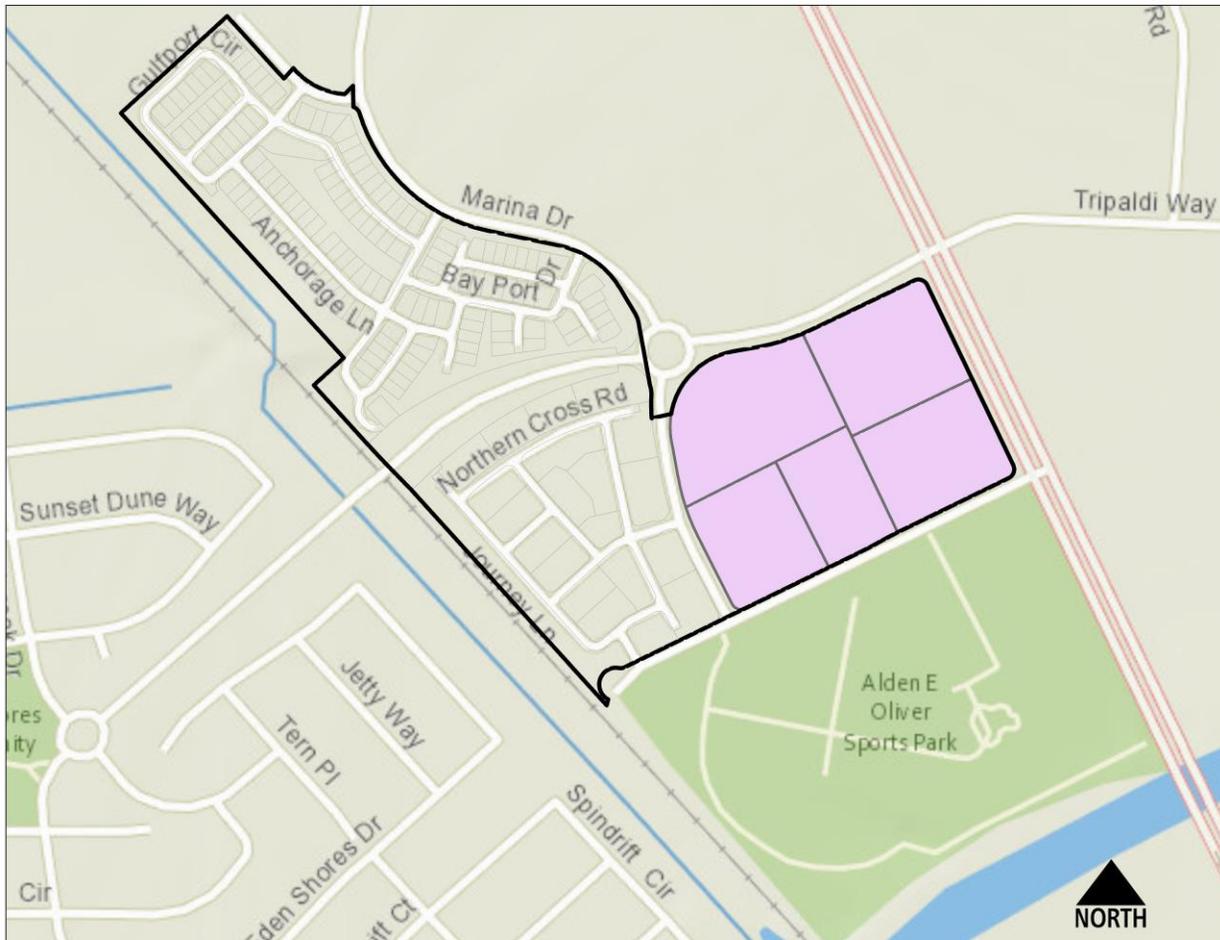


Engineer of Work

By 
John W. Bliss, License No. C52091

ASSESSMENT DIAGRAM

The boundaries of the Spindrifft Annexation Area proposed to be annexed into Benefit Zone No. 12 of Landscaping and Lighting Assessment District No. 96-01 is displayed on the following Assessment Diagram.



FILED IN THE OFFICE OF THE CLERK OF THE COUNCIL,
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA,
THIS ____ DAY OF _____, 2016.

CLERK OF THE COUNCIL, CITY OF HAYWARD

RECORDED IN THE OFFICE OF THE CLERK OF THE COUNCIL,
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA,
THIS ____ DAY OF _____, 2016.

CLERK OF THE COUNCIL, CITY OF HAYWARD

AN ASSESSMENT WAS CONFIRMED AND LEVIED BY THE
CITY COUNCIL, CITY OF HAYWARD, COUNTY OF SOLANO,
CALIFORNIA, ON THE LOTS, PIECES AND PARCELS OF
LAND ON THIS ASSESSMENT DIAGRAM ON THE
DAY OF _____, 2016 FOR FISCAL YEAR 2016-17 AND
SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL
FOR SAID FISCAL YEAR WERE FILED IN THE OFFICE OF
THE COUNTY AUDITOR OF THE COUNTY OF ALAMEDA ON
THE ____ DAY OF _____, 2016.

REFERENCE IS HEREBY MADE TO SAID RECORDED
ASSESSMENT ROLL FOR THE EXACT AMOUNT OF
EACH ASSESSMENT LEVIED AGAINST EACH
PARCEL OF LAND.

CLERK OF THE COUNCIL, CITY OF HAYWARD

- Zone 12: Eden Shores East
- Spindrift Annexation

Note: REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS
OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY
OF ALAMEDA FOR A DETAILED DESCRIPTION OF THE LINES
AND DIMENSIONS OF ANY PARCELS SHOWN HEREIN.

SCI Consulting Group
4745 Mangels Boulevard
Fairfield, CA 94534

CITY OF HAYWARD
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT 96-01
SPINDRIFT ANNEXATION TO BENEFIT ZONE NO. 12
ASSESSMENT DIAGRAM

ASSESSMENT ROLL

An Assessment Roll (a listing of all parcels assessed within the Annexation Area and the amount of the assessment) is shown below.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this Report. These records shall govern for all details concerning the description of the lots or parcels.

Parcel	Owner	Developed Property Assessment
456 -0101-010-03	EDEN SHORES ASSOCIATES I LLC	\$5,459.16
456 -0101-011-01	EDEN SHORES ASSOCIATES I LLC	\$3,119.52
456 -0101-012-00	EDEN SHORES ASSOCIATES I LLC	\$5,069.22
456 -0101-013-03	EDEN SHORES ASSOCIATES I LLC	\$5,069.22
456 -0101-014-03	EDEN SHORES ASSOCIATES I LLC	\$4,289.34
	Totals	\$23,006.46

Note: The assessments listed above indicate amounts *at buildout* and are based on the developed property rate of \$194.97 per Single Family Equivalent (SFE).

This is the maximum, proposed rates that shall be levied for all proposed or actual dwelling units on improved and unimproved property in the Assessment District. Such assessments shall be levied for all proposed or actual dwelling units and unimproved property in the Assessment Districts, as increased annually by the CPI adjustment.